

TONOPAH TOWN BOARD

MEETING MINUTES

MAY 25, 2011

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

1. Review and Approval of Minutes from Regular Meeting held on May 11, 2011.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on May 11, 2011. Glenn Hatch seconded. Motion passed 3-1-1 (Jon Zane abstained and Javier Gonzalez was absent).

Review and Approval of Minutes from Budget Hearing held on May 19, 2011.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on May 19, 2011. Horace Carlyle seconded. Motion passed 3-1-1 (Jon Zane abstained and Javier Gonzalez was absent).

2. Approval of contract between Town of Tonopah and Business and Home Services, Inc., a temporary employment agency – Chris Mulkerns.

Chris Mulkerns explained that this is an issue that was discussed at the budget workshops. It is Job Connections through Great Basin and they run that through a temporary employee services. She noted that four positions have been budgeted for.

James Eason explained that this is the first year the Town has done this and it is a new way of hiring employees for the Town. In the past the Town has hired seasonal employees and when their time ended the Town has been hit with unemployment fees and charges. This is something they will be in charge of. He explained that the lifeguards will be brought on in the next couple of weeks and they will be under the old system.

Duane Downing asked if this would eliminate the situation with the unemployment. Chris Mulkerns explained that the contract stated that it was their responsibility. Jon Zane asked if the Town pays the company directly. Chris Mulkerns explained that the Town will get an invoice from the company and they will courier the paychecks to the Town Office to disperse to the employees. Jon Zane clarified that the individuals were actually employed by the company. James Eason confirmed and explained that they are providing services to the Town. He noted that if there are individuals who have skills the Town wants to retain, it can go to the next step. Jon Zane asked if the company had a list of clients who have different skills. James Eason explained that the Town provided them with a list of people who have filed job applications with the Town. They also have a pool.

Chris Mulkerns explained that this particular contract is for four employees for six months. James Eason noted that the Town may not fill all four positions. He explained that the positions will immediately be filled up at the Mining Park and with Town Maintenance.

Horace Carlyle asked if the Town needed to have legal counsel review the contract. James Eason explained that he does not know what the employment record of the corporation is but it is a service connected through the State of Nevada and Great Basin.

Jon Zane asked what happens in the event that their employee is hurt. James Eason explained that the company will pay the worker's comp. Chris Mulkerns explained it is a different rate for the maintenance and the clerical/reception. This is based on a worker's comp rate. James Eason explained that they will have to adhere to the Town's policies.

Jon Zane asked if the County has ever done anything like this. James Eason explained that this is groundbreaking. He noted that the County has more pool-collector bargaining agreements. Horace Carlyle feels this is the way of the future and that it will become more and more mandated based on cost and not being tied into a long-term contract.

Horace Carlyle made a motion to approve the contract between the Town of Tonopah and Business and Home Services, Inc., a temporary employment agency for six months. Glenn Hatch seconded. Motion passed 4-0-1 (Javier Gonzalez was absent).

3. Discussion and action regarding Town of Tonopah join Nevada Silver Trails and pay 2011 membership fee \$100.00 – Horace Carlyle.

Horace Carlyle explained that he put this on the agenda because of the Silver Trails meeting he and Javier Gonzalez attended on May 13. He explained that it was very informative and he learned a lot about how beneficial this group could be for the Town regarding efficiency in promoting tourism and local businesses. He feels that for \$100.00 it gives the Town a lot of access.

Jon Zane explained that they do a wonderful job and he does not have a problem being a member.

Duane Downing noted that for \$100.00 the Town has access to a lot of advertising. Horace Carlyle noted that they also have money and grants that the Town can apply for as a member.

James Eason questioned how much money they have. Horace Carlyle explained that they were offering to give a lot to correct the Silver Trails building. James Eason noted that he should have jumped on it and Horace Carlyle explained that he felt it was opening a pit he would fall into. James Eason asked if they mentioned how much money they actually had. Horace Carlyle explained that they did not have all of the figures yet.

James Eason explained that Silver Trails is funded through the 3/8 Room Tax that goes to the State of Nevada. The 5/8 portion is what comes back to the Town to advertise and promote Tonopah. Out of the 3/8, Silver Trails, along with the other territories, receives a portion of money that the committee then decides how they are going to promote. They can also write grants that the Town has applied for. He noted that it all depends on the revenue that the State allows NCOT to doll out.

Horace Carlyle made a motion for the Town of Tonopah to join Nevada Silver Trails and pay the 2011 Membership Fee of \$100.00. Duane Downing seconded. Motion passed 4-0-1 (Javier Gonzalez was absent).

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

The Town Board reconvened at 7:28 pm.

