

**TONOPAH TOWN BOARD  
MEETING MINUTES  
FEBRUARY 25, 2015  
TONOPAH CONVENTION CENTER  
301 Brougner Avenue, Tonopah, NV 89049**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order February 25, 2015 at 7:01 p.m. Also present were Tom Seley, Janet Hatch and Doug Farinholt. Ten others were in attendance. Chairman Carlyle led in the Pledge of Allegiance.

Duane Downing was present after 7:19 p.m.

Paul Winkelman and John Collins were on the phone during the meeting between 7:12 p.m. and 7:26 p.m.

The Town Board recessed to the Library Board of Trustees at 7:27 p.m. and reconvened as the Town Board at 7:48 p.m.

**1. Public Comment**

None.

**2. Review and approval of minutes, in context, from regular meeting held February 11, 2015.**

Horace Carlyle tabled this item as corrections needed to be made based on individual comments.

**3. Review and approval of minutes, in context, from public workshop held January 27, 2015.**

Tom Seley motioned to approve the minutes, in context, from the public workshop held January 27, 2015. Doug Farinholt seconded. No further discussion. Motion carried 4-0.

**4. Discussion, deliberation, and possible action to approve request by Nye County School District to use Joe Friel Sports Complex for Softball and Baseball.**

Town Manager James Eason recommended leaving the cost the same as last year at \$2,400.00. He added that the School District is responsible for cleaning the bathrooms and providing supplies. Mr. Eason pointed out that an insurance certificate has been provided by Al Eiseman.

Chairman Horace Carlyle asked when the contract will be terminated to which Al Eiseman replied that the Baseball and Softball season will be over May 16, 2015. Doug Farinholt inquired who does the scheduling for the fields. James Eason explained that the school has priority and that the Little League practices afterwards.

Al Eiseman inquired whether the scoreboards and control boxes could be fixed. James Eason stated that he would like the School District to help with the cost. Horace Carlyle asked what the cost was for the equipment. James Eason explained that it was donated by McDonald's and probably cost thousands of dollars. He added that he will look into what replacing the equipment would cost. Jeff Galli noted that the control box does not work properly. Horace Carlyle asked Mr. Eiseman to work with the Town and to provide them with a cost estimate so that it may be budgeted.

Tom Seley motioned to approve the request by Nye County School District to use Joe Friel Sports Complex for Softball and Baseball at the cost of \$2,400.00 as outlined in the Contract and to terminate on June 1, 2015. Janet Hatch seconded. No further discussion. Motion carried 4-0.

**5. Discussion, deliberation, and possible action to approve a proposal and scope of work prepared by Shaw Engineering to review Nye County Code 22.28-Tonopah Water and Sewer Regulations, providing recommendations to update said regulations and also provide a rate analysis, if needed, to implement the upgrades defined by the January 2015 Water System Master Plan.**

Chairman Horace Carlyle explained that the order of the items needed to be changed as Paul Winkelman and John Collins were waiting for a call from the Town Board.

James Eason stated that he had talked to John Collins on the phone today. His questions was whether a change in the regulations, a language clean-up as far as confusing or unclear regulations, or an adjustment of regulations that have changed would be included in the scope of work. John Collins noted that he has only looked at the Ordinance as far as connections fees and has not looked at the entire Ordinance yet. He asked if the Town is interested in having everything reviewed. Horace Carlyle suggested doing the review in steps, starting with this scope of work and adding more later. He asked Mr. Collins about unused meters. Mr. Collins stated that he needs more information about TPU first, but he can already say that the connection fee needs to be more than \$800.00 to cover the cost of improvements etc. Horace Carlyle explained that there are over 400 inactive meters with connection privileges and asked whether it is fair to the existing customers to carry the cost for the people with inactive meters. He added that he does not want to penalize the customers with active meters for upgrades or maintenance. John Collins stated that it is common for utilities to have meters become inactive after a certain time and have customers pay a fee to be reconnected to the system. He added that the Nye County Code states that meters become inactive after a certain time. The Town of Tonopah could adopt this into the Ordinance. Customers would have to reactivate their meter to have service again. Horace Carlyle suggested moving forward with the proposal as it is and adding more to it once Mr. Collins is more familiar with TPU. Mr. Collins stated he would feel more comfortable that way. Horace Carlyle referred to the e-mail from Marla Zlotek and noted that the language in the Ordinance is confusing, vague and open to interpretation. He added that he would like to accept the proposal to have a beginning of up-to-date information. Duane Downing inquired whether it is proper for the Board to review the Nye County Code rather than the Town Ordinance or whether that falls under the responsibility of the Nye County BOCC. Administrative Supervisor Chris Mulkerns explained that there is a certain process the Town has to go through per NRS. Tom Seley posed the question whether the Town can amend the Nye County Code to fit the local circumstances.

