

**PAHRUMP TOWN BOARD MEETING  
NYE COUNTY ADMINISTRATIVE COMPLEX  
2100 E WALT WILLIAMS DRIVE  
TUESDAY – 7:00 P.M.  
September 27, 2011  
MINUTES**

PRESENT:

Town Board:

Mike Darby  
Vicky Parker  
Carolene Endersby  
Dr. Tom Waters  
Harley Kulkin

Staff:

Bill Kohbarger, Town Manager  
Brett Meich, Attorney  
Scott Lewis, Chief  
Michael Sullivan, Finance Director  
Matt Luis, Buildings & Grounds Manager  
Al Balloqui, Community Business and Development Services Manager  
Samantha Carns, Executive Assistant

1. Call to Order, Moment of Silence, and Pledge of Allegiance.

Mike Darby called the meeting to order.

Tom Waters led in the Pledge of Allegiance and the Moment of Silence.

2. Discussion and Possible Decision regarding Moving the Order of or Deleting an Agenda Item(s).

Dr. Waters asked to hear item '13c' separately to be heard for discussion.

Vicky Parker asked to move all consent agenda items to item 3.5.

There was no object therefore, motion carried.

3. Announcements

Carolene Endersby read the announcements.

Mr. Darby reminded advisory board members that Town Board liaisons would be out of town from October 5<sup>th</sup>-7<sup>th</sup>.

Mr. Darby also announced the Desert Squares square dancing club met every Thursday at 6pm at the United Methodist Church. He said they were looking for interested people whether experienced or not.

Rodney Camacho announced Pahrump Valley Youth Activities had fundraisers in the coming months including a Christmas musical for kids ages 8-18 at the Nugget on December 13<sup>th</sup> and 14<sup>th</sup>. He also said a Bowl-a-thon was scheduled for November 19<sup>th</sup> at the nugget.

Jim Duensing announced the Sin City Militia would have a midnight muster on October 9<sup>th</sup> at Calvada Blvd and Hwy 160.

**3.5 Discussion and Possible Decision Consent agenda items:**

- a) *Action – Approval of Town Vouchers.*
- b) *Action – Approval of Town Board Minutes for September 13, 2011.*
- c) *Action – Approval of Request for the Pahrump Powwow Grant in an Amount Not to Exceed \$3,500 provided that the funds aren't used for any of the Prohibited items and provided that the reimbursement doesn't exceed 50% of the event short fall as specified in the guidelines payable from the State Tourism Room Tax Fund, as presented in the attached materials.*
- d) *Action – Approval to Accept Mr. David Yoder to the Community Center Taskforce AB.*
- e) *Action – Approval to Accept Mr. Patrick K. Michel to the Pahrump Tourism & Convention Council AB.*
- f) *Action – Approval to Accept the Resignation of Bill Dolan from the Pahrump Veterans Memorial Advisory Board.*  
*(was item 13)*

**Mrs. Parker motioned to approve items a, b, d, e, & f.  
Harley Kulkin seconded.**

Dr. Waters requested 'e' be held for discussion as he questioned if the advisory board had approved the item.

Mrs. Parker confirmed the PTCC did approve Mr. Michel's appointment and also addressed an email concerning Mr. Michel not owning a home in Pahrump but renting. She said those who rented were just as much citizens of Pahrump as those who owned homes and should not be considered as less.

**Motion carried, 5-0.**

- c) Action – Approval of Request for the Pahrump Powwow Grant in an Amount Not to Exceed \$3,500 provided that the funds aren't used for any of the Prohibited items and provided that the reimbursement doesn't exceed 50% of the event short fall as specified in the guidelines payable from the State Tourism Room Tax Fund, as presented in the attached materials.

Dr. Waters said the Powwow was an event all wanted in the community and enjoyed however when requested to get a business license as the entity fell under PTO 35, they were not in compliance. He said he felt the item should be tabled until the next meeting as they should not support funding an entity which is not in compliance with a PTO.

Mr. Darby said he believed Mrs. Elefante had explained in detail why she did not need a business license.

Mrs. Parker said the Pahrump PTO said she must have a Pahrump business license. She suggested the item be approved but contingent upon the Powwow receiving a business license.

Mrs. Elefante said the Powwow was not required by the State of Nevada to have a business license. She went on to detail her efforts.