4. Discussion and action regarding immediate maintenance Silver Trails Building, Tonopah, NV – Horace Carlyle.

Horace Carlyle noted that Clair Blackburn has been working on the maintenance of the building for a while. He explained that it is his understanding that Mr. Blackburn has been working directly with WePOWER as a possible company for upgrading the building.

Clair Blackburn explained that he decided to contact the manufacturer of wind turbines. The solar panel has been put back on but after two wind turbines blew down, he did some research and learned that WePOWER bought the manufacturing rights to Pac Wind. He noted that he has spoken with the CEO of WePOWER, Marvin Winkler, who feels Tonopah is a unique location. He noted that he has spoken with Mr. Winkler about being a sponsor. Clair Blackburn proposed that he could act as the middle person between the Town and WePOWER. He explained that he is a sub-contractor with Sandia National Labs and they have a lot of resources. He suggested that Sandia National Labs could be a sponsor as well. He explained that he would like the Board to compose a letter to Mr. Winkler asking him to become a sponsor.

Horace Carlyle asked for clarification regarding WePOWER. Clair Blackburn explained that WePOWER has a full line of products, including solar and wind. Horace Carlyle noted that Mr. Blackburn has sent them diagrams of the building. Clair Blackburn noted that the Town needs the expertise of WePOWER.

Duane Downing explained that the Town needs to find out what it will take for the wind generator system to work. Clair Blackburn guessed that they may offer a generator to the Town wholesale or sponsor one if the Town will install it. He explained that the last wind generator was not installed correctly or maintained. He explained that if need be he could learn to do that maintenance. He noted that he would also like to get the school involved.

Horace Carlyle explained that he would like an idea of what the cost would be to bring it up to a truly reliable and functioning building. He explained that there are six-volt batteries that have not

been maintained. He noted that Virginia Ridgeway took him to task regarding the dysfunctionality shown in having the building closed. He noted that he brought up the fact that there was a concern about the security and safety and feels the liability is unlimited if the building is not maintained. He feels that not just the Town but each individual Board member could be liable if something happens. James Eason questioned what danger is up there right now. Duane Downing noted that the last wind turbine was in place for about four years.

Clair Blackburn explained that WePOWER is the manufacturer of the wind turbine. He feels this is the best way to go because the manufacturer can give the safety factor. Horace Carlyle explained that this is not an individual decision. It is a Board decision. He feels that there is a cost benefit in a return on consolidated and room tax. He feels that once the building has been fixed it is a very low cost situation.

Clair Blackburn explained the WePOWER also has a monitoring system. All of the wind and power data is accessible on the web. There is also expertise for a security system. He explained that a converter was replaced recently that was bad from the beginning. Horace Carlyle explained that the Town is looking at a project that is very functional and probably would not cost more than \$20,000 to make it first-rate and secure. He explained that there is not sufficient power for outside lights or surveillance. He noted that there is a step that needs to be repaired, there are parts of the building that need to be re-stained, and there is a leak in the roof. He feels that because of the initial investment it could cost \$20,000 to \$25,000. He explained that the building is on an NDOT right-of-way. He feels that from a business point of view it behooves the Town to spend a little money. Clair Blackburn noted that the building also needs heat in the building.

Jon Zane noted that under fiscal impact, there is \$20,000 budgeted from the account 770-7871 for FY10/11. Chris Mulkerns that this is not correct. Horace Carlyle explained that it is not budgeted but he was looking for an example for where funds are available. He wants to get a consensus of what the Board wants to do. He feels that if the Board is not going to do anything he wants to take a lift and a flatbed up there, pick it up, move it out of the right-of-way and forget it. Jon Zane noted that under the budget item Mr. Carlyle mentioned there is only \$10,000 budgeted for building repair and maintenance. Horace Carlyle noted that he was looking at the \$214,000 maintenance budget. He feels that the Town can do whatever it wants with the account as long as it does not exceed the \$214,000 budget. Chris Mulkerns explained that the Board revised the budget at the budget hearing. Horace Carlyle noted that the budget is revised for the next fiscal year. Chris Mulkerns explained that the balance in the revised budget is \$56,966. Horace Carlyle explained that he does not care how the Town does it; he just did it as an illustration. He noted that as an individual he feels the Town should get rid of the building if it is not going to maintain or use it. He feels that the Town cannot open the building without doing due diligence and upgrading it.

Duane Downing feels the Town should find out how much it will cost before making a decision on whether or not to spend the money on it. Horace Carlyle reiterated that he feels it will cost money to bring the building up to the public health and safety standards. Duane Downing noted that the building has to be green powered and the Town cannot put a power line to that building.

