

TONOPAH TOWN BOARD

MEETING MINUTES

DECEMBER 14, 2011

Tonopah Town Board Vice Chairman Horace Carlyle called the meeting to order at 7:03 pm. Also present were Javier Gonzalez, Glenn Hatch, and Duane Downing. There were five other people in attendance.

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

This item was tabled.

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

This item was tabled.

(c) Review and approval of minutes from special meeting held on November 15, 2011.

Javier Gonzalez made a motion to approve the minutes, in context, from special meeting held on November 15, 2011. Glenn Hatch seconded. Motion passed 3-0-1-1 (Jon Zane was absent and Duane Downing abstained).

(d) Review and approval of minutes from regular meeting held on November 23, 2011.

Javier Gonzalez made a motion to approve the minutes, in context, from regular meeting held on November 23, 2011. Duane Downing seconded. Motion passed (Jon Zane was absent).

2. Public Comment

No action taken by the Board.

3. Discussion and possible decision regarding implementing program for credit card acceptance for Tonopah Public Utility payments.

James Eason explained the spreadsheet for costs. The budgeted revenue is for both water and sewer and is a total of \$942,090. On a monthly basis, TPU sends out approximately 1,170 bills. The percentage is based on the number of transactions and the annual number of transactions is the total transactions multiplied by 12. For every credit card transaction that takes place, TPU would be charged \$0.20. The credit card fee input separates out the individual fees. There is a Nevada State Bank fee of 2% and a Mastercard/Visa transaction fee of 3% but that number could go up to 5%. For every transaction, TPU would then have to give up at least 5% of the transaction. There is a fixed monthly credit card fee of \$55.55. TPU has to pay that regardless. The annual costs shows the total costs to TPU which would come out of the revenue line item. It

was discussed to charge those individuals using their credit cards a processing fee. Chris Mulkerns explained that Visa has some specific rules regarding convenience fees. Convenience fees cannot be charged on face-to-face transactions but can be charged for online payments.

James Eason explained that this item came about as a result of Board members asking if TPU can take credit cards out of convenience for the customers and also from discussions with Rural Nevada Water. He noted that this option is not beneficial to either the customer or TPU. Chris Mulkerns explained that for customer convenience, the Town can advertise on the website that customers can set up the electronic bill pay.

Duane Downing made a motion to turn down the program for implementing the program for credit card acceptance for Tonopah Public Utilities. Javier Gonzalez seconded. Motion passed 4-0-1.

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:20 pm.

The Tonopah Town Board returned at 7:30 pm.

4. Discussion and possible decision on authorizing James Eason and Horace Carlyle to sign the State of Nevada Drinking Water State Revolving Loan Fund – Loan Payment Request Forms

Javier Gonzalez made a motion to authorize James Eason and Horace Carlyle to sign the State of Nevada Drinking Water State Revolving Loan Fund and Loan Payment Request Forms. Glenn Hatch seconded. Motion passed 4-0-1 (Jon Zane was absent).

5. Discussion and possible decision regarding Solar Reserve Endowment – Memorandum of Understanding and subsequent establishment of the Tonopah Community Fund and the Tonopah Community Endowment Fund and resolution authorizing transfer of endowment funds received from Solar Reserve to said master fund agreement.

James Eason explained that the Board had a copy of the resolution and a copy of the NRS that gives the Town the authority to create the endowment fund. The resolution allows the Town to enter into an agreement with Community Foundation of Western Nevada. This is in regards to the funds from Solar Reserve. Those funds will go into an account established at Community Foundation of Western Nevada. At this time, the agreement discussed at the workshop will outline the stipulations for how the money will be received and distributed.

Horace Carlyle asked how the first payment will be handled. James Eason explained that the first payment will go into an impound account until Mr. Carlyle, Mr. Eason, and Chris Mulkerns have met with Chris Askins. Glenn Hatch made a motion to accept Resolution 11-08. Horace Carlyle clarified that it is the Resolution of the Town Board of Tonopah, Nevada Authorizing the Establishment of the Town Community Fund. Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

James Eason noted that the Board already approved the MOU contingent upon the changes from the DA's office. The DA has been working with Solar Reserve's attorney on the changes as well.

James Eason explained that the University of Nevada, Reno and City of Reno are both customers of the Community Foundation of Western Nevada. There are numerous private donors that also use them. They cover corporate, governmental, and private endowments. Horace Carlyle explained that this option gives the Town the opportunity to do different things to benefit the community. Additionally, other companies or corporations can contribute funds. James Eason explained that the Town can set up sub endowments under the master agreement.

Javier Gonzalez made a motion to accept the Tonopah Community Fund, a Master Fund Agreement with the Community Foundation of Western Nevada authorizing James Eason, Town Manager, to sign on behalf of the Town Board. Glenn Hatch seconded. James Eason clarified that he is only authorized to sign this agreement. Motion passed 4-0-1 (Jon Zane was absent).

