

**PAHRUMP TOWN BOARD MEETING  
NYE COUNTY ADMINISTRATIVE COMPLEX  
2100 E WALT WILLIAMS DRIVE  
TUESDAY – 7:00 P.M.  
June 12, 2012  
MINUTES**

PRESENT:

Town Board:

Vicky Parker  
Harley Kulkin  
Dr. Tom Waters  
Mike Darby

Staff:

Bill Kohbarger, Town Manager  
Scott Lewis, Fire Chief  
Matt Luis, Buildings & Grounds Manager  
Brett Meich, Attorney  
Tracy DiFillippe, Attorney

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

Vicky Parker called the meeting to order.

Tom Waters led in the moment of silence and Pledge of Allegiance.

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

Dr. Waters asked item 11 and item 10 be reversed.

Harley Kulkin agreed.

There were no objections.

Mike Darby asked Public comment be made for each item with the exception of the consent agenda.

Mr. Kulkin agreed for items 10 and 11.

Dr. Waters said he was not opposed.

The change was granted for items 10 and 11.

3. Presentation of Certificate to a Pahrump Valley Youth, Mr. Alec Hornbuckle for his accomplishments within the Valley.

Dr. Waters read the certificate aloud.

Mr. Hornbuckle elaborated on his accomplishments and thanked the Town Board for awarding him with the certificate.

4. Announcements

Announcements were read by Dr. Waters.

Mrs. Parker announced California Energy Commission staff would conduct a workshop for the proposed Hidden Hills solar project at the Library the following Thursday from 10am – 7pm.

Mrs. Parker also spoke of events for Pahrump's 50<sup>th</sup> Birthday Party.

Mr. Kulkin thanked Dr. Waters for taking him to see the new VA Hospital in Las Vegas. He proceeded to give information on the hospital. He also announced a new clinic for the VA was in the works for Pahrump.

Bill Carns announced the Nye County Republican Central Committee would be holding their monthly meeting the following Saturday at the new NCRCC headquarters.

Sam Jones announced the Liberty and Freedom truck would be at the Bob Ruud Community Center for petitions until the end of June.

Rodney Camacho announced the Pahrump Valley Youth Activities would be starting their summer program on Monday, June 18<sup>th</sup>.

#### 5. Public/Board/Staff Comment

Public comment was heard.

Dr. Waters stated he had received a message concerning the detention center. He verified with the warden, no detainee had been, could be, or would be released from Pahrump and that all belongings to detainees were taken with them to any court proceeding by a federal court which could result in their release. He said this was an agreement which could not be broken.

Dr. Waters also stated 78% of votes made by the Town Board in 2012 had been unanimous.

Lastly, Dr. Waters spoke of water rights on the Kellogg Property.

Mr. Darby apologized for any calls which were not received or returned on his town cell as it had been misplaced resulting in a flat battery before it could be found. He said it had been found and charged so he could receive calls.

Mr. Kulkin said although he estimated something around 200 people in attendance at the meeting, there were about 37,000 people in town therefore the idea that the Board should do what those in attendance wanted did not properly represent the citizens of Pahrump as they were a small percentage. He asked citizens to work together for the future of the children in Pahrump.

Mrs. Parker congratulated Fire Chief Lewis on completing his Masters Degree in Public Safety Emergency Management.

#### 6. Discussion and Possible Decision Consent agenda items:

- a. *Action – Approval of Town Vouchers.*
- b. *Action – Approval of Town Board Minutes for May 22, 2012 and Town Final Budget Hearing Minutes for May 18, 2012.*
- c. *Action – Approval of Accepting Mr. Tazo Schafer to the Pahrump Nuclear Waste and Environmental Advisory Board.*
- d. *Action – Approval of Resolution 2012-09, a Resolution for non-financial support for the efforts to provide transitional housing under the direction of the Nye Communities Crisis Intervention Committee.*
- e. *Action – Approval to Accept the renewal proposal from the Nevada Public Agency Insurance Pool (POOL) and approval for payment from the fiscal year 2012-2013 funds Not to Exceed \$191,000.00 from the General Fund and All Matters Properly Related Thereto.*
- f. *Action – Approval of the Family Movie Night in the Park Series Program in an amount not to exceed \$10,000.00 from the Parks Room Tax Fund.*
- g. *Action – Approval to close out the following completed Town Board Goals:*
  - i. *#3 – Revise Business License Program;*

- ii. #12 – Bob Ruud Community Center Roof Repairs and/or Construction of a New Community Center;
- iii. #26 – Develop w/Town Board Long and Short Term goals for the Town of Pahrump; and
- iv. #29 – Name badges for office personnel. Make Current the Town Board member list/plaque in Town Office.