James Eason explained that the building was not offered to a bunch of different entities. It was offered to the Town of Tonopah first. If the Town did not take it, it would have been taken to Pahrump. Originally it was built under Silver Trails Association. They applied for the infrastructure grant from NCOT. They also received corporate donations. He noted that he agrees with Horace Carlyle regarding his assessment. During the construction, they had a tight timeframe and there were a lot of shortcuts. Clair Blackburn noted that the inverter did not work. James Eason explained that the Board said it would take it, it was with the condition that this would not happen until the Town knew what the insurance costs would be, what the liability would be, and the Town could get clear title. He explained that he is aware and has been aware of the issues and the maintenance. He explained that the wind generator needs to be addressed first. He explained that there was a safety issue. Mr. Blackburn discovered that the power was not properly secured. He explained that nobody knew that the wind generator or that solar panel was going to blow off and he did not agree with having liability because the Town is negligent. He noted that the Town was never told there was any maintenance with the wind generator.

Horace Carlyle suggested that the Town make it official and ask Mr. Blackburn to come up with a plan, design, cost figure to bring back before the Board. Clair Blackburn suggested inviting Marvin Winkler to come and be a sponsor. Horace Carlyle explained that he wanted an awareness of the Board on what direction the Town is going in. Duane Downing reiterated that the Town needs to see what it will cost to fix the wind generator system.

James Eason questioned why there should be heating up there. Clair Blackburn noted that it is deathly cold up there in the winter.

Horace Carlyle asked the Board if they would like to ask James Eason and Clair Blackburn to come up with a proposal. Duane Downing explained that he thought it was already in the works. James Eason explained that Mr. Blackburn has been volunteering his time and working on this. He noted that he is deferring to Mr. Blackburn on this. Horace Carlyle explained that he is not directing Mr. Blackburn to do anything because he is already doing it. He explains that he has been critical of the building for a number of years, from the inability to show ownership, the inability to transfer it and the problems with NDOT. He feels there is no reason to rehash it and he wants to make it safe and functional. He feels it could be a great asset to the community. He noted that Mr. Blackburn is not part of the Board and he feels Mr. Blackburn needs the support of the Board so he can represent himself to who he needs to.

Glenn Hatch asked for clarification on what the Board needed to do. Horace Carlyle explained that the Board needs to get a proposal. Jon Zane clarified that Mr. Blackburn feels comfortable working with Mr. Eason. Clair Blackburn explained that he does need the clout of the Town. James Eason explained that Mr. Blackburn needs a letter of support in order to ask Marvin Winkler to be a sponsor. He needs a letter of support to ask for a quote if the Town wants to add additional items beyond what was originally included in the design for the building, including power for surveillance cameras and power for heating. Clair Blackburn explained that solar lights could be used for exterior lighting and solar heat could be used for heating.

Duane Downing made a motion that the Town of Tonopah, Town Board give a letter of support for Clair Blackburn to head up the project on the Silver Trails building, to approach Marvin Winkler for sponsorship and assistance with the Silver Trails building. Glenn Hatch seconded. James Eason asked that the motion be amended to include any other vendors or other people. Duane Downing amended his motion. Motion passed 4-0-1 (Javier Gonzalez was absent).

5. Tonopah Development Corporation Report

No action taken by the Board.

James Eason explained that separate committee members are working on the celebration for Sheriff Logan, whose family is coming down for Jim Butler Days.

6. Public Comment

Robin Rivero expressed concerns regarding the Tonopah Pocket Park and its location directly in front of the Emergency Services Building. She feels the Board should address these before any future events are allowed to be held there. She noted that the main driveway is contiguous to the north side of the park and allows emergency vehicle the easiest ingress and egress into the building and provides responders with the best visibility to traffic on Main Street. She noted that large groups of people at events could pose a visibility problem. Additionally, a large number of people in the park creates the possibility of an individual darting in front of the emergency vehicle. She provided several solutions, including enacting an ordinance limiting the number of individuals in the park and prohibiting any object that may reduce the visibility, providing signage notifying the public of the ordinance, or erecting sturdy, temporary barriers at the park.

Robin Rivero noted that large events will draw people and vehicles. There is currently no signage around the building that prevents anyone but emergency responders from parking there. Individuals other than emergency responders parking around the building could create dangerous or deadly delays. The solution Mrs. Rivero recommended is to enact an ordinance prohibiting anyone but emergency responders from parking around the building and enacting a prohibitive penalty.

Robin Rivero noted that the vacant lots to the north of the park and the Emergency Services building, and the vacated road are private property. She explained that at any time the owners could shut down parking.

Robin Rivero feels there should be signs around the park and the building alerting individuals of the sudden departure of emergency vehicles and that they need to keep the roads and driveways clear. She feels that this could greatly reduce the potential liability to the Town. She felt that an alternative location could be the Joe Friel Sports Complex for the larger events.

No action taken by the Board.