Horace Carlyle noted that under #4 Loans, a loan can be taken out for ten years but questioned how the loan will be paid back. He noted that he is against a balloon loan for ten years. He feels that there should be a yearly payment of 1/10 of the principal. He explained that it would also put money back into to endowment for current use.

James Eason explained that the Town will establish a payback period. The language can be inserted. Duane Downing noted that the agreement states that there is a payback period but it does not state what the payback period is. He feels the Town should be very specific.

James Eason recommended putting the language broad enough that the presiding Board can set out the terms of payment. Horace Carlyle suggested setting out that the structure needs to be a minimum of 1/10 per year plus interest.

James Eason suggested adding, "The loan shall be made at 5% interest per annum accrued daily from the date of dispersal and the payback period or term of the loan shall be no longer than ten years with a minimum payback of 1/10 principal plus interest per year on a monthly, quarterly or annual basis."

Javier Gonzalez made a motion to accept the Tonopah Community Endowment Fund, a designated scholarship fund agreement with the Community Foundation of Western Nevada to include the changes that were noted and made by Town Manager James Eason in section 4 under Loans. Duane Downing seconded. Motion passed 4-0-1 (Jon Zane was absent).

6. Tonopah Department Budget Reports

Chris Mulkerns explained that Town and Nye County are in the middle of an accounting change over. The new system just went live Thursday of last week. She noted that the budget report will look different next month because the fund numbers will change.

Horace Carlyle asked about New Mercies Incorporated on the Room Tax Report. Chris Mulkerns explained that this was previously Sunnyside. James Eason explained that Sunnyside was put into the Tonopah area because the County was not sure which area they were supposed to go in.

Chris Mulkerns explained that the Board will sign a voucher establishing the Convention Center Construction Account. The voucher will transfer what was budgeted out of Special Capital Projects to the new account.

No action taken by the Board.

7. Tonopah Development Corporation Report

No action taken by the Board.

8. Public Comment

No action taken by the Board.

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

James Eason explained that the Town is going through the trials and tribulations of the change over to the new Tyler system at the County. Hopefully the Town will be able to get the additional fund numbers. If not, there may be some different budget classifications. He noted that the Town is coming up on the budget and will be starting on that in the next year.

James Eason explained that the Town is working on the redesign of the website. He noted that the Board does have a copy.

James Eason explained that the water project, the reuse project, and the convention center project are all moving along. He explained that the Town is looking at going out to bid for the water project in May, expecting bids back by mid June, and then the Town can go ahead and award the bid and everyone will hopefully starting by the end of August. He noted that the Town will be going out to bid for the reuse project by the end of January, beginning of February.

James Eason explained that Clair Blackburn did bring an individual up from Las Vegas to evaluate the electrical at the Visitor Center. He explained that the Town will not get the wind turbine back over Christmas.

Horace Carlyle asked about mining activity out around Solar Reserve. James Eason explained that the site Mr. Carlyle is referring to is the General Moly site. He noted that they also own the Mount Hope site, which they are looking to develop first, then possibly moving to Tonopah.

Javier Gonzalez asked if there is a possibility of putting a billboard of sorts on the website for non-profit organizations. James Eason suggested getting with Mariah Rivero to discuss this with the webmaster.

James Eason explained that the Solar Reserve Tower will be topped off tonight. They will be at 535 feet. During the spring, they will begin building up the rest of the height with the boiler.

Javier Gonzalez noted that a few people have asked him about the operating hours at the pool. James Eason explained that the pool days and hours have not changed in years. He explained that there has been an issue getting enough lifeguards to stay open and there was an issue with not having enough people show up on Mondays. He explained that there is still someone at the pool everyday to check the chemistry and maintenance can be done on Monday to start back up on Tuesday.

10. 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.

11. 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.

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

This item was tabled.

13. 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.

14. 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.

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

This item was tabled.

16. Correspondence

NWTRB to Discuss DOE Integration Issues at January Meeting – 12/01/2011
Nye County Water District Governing Board Meeting Agenda – 12/05/2011
More Recycling Means Less Waste for Complex – 12/05/2011
Nye County Airports: November 2011 Status Report – 12/05/2011
Nye County Board of Commissioners Meeting Agenda – 12/06/2011
USDA Letter regarding TPU Engineering Contract Amendment No. 2 – 12/05/2011
Pahrump Town Board Meeting Agenda – 12/13/2011
Round Mountain Town Board Meeting Agenda – 12/13/2011
Beatty Town Advisory Board Meeting Agenda – 12/14/2011
Nye County Board of Commissioners Teleconference Meeting Agenda – 12/14/2011

17. 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).

The Board returned to item 9 at 8:24 pm.

18. Adjourn

Meeting was adjourned at 8:29 pm.

Minutes transcribed by:

Approved:

Mariah Rivero

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Glenn Hatch, Member

Duane Downing, Member