

PAHRUMP TOWN BOARD MEETING  
NYE COUNTY ADMINISTRATIVE COMPLEX  
2100 E. WALT WILLIAMS DRIVE  
TUESDAY – 7:00 P.M.

JANUARY 11, 2011

MINUTES

PRESENT:

Mike Darby  
Vicky Parker  
Carolene Endersby  
Tom Waters  
Harley Kulkin

1. Call to Order and Pledge of Allegiance

Town Board Clerk Vicky Parker called the meeting to order and led in the Pledge of Allegiance.

2. Discussion and Possible Decision on Electing a Chair, Vice-Chair and Town Clerk for the 2011 Pahrump Town Board Pursuant to the Town Board Policy

Mrs. Parker called for nominations.

Harley Kulkin made a motion to nominate Mike Darby as Chairman, Mrs. Parker as Vice Chair and Mrs. Endersby as Town Board Clerk.

Vicky Parker seconded.

Motion passed, 4-1, with Mrs. Endersby voting nay.

An audience member requested that the Town Board members raise their hands when voting to assist the hearing impaired. There were no objections from the Board.

3. Discussion and possible decision regarding Moving the Order of or Deleting an Agenda Item(s)

None requested.

4. Announcements

Announcements were read.

5. Advisory Board Reports from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards

Mrs. Parker announced that the Tourism Board meets Thursday at 8:00 a.m. in the Town Annex. She said the flyers at the travel show went quickly.

Mr. Darby said the Arena Advisory Board meets Thursday at 7:00 p.m.

Jeff Bobeck, Incorporation Advisory Board Chairman said there was no quorum in December, but they would meet January 19<sup>th</sup> at 6:30 p.m. at the Annex.

6. Town of Pahrump Economic Development Report

Bill Kohbarger mentioned that a column was added to the report which listed the Type of Business that was considering Pahrump.

Mrs. Endersby expressed concern that the number of businesses that closed was higher than the number that opened, and asked how the Town could help.

Mr. Kohbarger replied that Mr. Balloqui was meeting with the Chamber of Commerce president to discuss how to attract and retain businesses and would provide the Town Board with a report.

Mr. Kulkin suggested that with Wal-Mart's plans to build a larger store, their existing 75,000 square foot building might be available for manufacturing.

7. Discussion and possible decision on Requesting that Nye County Waive Any Right that It perceives It has to enforce a Purported Deed Restriction on the Property Subject to the Lease with Option to Purchase Agreement with Growponics Nevada, Without waiving the Town's Legal Position that No Deed Restriction Exists

Mrs. Parker stated that a County Commissioner said they were willing to remove the deed restriction if we could get our legal counsel to agree with theirs.

Vicky Parker made a motion to proceed.

Dr. Waters seconded.

There was discussion on whether a restriction existed; legal repercussions for breach of contract; creation of a special committee to study ramifications; and which of the two deeds carried restrictions.

Motion died 2-3, with Mike Darby, Harley Kulkin and Carolene Endersby voting nay.

8. Discussion and Possible Decision on Awarding the Winning Bid for the Town of Pahrump Community Pool Reconstruction to Gothic Landscape for \$212,930.32 and All Matters Properly Related Thereto

Mr. Kulkin made a motion to approve awarding the winning bid for the Town of Pahrump Community Pool Reconstruction to Gothic Landscape for \$212,930.32.

Vicky Parker seconded.

Mr. Kulkin explained that money is collected on resident's tax bills which can only be used for the public pool, that the Health Department recommended this repair and that his walk-through confirmed the pool deck was dilapidated.

Mrs. Endersby asked and was informed that the completion date was May 12<sup>th</sup>, approximately two weeks prior to opening for the season. She was also informed that there was a \$1,000 per day overrun penalty if the completion date was not met.

Motion passed, 5-0.

