

PAHRUMP TOWN BOARD MEETING  
BOB RUUD COMMUNITY CENTER  
150 NORTH HIGHWAY 160  
TUESDAY – 7:00 P.M.  
NOVEMBER 9, 2010

AGENDA

PRESENT:

Town Board:  
Bill Dolan  
Vicky Parker  
Frank Maurizio  
Mike Darby (via phone)

Staff:

Bill Kohbarger, Town Manager  
Rick Campbell, Town Attorney  
Michael Sullivan, Finance Director  
Matt Luis, Bldg & Grounds Manager  
Scott Lewis, Fire Chief  
Al Balloqui, Economic Development

ABSENT:

Town Board:  
Nicole Shupp

1. Call to Order and Pledge of Allegiance.  
Vice Chair Bill Dolan called the meeting to order and led in the pledge of allegiance.
2. Discussion and Possible Decision regarding moving the order of, or deleting an agenda item(s). (Action)  
**Frank Maurizio motioned to table #6 until the December meeting.**  
**Motion died for lack of a second.**
3. Announcements (Non-Action)  
Vicky Parker read the prepared announcements with corrections.  
Bill Dolan provided information on the upcoming Pow Wow.  
Tom Waters announced the Pahrump Veteran's Memorial Board meeting will be held on November 18, 6:00 p.m. at the Town Annex.  
Butch Harper thanked the Town and sponsors for the success of the Smiles Over Pahrump event.  
Bill Kohbarger announced the Jingle Bells and Firework Shells to be held December 11.
4. Advisory Board Reports from Advisory Board Chairpersons and/or Town Board Liaisons on the status of Advisory Boards. (Non-Action)  
Frank Maurizio announced that the Nuclear Waste & Environmental Advisory Board has set April 23, 2011 as the tentative date for Earth Day.  
Bill Dolan announced that there will be consultants regarding the airport in Pahrump from November 29 through December 2<sup>nd</sup> working on the Environmental Impact Study (EIS).  
The Veteran's Advisory Board has completed work on the Standard Operating Procedures (SOP) for the wall designations and will be presented to the Town Board in December.  
EDEN groups are working well together to increase economic development in Pahrump.

Nevada League of Cities meeting talked about upcoming tax issues. This needs to be watched during the next Legislative session.

Bill Kohbarger stated that advisory board chairs have been invited to the December meeting to give end of the year reports and their quarterly reports.

5. Economic Development Report. (Non-Action)

Bill Kohbarger announced that the new unemployment rates; the national rate is 9.6%, for Nevada is 14.4%, and Nye County is at 17.2%.

6. Discussion and Possible Decision: on approving of a lease/option to purchase agreement between the Town of Pahrump and Growponics Nevada LLC, a Nevada limited liability company, for up to 60 acres of property and appurtenant water rights (assessor's parcel numbers 045-191-15 and 045-191-16 commonly referred to as Kellogg Park Property) for the development of a series of hydroponic green houses and related facilities. (Action)

Mike Darby stated he had some issues with this. Mr. Darby said that at the last meeting it was asked that staff look into a lease/purchase option. Looking at the backup it appeared that the contract has already been written up. Mr. Kohbarger explained that it was a different item that was on the last agenda.

**Vicky Parker motioned to approve a lease/option to purchase agreement between the Town of Pahrump and Growponics, for up to 60 acres of property and appurtenant water rights, commonly referred to as Kellogg Park Property. Mike Darby seconded the motion.**

Comments were heard from Dave Stevens, Bobby Henderson, Bruce Calley, Richard Goldstein, Bill Dawson, and Charles Nebel. Rick Campbell responded to some of the concerns heard from the public regarding water and deed restrictions. Public comment continued from Donna Cox, Louis DeCanio, Phil Huff, Sandy Higgins, John Pawlak, Andy Alberti, Harley Kulkin, George Gingell, Donald Cox, Dr. Tom Waters, and John Koenig. Bill Dolan closed public comment.

Sam Bein, CEO of Growponics America, replied to some of the concerns heard during the public comment regarding water, jobs, and explained the technology of growing produce in this manner. Mr. Bein also answered questions from the Town Board.

Mr. Darby asked questions regarding liability to the Town and liens. Rick Campbell answered those questions for Mr. Darby.