Janet Hatch motioned to approve amendment #2 to Shaw Engineering contract to review Nye County Code 22.28-Tonopah Water and Sewer Regulations, in conjunction with 2015 Tonopah Public Utilities Water Master Plan and provide recommendations as needed for Capital Improvement Plan for Tonopah Public Utilities. Tom Seley seconded. No further discussion. Motion carried 4-0. 1 abstention.

**6. Discussion, deliberation, and possible action to accept the Annual Audit for the Town of Tonopah/Tonopah Public Utilities for Fiscal Year 2013/2014 as presented by Daniel C. McArthur, Ltd.**

James Eason explained that the Board can call Daniel McArthur to confer with him. He added that he and Chris Mulkerns had met with District Attorney Angela Bello the day before and that

she had provided comments on the matter. He noted that he had talked to Bill Farrar who said the Board has two options. They can either approve the audit pending a ruling from the Department of Taxation or they can wait to submit the audit until they receive that ruling. If the Board does not submit the audit, the Town will be in violation and Mr. Eason will have to go before the Board of Local Finance on April 30, 2015. Horace Carlyle asked whether the Department of Taxation will still pursue the matter if the Board chooses to submit the audit pending a ruling. James Eason explained that Angela Bello stated that she cannot represent both the County and the Town, and that she recommends asking the Department of Taxation for a ruling. Horace Carlyle inquired whether the Board will get her statements in writing. James Eason replied that a draft letter to the Department of Taxation will be send to her to review. Mr. Carlyle noted the danger of compromising substantial revenue if the Board turns in the audit without a ruling. Mr. Eason pointed out the question whether the Sheriff's Department and the BOCC can legally approve expenditures.

Horace Carlyle asked whether not turning in the audit would jeopardize any USDA loans. James Eason stated that the Town would have to send a letter explaining the process. Chris Mulkerns added that the USDA is aware of the process already. Mr. Eason noted that the USDA could get an advance, unsigned copy.

Horace Carlyle stated that he thinks the Board should not accept the audit and pursue with the Department of Taxation. Tom Seley added that accepting the audit would take the heat out of the process. Janet Hatch agreed and said the Board should proceed on its course as there is too much at stake and the Town needs the money. Duane Downing added that the Town Board needs to get answers and should move forward in the matter.

Tom Seley motioned not to accept the Annual Audit for the Town of Tonopah/Tonopah Public Utilities for Fiscal Year 2013/2014 until we receive an opinion back from the Department of Taxation on how we account for revenues/expenditures associated with the Nye County Sales and Use Tax Act of 2007, chapter 545, Statutes of Nevada 2007. Duane Downing seconded. No further discussion. Motion carried 5-0.

**7. Discussion, deliberation, and possible action to approve Tonopah Public Utilities Emergency Water Meter Turn-on/Turn-off Policy.**

Horace Carlyle asked Utility Supervisor Joe Westerlund whether private customers can also sign the agreement to which Chris Mulkerns replied that they cannot. Joe Westerlund explained that private customers have to call TPU and have to have their water shut off or turned on by a TPU employee. Property managers etc. who have signed the agreement would inform TPU that they are turning water on or off. That way TPU does not have to pay their employees overtime for after-hours water shut-offs or turn-ons. James Eason added that property managers would have to sign the agreement first so that TPU has their information on file. Horace Carlyle explained that he sees a problem in the word "owner" as people might think any property owner can sign this agreement. James Eason suggested changing it to "contracting party". Tom Seley noted that the words are reversed on the second page. Duane Downing pointed out that this will save costs for the owner of the property as they do not have to pay TPU.

Duane Downing motioned to approve Tonopah Public Utilities Emergency Water Meter Turn-on/Turn-off Policy as amended. Tom Seley seconded. No further discussion. Motion carried 5-0.

**8. Discussion, deliberation, and possible action to approve Tonopah Public Utilities Water System Water Conservation Plan, as updated.**

Horace Carlyle stated that he has a problem with the plan based on the reuse of the wastewater. He does not think TPU has used it effectively. Mr. Carlyle asked if TPU has sold any wastewater and how much TPU spend on the refill station by the cemetery. Chris Mulkerns explained that it was financed by a grant. Mr. Carlyle asked if there is any way to do solicitation and to inform the BLM or mining companies. James Eason explained that this has been done and that the Town will send a letter to David Fanning, Public Works Director. He added that West Kirkland Mining explained that they cannot use wastewater for their processing. Horace Carlyle asked whether it can be used for landscaping to which Chris Mulkerns replied that the wastewater is only usable for dust control. Tom Seley inquired whether the County is aware that they can use wastewater which Mr. Eason affirmed.