**Mr. Kulkin motioned to approve contingent upon the business licensing issue be resolved with staff by whatever means they may be.  
Dr. Waters seconded.**

Mrs. Endersby asked how many non-profits had a business license in the Town.

**Motion carried, 5-0.**

4. Public Comment

Public comment was heard.

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

Mrs. Parker spoke saying the reason PAVED was not approved for funding was printed in the backup. She mentioned that Ms. Glidden was Chair of the PTCC until somewhat recently and set the rules and guidelines which she did not follow.

Mrs. Parker went on to say the Community Center Advisory Board would not accept any information provided to them by the Town Manager and were rude and disrespectful. She also mentioned they were disinclined to stick to the agenda and a number of members seemed to be on a witch hunt. She continued to say she questioned whether the Board should continue as their mission had been completed as the recommendation to repair the Community Center had been made. She mentioned the treatment of a guest to the last CCAB meeting, Ms. Christensen, and the treatment she received which saddened and angered Mrs. Parker. Lastly she stated the chair of the CCAB had informed her he would better control the meetings.

Mr. Kulkin said he agreed and mentioned a member who shouted loudly and in a threatening manner to Mrs. Parker at the meeting. He thanked Dr. Waters for sitting in for him the previous Friday.

Dr. Waters stated when sitting in on the Boundary Line Advisory Board meeting it was a very good, productive, and energetic meeting which the members expressed they were not pro or con on either side but were just gathering information from numerous counties.

He also mentioned he had made a call to the Chair of the CCAB following the previous meeting and had received the assurance meetings would be better controlled. Dr. Waters stated that if they were not more controlled, the CCAB should probably be disbanded. He went on to thank Mr. Clendenen for all he was doing as chair of the CCAB.

Mrs. Endersby introduced the newly elected chair and vice chair of the Youth Advisory Board. She said they were excited for the next meeting on October 12<sup>th</sup> at 2:30pm in the Town Annex and would be looking over their main project of student perspective to help change the school board as well as going over the summary of summer workshops.

John Pawlak, acting chair of the Nuclear Waste & Environmental Advisory Board, said the Department of Energy Nevada was welcoming the public to participate in commenting on the Environment Impact Statement for what was formally known as the Nevada Test Site. He spoke of the NMSS document. He said the library had reference material on all of the concerned documents.

Mrs. Endersby requested the reports concerning the question asked to all advisory boards be in by the end of October.

6. Discussion on Town of Pahrump Economic Development Report.

Mrs. Parker spoke of errors in the written report provided in the backup.

Mrs. Endersby said she had questions from the last meeting due to her inability to understand how previous reports had been delivered. She said she did not need to know a lot of detail just the basics of why companies were or were no longer interested in Pahrump and perhaps the Town could work more unified in overcoming those situations.

Al Balloqui, Community Business & Development Services Manager, came forward to clarify any questions from the Board.

Mrs. Endersby said in review of previous reports she had a lack of clarity as to the status of companies and really what was being said within the reports.

Mr. Balloqui stated the report provided was one written in his travels and concerned what had happened in the two weeks between meetings, adding that at times nothing happens therefore there would be nothing to report in those instances.

He said the Town Manager was copied on all information between himself and prospective companies however he could not provide all information at the meeting.

Mr. Balloqui said he was on the edge on what he could expose in a public meeting due to confidentiality agreements and the need for confidentiality.

Dr. Waters asked if it was possible, as Mr. Balloqui suggested, for member of the Town Board to act as liaisons with Mr. Kohbarger and Economic Development as they could better understand the information which could or could not be released.

Mr. Kohbarger warned about the possibility of an OML violation should a committee of two speak of the information to some of the other members of the Board.

Brett Meich, acting legal counsel, said it would be okay for two Town Board members to meet with staff to discuss the information between each other only and any other information would need to be relayed through staff.

Mr. Kohbarger said information had been given to Town Board members in the past and some of that information had been relayed to citizens and press.

Mrs. Parker said she didn't see the need for a liaison as any questions could be relayed to Mr. Kohbarger and/or Mr. Balloqui and a response would be received.

Dr. Waters said he agreed any questions could be asked and would have a timely answer however sitting in as liaisons Board members could have a better understanding of what information to ask which would be beneficial to the community and the Board.

Mr. Kohbarger suggested an item concerning liaisons be submitted as an agenda item request.