Frank Maurizio commented that he would like to see this company in Pahrump, but not to hurt the taxpayers of the Town. Mr. Maurizio had concerns regarding the length of the lease period. Mr. Kohbarger noted that the length of the lease has a lot to do with the company getting financing. There were concerns regarding selling water rights versus leasing as well as concerns regarding the appraisal. These questions were handled by Rick Campbell and Bill Kohbarger. There was also discussion about holding a special meeting concerning this agenda item. Mr. Kohbarger explained that this is the time the Board needs to present any changes they wish to see in the contract so it can be negotiated with the company before another meeting is held.

**Vicky Parker rescinded her motion and Mike Darby withdrew his second.**

**Vicky Parker motioned to table and bring back with changes in a week for a special meeting.**

Bruce Calley called a Point of Order. Mr. Calley said the Board was breaking the law by selling water rights. Rick Campbell explained the correct meaning of the law Mr. Calley read.

Bill Kohbarger asked the Board to inform him what items they would like to see renegotiated on the contract. Vicky Parker stated that she would like to see a shorter term on the lease. Mike Darby would like the number of people employed removed from the contract. Frank Maurizio would like to see 99 years reduced and the value of the water rights is bothering him. Mr. Darby added that he would like to be educated on water rights. Rick Campbell explained that he can explain the history of the Town's water rights questions with Mr. Darby. Mr. Maurizio asked if anyone, including the public, can submit questions for the special meeting. Mr. Kohbarger said he would accept any question from anyone.

Bill Kohbarger confirmed that the Town Board would like renegotiations on three issues; lease term shorter number of years, remove the number of employees, and lease the water rights and not sell them for water.

**Mike Darby seconded the motion to table and hold a special meeting.**

**Vote passed 4 – 0.**

7. Discussion and Possible Decision: to approve a Proclamation declaring November 7<sup>th</sup> through November 13<sup>th</sup>, 2010 as Drug-Free Work Awareness Week. (Action)  
Vicky Parker read the proclamation as prepared.

**Vicky Parker motioned to approve the Proclamation declaring November 7<sup>th</sup> through November 13<sup>th</sup>, 2010 as Drug-Free Work Awareness Week. Frank Maurizio seconded the motion.**

Carolene Endersby introduced the concept to do this as a year and not just a week as this should be a year round activity, not just a week.

**Vote passed 4 – 0.**

8. Presentation only from the Pahrump Disability Outreach Program. (Non-Action)  
Paula Cooper co-founder of Pahrump Disability Outreach Program spoke about the lack of services for the disabled. Ms. Cooper now has a 501c3 for the disabled and their families and would like the public to know they are functioning in Pahrump but would like to see more for the pediatric disabled, such as therapy. They held their first fundraiser (Pumpkin Patch) and funds will be used for the children. They are hoping this will become an annual event.

Bill Dolan offered suggestions. Frank Maurizio offered his help as well. Vicky Parker asked how to reach this group. Ms. Cooper said they have a website, [www.pdop.info](http://www.pdop.info) or they can call 702-516-0847.

**9. Discussion and Possible Decision: to Consider the Pahrump Incorporation Advisory Board recommendation to place the Question of Incorporation on the 2012 General Ballot as an “Advisory Question” for the Town of Pahrump. (Action)**

Jeff Bobeck, Chairman of the Incorporation Advisory Board, explained that the history of the advisory board. Goals were set and included a recommendation to the Town Board. The recommendation is that this decision is best left up to the public and we are asking that it be placed on the ballot in 2012. In the interim the Incorporation Advisory Board will be working on a charter of incorporation and it will be produced before 2012.

**Mike Darby Motioned to move forward with placing an advisory question on the 2012 General Ballot asking the voters of the Town of Pahrump whether they wish the Town to be incorporated. Vicky Parker seconded the motion.**

Public comments were heard from Richard Hatch, Dave Stevens, John Koenig, Harley Kulkin, Richard Goldstein, Andy Alberti, George Gingell, Donald Cox, Tom Waters, J.R. Fisher, and Donna Cox.

Mike Darby stated that he had issues with paying for more studies.

**Vote passed 4 – 0.**

**10. Discussion and Possible Decision: to approve the Language of the Bill Draft Request (BDR) to be submitted to the Nevada Legislation for the 2011 Legislative Session for the Option of the Town of Pahrump to Control Planning and Zoning. (Action)**

Vicky Parker noted that the suggested language is to amend NRS 278.012 by adding the following: Unincorporated towns whose population are 25,000 or more, and who adopt an ordinance to regulate and restrict the improvement of land and control the location and soundness of structures are considered as cities.