Duane Downing motioned to approve Tonopah Public Utilities Water System Conservation Plan as updated. Tom Seley seconded. No further discussion. Motion carried 5-0.

**9. Tonopah Development Corporation Report**

No action taken by the Board.

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

James Eason reminded the Board members to submit any projects they would like to have approved during the budget workshop to the office before the meeting. He stated that Donna Otteson will have an agenda item for the next meeting requesting to buy a portable stage for Jim Butler Days. She will also ask to use the parking lot across from the Mizpah Hotel on May 3, 2015 for the Kyle Petty Motorcycle Charity Ride. Mr. Eason pointed out that there will be a workshop on tourism on March 23, 2015 that Sarah Adler will also be attending.

James Eason explained that Account Supervisor Becky Braska is working with Manny Souza on having a bull riding event with an ATV rodeo July 18, 2015. He added that the event would promote the Town of Tonopah and that Manny Souza does the same event in Winnemucca and organizes "A Night in the Country" in Yerington that 4,000 to 6,000 people attend every year.

James Eason noted that he will be attending the Rural Roundup in Minden in April.

Horace Carlyle pointed out that all the Board members have to attend the Open Meeting Law and Ethics Training to avoid fines. Deputy Town Clerk Kat Galli noted that Lorina Dellinger, Nye County Administrative Manager, had told her via e-mail that it was not mandatory for Town Board members. Tom Seley and Janet Hatch stated they would be attending one of the trainings.

Horace Carlyle inquired whether the Intrastate Interlocal Contract would be on the next agenda to decide. James Eason said it would not be on the agenda and asked Chairman Carlyle to sign the contract so it would be continued. James Eason explained that the Town of Tonopah is renting rack spacing on Mt. Brock from NDOT. It was originally for communication for the Fire Department when Tonopah still had dispatch. When Nye County took over the system and made it uniform so all the departments could communicate, TPU took over the rack space for SCADA which is the alarm system for the water system.

Tom Seley asked Joe Westerlund whether he found the drought webinar Mr. Seley, Mr. Westerlund, and some of the TPU employees attended that morning to be effective. Mr. Westerlund affirmed this and stated that he wants the TPU employees to get more involved in the everyday aspects to make them feel more important. He added that he thinks messages like "conserve water" on the reader board in Town or regular ads in the newspaper would be a good way to address important issues and make people aware of them. He thinks that raising prices to make people conserve water is ineffective and only makes people leave Town. Mr. Westerlund noted that he wants the TPU employees to take more classes and attend more webinars.

**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.** No action taken by the Board.

**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.** No action taken by the Board.

**13. Deliberation, discussion and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting.** No action taken by the Board.

**14. Correspondence**

E-mail from Kelly Clark regarding Americorps NCCC webinar, February 11, 2015

USDA New Release: USDA's Community Facility Loans Available for Rural Projects, February 12, 2015

Nye County BOCC Tentative Meeting Schedule, February 17, 2015

Nye County Water District Governing Board Meeting, February 23, 2015

Nye County BOCC Meeting Summary, February 17, 2015

Beatty Town Advisory Board Meeting Agenda, February 23, 2015

State of Nevada Division of Environmental Protection: Request for Release/Spill Information.  
Diesel Fueling Equipment Release, February 12, 2015

Round Mountain Town Board Meeting Agenda, February 24, 2015

E-mail from Lorina Dellinger: Open Meeting Law and Ethics Training-Additional Sessions,  
February 19, 2015

USDA News Release: Energy Grant Workshops Scheduled Across Rural Nevada, February 2015

E-mail from Marla Zlotek, February 5, 2015

Nye County Planning Department: Nye County Population Estimates Through the Fourth  
Quarter, 2014, February 24, 2015

Nye County Animal Advisory Committee Meeting, February 26, 2015

E-mail from Bennett Bohm regarding Intrastate Interlocal Contract, February 23, 2015

**15. Approval of vouchers for payment**

The Board reviewed and signed the vouchers. Tom Seley motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 5-0.

**16. Public Comment**

None.

**17. Adjourn**


The meeting adjourned at 8:32 p.m.