Mr. Kulkin asked for the top three reasons businesses chose not to locate themselves in Pahrump. Mr. Balloqui said we had a limited inventory, funding challenges, and a lack of available vacant buildings for businesses therefore time, expenses, and the lack of high speed internet could be considered as some of the top setbacks for businesses.

Mrs. Parker inquired as to why there was not a probability of success as occasionally a company would be listed in the report then suddenly dropped off.

Mr. Balloqui explained the coding of the companies in the report which showed probability of the company's success also mentioning a ledger could not be made available within the report as it could put them in danger of violation confidentiality.

Mr. Darby said he had not come up with any major errors but only minor ones such as capitalization which he felt was the result of the report being shifted into a different format than the original.

7. Discussion and Possible Decision to Approve Repairs to the Fire Department Ladder Truck not to exceed \$35,000.00 payable from the Town Capital Improvement Fund.

Mr. Kulkin asked Fire Chief Scott Lewis to explain the history of the truck and engine in question. Chief Lewis continued to do so.

Mr. Kulkin said he was rather familiar with the engine and his observations were that it was rebuilt terribly and things were in the wrong places. He said it would be a bad idea to try to fix the existing engine. He stated he felt the Town should purchase a used engine which was readily available for around \$4,000.

Mr. Darby asked Chief Lewis what company was being referred to in the backup to which the Chief answered he believed it was from the same company the engine for Truck 1 had been purchased.

Mrs. Endersby asked how someone had been selected to do the repairs over an RFP. Chief Lewis replied that the gentleman selected was a contracted vendor for handling engine repairs and had been awarded said contract after the Town went out for RFP a few years previous. With the time constrictions of having an emergency vehicle in shop, the proposed route was chosen upon finding the engine problems post malfunction.

Mrs. Parker referenced an e-mail she had received from Mr. Kenny Bent pertaining to engine costs and fees.

**Mr. Kulkin motioned for Mr. Darby, Mr. Kulkin, and staff to work together to find a replacement engine with a cap of \$20,000 including labor.  
Mrs. Parker seconded.**

Mrs. Endersby stated she felt those who made the decision of an amount not to exceed \$35,000 did so on an informed and knowledgeable basis.

Chief Lewis concurred and said he understood Mr. Kulkin's concerns however each day the truck was not working resulted in further worry of an emergency in which it would be in need.

Mr. Darby said he would feel more comfortable with a rebuilt engine from the manufacturer as the lives of citizens could not have a price tag.

Dr. Waters asked Mr. Kulkin to modify his motion to read no more than \$35,000 as those with the expertise in such matters would do their best to keep spending under the allotted amount.

Public comment was heard with five (5) speaking for the motion, two (2) speaking against it, and one (1) speaking neither for nor against.

**Mr. Kulkin amended his motion to state for Mr. Darby, Mr. Kulkin, and staff to work together to find a replacement engine with a cap of \$25,000 including labor.  
Mrs. Parker seconded.**

**Motion carried, 4-1, with Mr. Darby voting nay.**

**8. Discussion regarding the FY12 General Fund Town Manager Budget Management recommendations.**

Mr. Kohbarger referenced the memo provided in the backup.

Mrs. Parker commented the Town was watching all finances very carefully.

Mrs. Endersby asked for clarification concerning a public hearing specifically for the budget.

Mr. Kohbarger said holding a public hearing to discuss little items seemed like overkill as it could be discussed in ten to fifteen minutes.

Mrs. Endersby said she thought the process should be broadened as it is more transparent and an ability to receive more comment from the public would be better if they were made aware.

Mr. Kohbarger stated the budget was public and available and that they had brought back the recommended cuts and would follow through.

Mrs. Endersby said she understood staff diligence but wanted to make sure the Town Board had the ability to perform due diligence and citizens had the ability to give input.

Mrs. Parker said she thought, although it was not an action item, in view of Mrs. Endersby's comments she requested public comment be allowed.

Mr. Darby suggested should Mrs. Endersby feel so strongly she should create an agenda item on the next agenda.

The Board reached a consensus to allow public comment.

Public comment was heard.

9. Discussion and Possible Decision to Approve funding for the Pahrump Fair and Festival Parade Traffic Control in an Amount not to exceed \$10,000 from the Fall Festival Fund.

Mr. Darby stated he had filed for an emergency agenda item request of the item after hearing of difficulties and a proposed cancellation of the fees. His suggestion was to pay the invoices for the services rendered directly to the companies.