Mike Darby asked legal staff if they have checked into the case that was before the State Supreme Court ruling that is not within the power of the County Commission to give control of planning and zoning to unincorporated towns. Bill Kohbarger replied that the County cannot give it to the Town. What the BDR would do is actually change the law so we would have the option to control those if we choose to do so.

There was continued discussion with Town Board members, Mr. Kohbarger, and Rick Campbell concerning the key point being population, control of budget funds, attorney fees for the BDR, and Pahrump having its own lobbyist.

**Vicky Parker Motioned to approve the language of the Bill Draft Request to be submitted to the Nevada Legislation for the 2011 Legislative session for the option for the Town of Pahrump to control planning and zoning. Frank Maurizio seconded the motion.**

Comments from the public were heard from Harley Kulkin, John Koenig, Jeff Bobeck, Andy Alberti, Dave Stevens, Carolene Endersby, Donna Cox, and J. R. Fisher.

**Vote passed 3 – 1. Mike Darby voted nay.**

11. Discussion and Possible Decision: to accept the detailed/itemized budget report pertaining to the re-designated grant funds that the Town of Pahrump gave PAVED to utilize for the Pahrump Fair and Festival and to close-out the grant. (Action)  
Sandy Higgins was present to represent PAVED and Pahrump Fair and Festival.

**Vicky Parker motioned to accept the detailed/itemized budget report pertaining to the re-designated grant funds that the Town of Pahrump gave PAVED to utilize for the Pahrump Fair and Festival and to close-out the grant. Frank Maurizio seconded the motion.**

**Vote passed 4 – 0.**

12. Discussion and Possible Decision: Consent agenda items: (Action)  
a. Action – Approval of Town Vouchers.  
b. Action – Approval of Town Board meeting minutes of October 26, 2010  
c. Action – Approval of resignation of Karen Williams from the Nuclear Waste and Environmental Advisory Board.

**Frank Maurizio Motioned to accept consent agenda items a – c. Mike Darby seconded the motion.**

**Vote passed 4 – 0.**

13. Future Meetings/Workshops: Date, Time and Location: (Non-Action)  
Bill Kohbarger reminded that the last meeting in November has been cancelled.

14. 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). (NonAction)

Butch Harper thanked the band that played at his “Smiles Over Pahrump” event and others that participated. Mr. Harper encouraged people to shop locally as well.

Barb Jorgensen commented on statements made by PAVED representatives regarding the Town. Mrs. Jorgensen thanked the Arts & Crafts committee and the Town for the use of the buildings.

Donald Cox pointed out that on Election Day, at the Community Center, someone tripped over the parking curbs and suggested that posts be installed and the curbing removed. Mr. Cox also stated that the Fall Festival should be kept at Petrack Park.

Richard Goldstein commented that the Town Board is dysfunctional.

15. Town Managers Report:

Bill Kohbarger added to his report that PAVED was not on the last agenda due to the backup being received too late to be put on the agenda.

Bill Dolan asked for an update on the graffiti removal program. Mike Darby said he will bring this back to the Board on a future agenda. Mr. Kohbarger noted that the NCSO and our Building & Grounds have been working on the graffiti. A waiver is needed by the

property owner which is not always possible. Tony DeMeo said he was looking for a partnership with the NCSO and Town.

**16. Town Board Member's Comments: (Non-Action)**

Frank Maurizio responded to Richard Goldstein's comments concerning Mr. Kashani. Mike Darby responded to a comment made about why he was present by phone rather than in attendance at this meeting.

Vicky Parker thanked all those for coming to the meeting and staying until the end.

Bill Dolan complimented Karl Mitchell for promoting Pahrump with his wild animals.

Mr. Dolan asked Sandy Higgins why PAVED applied for a CDBG grant through the County knowing that the Town Board voted to dissolve its MOU with PAVED. Mrs.

Higgins stated that the questions should be directed to Paula Glidden or Phil Huff.

Mr. Dolan asked staff to draft a letter to PAVED through legal staff and have them answer the questions.

**17. Adjournment.**

Meeting adjourned at approximately 9:50 p.m.

Respectfully submitted,

Vicky Parker, Clerk  
Pahrump Town Board

/cw