**9. Discussion and Possible Decision on Jointly Funding the Nevada Rural Counties Retired and Senior Volunteer Program – RSVP Program with Nye County, the Pahrump Senior Center and the Town not to exceed \$2,357.00**

Jan Lindsay said the RSVP program provides rides to doctor's appointments, picks up prescriptions, operates the Meals on Wheels program and provides trained volunteers to give breaks to caregivers of ailing family members.

Mr. Kulkin asked what percentage of the donations actually goes to the cause, stating that generally it is 12%. Ms. Lindsay said she would find out, and assured that the money would only be used locally.

Mrs. Endersby made a motion to jointly fund the Nevada Rural Counties Retired and Senior Volunteer Program (RSVP) with Nye County, the Senior Center and the Town, not to exceed \$2,357.00.

Dr. Waters seconded.

Public Comment was heard.

Ms. Lindsay said private donors could call: 751-5285.

Motion passed, 5-0.

**10. Discussion and Possible Decision to Add Prayer and/or a Moment of Silence as a Permanent Item on the Town Board Agenda at Item #1 Between Call to Order and Pledge of Allegiance**

Dr. Waters said the Senate opens each day with a non-denominational prayer prior to the Pledge of Allegiance and he wanted to hear whether the citizens were open to doing the same. He suggested that prayer may help them work together more as a Pahrump family than a Pahrump Fighting Arena.

There was discussion on appropriate placement of the item; separation of church and state; differing beliefs; and a Moment of Silence versus Prayer.

Dr. Waters made a motion that a prayer or a moment of silence be a permanent item on the Town Board agenda at item #1, between Call to Order and Pledge of Allegiance.

Mrs. Endersby seconded.

Mrs. Parker, Mr. Kulkin and Mrs. Endersby voiced their preferences as a moment of silence.

Public comment was heard.

Mrs. Endersby asked Dr. Waters to amend his motion to moment of silence.

Dr. Waters amended his motion to “a moment of silence” being a permanent item on the Town Board agenda at item #1, between Call to Order and Pledge of Allegiance.

Mr. Kulkin seconded.

Motion passed 4-1, with Mr. Darby voting nay.

**11. Discussion Only on Making Changes to Resolution #2009-02, A Resolution to Establish a Policy and Guidelines for Rules of Procedure at the Pahrump Town Board Meetings**

Mr. Kulkin enumerated changes that he would like changed in the existing guidelines.

Discussion ensued on time limits; submission of lengthy documents for Board consideration; allowing citizens to speak on items not under the Town Board’s jurisdiction; and allotting speaking time to another speaker.

Mr. Kohbarger suggested that each of the Board members submit their changes to him to compile into a single document for discussion at the following meeting.

Chairman Darby directed staff to compile comments on procedures for running a meeting for consideration at the following meeting.

**12. Discussion Only on Resolution #2009-03, A Resolution Providing for the Citizens of Pahrump to Keep and Bear Arms of Their Choice for Defense of Life, Liberty and Property**

Mr. Kulkin stated that he would place any item on the agenda that was asked of him, regardless of whether he agreed with it.

Bruce Caulley said he was not prepared to present this item.

**13. Discussion and Possible Decision to Direct Staff to Contact the Nevada Department of Transportation (NDOT) and Request that NDOT Remove the No Parking Signs Located on the Frontage Road in front of the McDonalds Located at 710 S. Hwy 160 Pahrump**

Mr. Kulkin stated that NDOT’s “No Parking” signs made it difficult for oversized vehicles to park at McDonald’s and wanted the signs removed or changed to 2 Hour Parking.

There was discussion of County-required signage placed at business-owner's expense that cite a non-existent Pahrump Town Ordinance; of the parking prohibitions stated in NRS 484.418 and whether McDonalds' management desires the signs to be there.

Mrs. Endersby made a motion to refer staff to ask McDonalds' manager whether they want the signs removed or changed and to ask if NDOT will change the No Parking signs to 2 Hour Parking, then report the findings to the Board at the next meeting.

Mrs. Parker seconded.

Motion passed, 4-1, with Mrs. Parker voting nay.