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

Duane Downing explained that for the last two years the Town utilized the Pocket Park and the vacant lots for a lot of events for Jim Butler Days. That is not the case this year because of the new fire station. He explained that they know large events cannot be held there because of the building.

James Eason explained that signage is being worked on with EMS. He explained that the road was never officially vacated. The individuals who owned the Tonopah Motel before the current owners still own the land and the Town has permission to use it. He explained that the owners did not pay the fees and the processing when the map was completed. He explained that it is still a county maintained road. Even if the owners were able to close it, there would still be open access for the fiber utility lines. He noted that Robin Rivero's comment about the height is a good point because it does limit the view of the structures. He explained that there are barriers that will block off the area.

James Eason noted that last Monday the fairgrounds were close temporarily until the Equine Herpes Virus/1 has gone through the state. He explained that the Town received a phone call from Debbie Cobb and Alicia Brown concerning these matters. It is a viral disease spread in numerous ways. Debbie Cobb explained that the secondary infections are three times as bad as the original. She noted that the state veterinary commended the Town on being preventive and on Tuesday May 24, 2011 the grounds were cleaned, disinfected and cleaned again. James Eason explained that to the traveling public the fairgrounds are closed. Debbie Cobb explained that it may also give the opportunity for a tracking system. James Eason explained that this does impact a horse event in June. Debbie Cobb explained that 4-H has cancelled their horse show.

Horace Carlyle noted that there is work on a new cross connection plan for the Town of Tonopah through Nevada Rural Water. He asked if it is a new plan or the old plan. James Eason explained that it is the old plan being updated. Horace Carlyle wanted to know if there is any funding. Chris Mulkerns explained that it is through Nevada Rural Water and James Eason explained that it is staff time being used. He explained that in new buildings, the cross connect is a back-flow preventer. He noted that residential units do not have the back-flow preventer; it is for commercial units.

Horace Carlyle felt that if there were issues with the security on the well-fields, the Town needs to develop upgrades for security. He noted that there have been shootings on the water tanks in town before. James Eason feels that the acts of vandalism seen are isolated and that there are a couple of different categories. He noted that some of the new long term wells the Town has drilled have been shot. He explained that where the Town thinks there has been deliberate intent, it is working with the Sheriff's Office. There was a night watchman that was out there but that is no longer the case.

Jon Zane wanted to know what is going on with Solar Reserve. James Eason explained that Solar Reserve has received their funding and are ready to go. He is not sure when it will start but they are still holding to their July time schedule. Jon Zane questioned if the Town has talked to them

about the utilities and services. James Eason explained that for Emergency Services, they are already covered under insurance. If there is a call-out, Nye County will be able to bill them directly. They will provide their own fire and the Town is only there as the secondary support. The Sheriff's Office is not going to provide security on the job site. Nye County public works has already set out all the parameters for the road. There is a clause for the Town about establishing a community endowment in lieu of asking for fire trucks, ambulances, etc. It will be administered by a third party and it will grow in time. He explained that as far as the water is concerned, the site is located in the secondary water source for the Town so it has the first right of refusal.

Jon Zane questioned what was going on with the fire house. James Eason explained that they moved the trucks in last Tuesday. There are still some issues but the issue with the keys has been resolved.

8. 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.

9. 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.

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

This item was tabled.

11. 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.

12. 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.

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

This item was tabled.

14. Correspondence

Letter to Nye County District Attorney – 05/12/2011

Letter to J. Michael Schaefer – 05/12/2011

Nye County Code Chapter 8.04 Fireworks – 05/18/2011

Round Mountain Town Board Special Meeting, Budget Hearing Agenda – 05/19/2011

Pahrump Town Board and Pahrump Swimming Pool District Special Meeting, Public Hearing
Agenda – 05/19/2011

Nevadans Talk Groundwater at Upcoming Open House – 05/23/2011

Round Mountain Town Board Meeting Agenda – 05/24/2011

Beatty Town Advisory Board Meeting Agenda – 05/25/2011

Beatty Town Advisory Board Workshop Agenda – 05/25/2011

James Eason requested that the Board review letter from Rick Osborn and the Nye County chapter on fireworks and get their comments to him by Wednesday June 1, 2011. Duane Downing wanted to know if they were going to revise the ordinance. James Eason explained that they want any input. Horace Carlyle questioned if the Town has a fireworks ordinance. James Eason explained that the Nye County ordinance covers it. He explained that there was a revision to this and it was to allow businesses in Pahrump. He noted that there is a big discussion on whether there is a limit on the number of business licenses the County can grant for fireworks.

15. 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. Glenn Hatch seconded. Motion passed 4-0-1 (Javier Gonzalez was absent).

16. Adjourn

Meeting was adjourned at 8:50 pm.

Minutes transcribed by:

Mariah Rivero

Approved:

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Glenn Hatch, Member

Duane Downing, Member