Minutes transcribed by:

  
\_\_\_\_\_  
Kat Galli, Deputy Town Clerk


Approved:

  
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Horace Carlyle, Chairman

  
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Duane Downing, Vice-Chairman

  
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Tom Seley, Clerk

  
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Janet Hatch, Member

  
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Doug Fairholt, Member

**TONOPAH LIBRARY BOARD OF TRUSTEES  
MEETING MINUTES  
FEBRUARY 25, 2015  
TONOPAH CONVENTION CENTER  
301 Brougner Avenue, Tonopah, NV 89049**

The Tonopah Library Board of Trustees meeting was called to order February 25, 2015 at 7:27 p.m. by Tom Seley. Also present were board members Horace Carlyle, Duane Downing, Janet Hatch, and Doug Farinholt. Ten others were present.

**1. Public Comment**

None.

**2. Review and approval of minutes, in context, from regular meeting held February 11, 2015.**

Horace Carlyle motioned to approve the minutes, in context, from the regular meeting held February 11, 2015. Duane Downing seconded. No further discussion. Motion carried 5-0.

**3. Deliberation, discussion to upgrade Xerox copying capacity for the Tonopah Library. Authorize town staff and library director to request a scope of work which would include relevant costs to upgrade to wireless capacity compatible with library computers for library staff and clients using library facilities. Also, consider further recommendations per Xerox representative presented to staff and library director to improve copying services to enhance functionality and cost savings.**

Horace Carlyle stated that he put this item on the agenda as he thinks it would be good to upgrade the copy machine to make it more secure. Tom Seley noted that it would make more sense to be able to scan, fax, and copy with one machine. Acting Librarian Diane Ryals explained that she had looked into prices for wireless cards and they are about \$15 to \$20 each. She added that the Library has four different printers at this point and that they all use different cartridges. She noted that having a wireless copy machine would make it easier to control how much is printed and whether the customer is paying for everything. Administrative Supervisor Chris Mulkerns explained that Xerox is putting together a proposal for the lease of a new copy machine. Horace Carlyle referred to the information sheet provided to the Board by Diane Ryals stating that she had talked to Dana Hines in Carson City about "Invisionware". Diane Ryals stated that she does not believe the Library and Library customers make enough copies to make it worth buying the system. It costs \$3,000.00 to get it and about \$500.00 every year to use it.

Horace Carlyle noted that he would like to have tile in the children's section and where the computers are. He added that he thinks using Invisionware would improve the security and limit the misuse of the Library computers. Diane Ryals noted that the Library is not allowed to censor what sites are visited on the Library's computers. Invisionware would limit what age group can visit which sites. She explained that she had moved the computers out of the children's section as they were not connected to the internet and the children could not use them for their purposes. Horace Carlyle stated that the homeschooling groups would like to use the computers and that the children's section could be rearranged so that the space was more usable. Ms. Ryals explained that things could be moved into the old Library building and that this building needed cleaning.

Diane Ryals pointed out that the Cow Bus Preschool had visited the Library Tuesday morning and that they would like to come every month. She explained that she will open the Library for them once a month on a Tuesday morning. Horace Carlyle asked what can be done to encourage youth involvement in the Library. He added that the children from preschool through elementary

school should be encouraged to use the Library so that they get used to it and keep using it later. Mr. Carlyle pointed out that some of the old bookcases have sharp edges and are not stable.

Duane Downing noted that having one central copy machine reduces the cost. Eugene Ryals added that having a wireless printer is more feasible as the location of the printer could be changed without having to dig up concrete to lay cables. Duane Downing asked for the cost of a wireless and a regular copy machine to be compared. Diane Ryals noted that the Library charges \$0.20 a copy to cover the cost of \$0.09 to Xerox and the paper. She pointed out that the Library is not losing money on customers making copies. Eugene Ryals added that upgrading the copy machine to an all-in-one machine would allow customers to scan. This has been requested frequently. Tom Seley noted the advantage of having more usability with one machine.

**4. Library Board Member's/Department Manager's Comments**

None.

**5. Correspondence**

None.

**6. Approval of vouchers for payment**

The Board reviewed and signed the vouchers for payment. Janet Hatch motioned to approve the vouchers as presented for payment. Horace Carlyle seconded. No further discussion. Motion carried 5-0.


**7. Public Comment**

None.

**8. Adjourn**

Meeting adjourned at 7:48 p.m.

Minutes transcribed by:

  
\_\_\_\_\_  
Kat Galli, Deputy Town Clerk


Approved:

  
\_\_\_\_\_  
Tom Seley, Chairman

  
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Janet Hatch, Vice-Chairman

  
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Duane Downing, Clerk

  
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Horace Carlyle, Member

  
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Doug Farinholt, Member