**14. Discussion and Possible Decision to Accept the Pahrump Nuclear Waste and Environmental Advisory Board Quarterly Report**

George Sausman reported for the advisory board and stated that they had two new members ready for Town Board approval.

John Pawlak announced the planning of Earth Day (April 23<sup>rd</sup>) and Town Clean Up Day (May 7<sup>th</sup>).

Dr. Waters motioned to approve the Pahrump Nuclear Waste and Environmental Advisory Board quarterly report.

Mr. Kulkin seconded.

Motion carried, 5-0.

**15. Discussion and Possible Decision to Conduct a Joint Meeting with the Nye County Commission and the Pahrump Town Board for Discussion Purposes Only to Open Communications Between the Citizens of Pahrump, the Nye County Commissioners and Pahrump Town Board Members to be Conducted in or around February 2011**

Mrs. Endersby stated that Pahrump had a great need for economic development and would need cooperation from other governmental entities, starting with the County Commission.

Mr. Kulkin suggested that the issues for discussion be determined and provided to the County in advance so they could be prepared. He also suggested limiting the agenda to two or three items.

Chairman Darby directed staff to initiate communications with the County to set up a joint meeting and to report back to the Town Board with the details.

**16. Discussion and Possible Decision on Directing the Town Attorney to Enter into Formal Negotiations with the Town Manager to Amend the Town Manager's Employment Agreement to Extend the Period of the Initial Term to December 31, 2011, from June 30, 2011, with Negotiations regarding the Renewal of or Amendments to the Employment Agreement to take place in September of this Year**

Mr. Kulkin disclosed that he had a lawsuit against the County and believed Mr. Kohbarger was involved, but said it would not affect his decision.

Mr. Kohbarger clarified that Mr. Kulkin had personally named him in the lawsuit.

There was discussion regarding fees for a placement firm; whether a three month extension could be considered; setting Goals and Objectives; and changes to contract and job description.

Mrs. Endersby made a motion that the evaluation of the Town Manager be completed as required by Town Board policy 11.1 through 11.4, following NRS 241.031 as to open meeting requirements, and that the process be completed in a timely manner in accordance to the contractual agreement and all applicable law.

There was no second.

Mrs. Endersby asked for and was informed that the timeline for completion of the evaluation was June 30<sup>th</sup>, although the decision whether or not to renew must be decided by February 28<sup>th</sup>.

There was discussion regarding amount of time required for an assessment; setting goals and objectives; evaluation methods; and changing the length of the extension.

Harley Kulkin made a motion to accept the agenda item as written to open it up to public comment.

Vicky Parker seconded.

Public comment was heard.

There was discussion of timelines for notification of decision; job description changes and management of office.

Motion and second were withdrawn.

Mr. Kulkin made a motion to ask the Town Attorney to enter into negotiations to extend the Town Manager's contract for ninety days, which extends the trigger date ninety days.

There was no second.

Dr. Waters stated that they were elected to do a job and needed to be allowed to do so. He made a motion to accept the agenda item as written.

Mrs. Parker seconded.

Motion failed, 2 – 3, with Harley Kulkin, Mike Darby and Carolene Endersby voting nay.

**17. Discussion and possible decision Consent agenda items:**

Mrs. Parker made a motion to approve consent agenda items a – d.

Dr. Waters seconded.

Motion passed, 5-0.

**18. Future Meetings/Workshops: Date, Time and Location**

Mrs. Parker announced that the next Town Board meeting would be held at the same location.

**19. Public Comment: Action may not be taken on matters considered during this period until specifically included on an agenda as an action item – NRS241.020(2)(c)(3).**

Public comment was heard.

**20. Town Board Member's Comments**

Dr. Waters addressed a mention of the petition to disband the Town Board, saying he would welcome it if the Board didn't prove they were worthy of the job. Mr. Kulkin thanked the public for coming. Mrs. Parker urged everyone to help stuff tourism bags the following day.

**21. Adjournment**

Meeting was adjourned at 11:56 PM.

Respectfully submitted,

Carolene Endersby, Clerk  
Pahrump Town Board