Paula Glidden, President of PAVED Inc., stated she had brought additional financial information to the meeting per Mr. Kohbarger's request.

Mrs. Parker said she had an issue with the fact the information had not been received previously.

The Board chose to accept the information provided with a 4-1 vote, Mrs. Parker declining.

Mrs. Glidden said she would like on request only the fees for the Sherriff's service as all other fees had been budgeted.

Mr. Kohbarger asked Mrs. Glidden a number of questions while referring to the information she had submitted.

After asking such questions, Mr. Kohbarger stated that taking everything into affect there was a possibility of a \$25,000-\$30,000 debt for the festival. He questioned the Board would be requested to pay these debts after the festival.

Mrs. Parker expressed frustrations concerning the mismanagement and lack of preparation concerning the festival stating the entire issue of Sherriff's fees was between the County and the Sherriff's department making it a matter the Town should stay out of.

Mrs. Parker went on to reference previous years in which funding had been covered by sponsorships.

Mr. Sam Jones called for a point of order stating Mrs. Parker was off topic.

Mr. Kulkin stated Mrs. Parker's comments went toward the justification of whether or not the Town should be handling any funding for PAVED.

Mr. Huff clarified PAVED had not requested any money from the Town and that the item had been submitted by Mr. Darby alone.

Mr. Darby stated he had requested the item so the Town could have the annual parade. He added if there were any questions they could be directed to him as it was his item.

Mr. Kulkin stated he appreciated Mr. Darby's concern about the parade as the community always looked forward to it however there were many issues and due to the mismanagement of funds there was justification to not support the item.

Mrs. Endersby said she was concerned about whether or not it was the responsibility of the County and the Sherriff to provide crowd control without funding. She stated one way or another the Parade should take place and the financials of PAVED should be viewed at a later date.

Dr. Waters said he applauded the Chairman for putting the item on the agenda as an emergency request as the parade was needed however he felt the motion should state PAVED needed to reimburse the Town after the festival.

**Dr. Waters motioned the Town pay directly to the Sherriff's department the traffic control for the parade in the amount of \$3,600 and PAVED be required to reimburse the amount to the Town.**

**Mrs. Endersby seconded.**

Brett Meich, legal counsel, stated PAVED would have to sign an agreement to that affect in order for reimbursement to be enforceable in the nature the Town would pay the Sherriff directly.

**Dr. Waters amended his motion to replace the word 'required' to 'requested'**

**Mrs. Endersby seconded.**

Mrs. Parker said she felt the request for reimbursement was meaningless as it could not be enforced without a signed agreement.

Public comment was heard with five (5) speaking for the motion, one (1) speaking against it, and four (4) speaking neither for nor against.

Mr. Kulkin asked for additional Board comment and proceeded to say he didn't want to see the money paid back as that was not the problem and proceeded to ask Dr. Waters to remove any part of the motion.

**Dr. Waters amended his motion to remove to the topic of reimbursing, therefore motioning the Town pay directly to the Sherriff's department the traffic control for the parade in the amount of \$3,600.**

**Mrs. Endersby seconded.**

**Motion carried, 4-1, with Mrs. Parker voting nay.**

*Mr. Darby called for a ten (10) minute recess.*

**10. Discussion and Possible Decision to approve funding for the acquisition and installation of a digital TV transmitter in an amount not to exceed \$25,000 budgeted and payable from the TV Tower Capital Fund**

**Mrs. Parker motioned to approve.**

**Dr. Waters seconded.**

Mrs. Parker said the Town TV Tower had to go digital by law and that there were possibilities of receiving grants for the change.

Public comment was offered however no one chose to comment.

**Motion carried, 5-0.**

**11. Discussion and Possible Decision to Amend Section 1 of the Contract with Contour Entertainment, Inc. and The Vercitas Group to State that the Town's Penalty would be Thirty Percent Instead of Not to Exceed One-Third of the Contract Amount.**

Mrs. Parker asked if making the change could result in any advantage to the Town.

Mr. Meich, legal counsel, said he objected to the amendment and recommended the Board not approve it. He said the item was submitted by Mr. Kohbarger per the request of Mr. Holbrook only.

**Mrs. Parker motioned not to amend the contract.  
Mr. Kulkin seconded.**

Mr. Kulkin clarified this was an investment for the future, not a study and he had faith and trust in the dollars therefore he could not support a change.

Public comment was heard with one (1) speaking for the motion.

**Motion carried, 5-0.**

**12. Discussion and Possible Decision to Create a Town Manager Evaluation Form and Process.**

Mr. Kohbarger stated Pool Pact had been contacted to create an evaluation form however they would not be able to do so until November, therefore three examples had been included in the backup.

Dr. Waters stated there were parts of each he liked.

Mr. Kohbarger suggested each member submit requests to him so he could bring the item back on the following Town Board agenda with Board suggestions compiled within the form.

Mr. Darby, Dr. Waters, and Mr. Kulkin all agreed with the suggestion.

Mrs. Endersby expressed concern that the process may not coincide with the timelines the Board needed to meet.

Mrs. Parker stated she felt any form worked just as well as another as long as comments were made. She also commented the process was not lengthy therefore there was no sense of urgency on the item.

Mr. Darby stated he would like to see forms compiled by Board member suggestions and requested each of the forms be forwarded to Board members so they could easily take bits and pieces.

Dr. Waters read part of Mr. Kohbarger's contract concerning timelines. He stated it was important to follow the timeline but they needed to make sure everything was in order.

**Mr. Kulkin motioned that form number one be used as the template for Town Board members to submit changes to Mr. Kohbarger no later than noon Monday and for that item to be compiled and brought back by staff at the next Town Board meeting.  
Dr. Waters seconded.**

Mr. Darby said he didn't see how any Board member couldn't fill out any of the forms included in the backup at that point in time therefore he did not feel a time constriction

No members of the public chose to comment.

**Motion carried, 5-0.**

**13. Discussion and Possible Decision Consent agenda items:**

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- d) *Action – Approval to Accept Mr. David Yoder to the Community Center Taskforce AB.*
- e) *Action – Approval to Accept Mr. Patrick K. Michel to the Pahrump Tourism & Convention Council AB.*
- f) *Action – Approval to Accept the Resignation of Bill Dolan from the Pahrump Veterans Memorial Advisory Board.*
  - a. (item was heard as 3.5)

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

- a. *Special Town Board Meeting to review Contour Report: October 3, 2011 7:00 p.m.*
- b. *Town Board Retreat: October 4, 2011 Noon to 8:00 p.m. Mesquite, NV.*

Mr. Darby made mention the October 3<sup>rd</sup> meeting had been cancelled.

Mr. Kohbarger asked the Board be at the Meeting area in Mesquite for the October 4<sup>th</sup> retreat by 11:30am taking into consideration an approximate three hour drive.

**15. Staff's Comments**

Mrs. Endersby asked for clarification as to the Bob Ruud Community Center and any efforts to look at Brownfield grants.

Mr. Kohbarger said Mr. Luis would meet with Bec Environmental the following day and had already contacted Converse for an RFP on the roof repairs.

Mrs. Endersby inquired as to how the pool concrete would be repaired.

Mr. Kohbarger stated the deck was part of the warranty and contract therefore it would be repaired at no additional cost to the town.

Mrs. Endersby also asked about the business license ordinance and if there was a timeline.

Mr. Kohbarger said it would be done by the last meeting in October.

Mr. Kulkin asked if Mr. Kohbarger could find some Detroit Diesel motors the following morning. He also mentioned the meeting cancelation to hear the final report from Contour Entertainment.

Mr. Kohbarger said he would look into Detroit Diesels the next time he was in the office as he had scheduled to be out until the following Monday.

Mr. Meich stated the recommendation was for the Board to hear the Contour report on October 11<sup>th</sup> in a regular public meeting.

Mr. Kohbarger said it was requested that public questions be submitted to the Town Board and/or staff in writing so they could be answered in writing from the Board or Contour Entertainment. A report would be submitted in conclusion with questions and answers.

Mrs. Parker said people seemed to appreciate receiving written responses and suggested the questions and answers be available online for all to read.

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

Dr. Waters said he had spoken with the warden and received information concerning the Southern Nevada Detention Center. He mentioned the NCSD had offered to do parade control however the Sherriff had said they were not trained or qualified to do this.

He also requested they make sure when PTO 35 was revised it be easier for all agencies to be in compliance with the Business License Ordinance.

**17. Adjournment**

Mr. Darby adjourned the meeting at 11:22pm.