**Dr. Waters motioned to approve.**

**Mr. Kulkin seconded.**

**Motion carried, 4-0.**

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

Dr. Waters announced the new members of the Youth Advisory Board.

8. Discussion and Possible Decision to Approve Establishing a Cost Recovery Account (CRA) for the Bureau of Land Management (BLM) for the completion of the Environmental Impact Statement (EIS) for the Town's proposed airport in an amount not to exceed \$62,000.00.

Mrs. Parker asked if \$62,000 was a high dollar estimate.

Mr. Kohbarger clarified it was.

Mr. Darby asked it be made aware for the public that part of the EA study and report would be used in the EIS. He also wanted it made aware funding would come from the Economic Development Room Tax Fund.

Mr. Kulkin verified with Mr. Kohbarger this was a rare opportunity for the Town to obtain this large amount of land (650 acres) for such a small price.

Mr. Kohbarger said they were finishing up Phase 1B of the EIS and moving forward to Phase 1C.

Mrs. Parker verified the airport property was located by the California border away from the residential areas of Pahrump. She also asked if there was a high demand for this airport.

Mr. Kohbarger verified there was in fact a high demand from the local and Las Vegas areas. He also stated it would be around 2016 once the airport was fully functional.

**Dr. Waters motioned to approve authorizing the Town Manager to execute an agreement with the BLM to establish a Cost Recovery Account related to their review of the Airport Environmental Impact Statement in an amount not to exceed \$62,000 payable from the Economic Development Fund.**

**Mr. Kulkin seconded.**

**Motion carried, 4-0.**

9. Discussion and Possible Decision to Select, Award, and Approve Funding for Bid #2012-01 for the Field "C" Lighting Project Payable from the Park Impact Fees and Other Matters Properly Related Thereto.

Mr. Kohbarger introduced Derik Yoro of GC Wallace and Matt Luis, Pahrump Buildings and Grounds Manager.

Mr. Luis gave a history of the C Field project. He also spoke of the system which the lights would operate on.

Mrs. Parker asked if there was a higher demand for field usage than the Town could supply. Mr. Darby confirmed this was in fact true.

Dr. Waters stated he felt he needed more information.

Mr. Kohbarger detailed the process by which the decision to award the Bid had been made.

Dr. Waters asked for verification that all specifications had been made by both submitted bids.

Mr. Luis confirmed.

Dr. Waters said as price was the differing factor by over \$250,000, he liked the price submitted by GC Wallace.

Mr. Kulkin said he did not understand why there was such a large difference in price and if this affected the quality of service and/or product.

Mr. Yoro stated that when in a time constraint numbers were sometimes thrown around however the difference in price in no way affected the quality of service or product. He said the warranty would be a 25 year program.

Mr. Darby said he knew a contractor in Las Vegas who had bid on a luxury project and was told he needed to double his bid price three times therefore he felt you could not look at the prices as an indication of quality.

**Mr. Darby motioned to approve funding for Bid #2012-01 for the field "C" lighting project in an amount no more than \$250,000 payable from the Park Impact Fees to LaHaye Electric and all matters properly related thereto.**

**Dr. Waters seconded.**

**Motion carried, 4-0.**

**10. Discussion and Possible Decision to Adopt an Ordinance to Repeal Pahrump Town Ordinance No. 46 and Other Matters Properly Related Thereto.**

*(heard as item 11)*

Mr. Meich explained how the PTO 46 violated various NRS's.

Mrs. Parker said her problem with the Ordinance was that it was challengeable and there was no purpose to have it on the books as it was not enforceable.

Dr. Waters asked the steps to repeal.

Mr. Meich stated the process of repealing the ordinance was the same as passing one.

Mr. Darby stated he liked to have time to research items and had not had the time to do so since his meeting with legal earlier in the day.

Mr. Kulkin stated he felt certain items within the Ordinance made no sense such as the item that Pahrump could not be incorporated in pieces and also that if someone wished to contest the Ordinance they would need to pay \$20,000 in legal fees.

Mr. Meich stated it was his opinion the Town Board had the authority to repeal the Ordinance in spite of the section within the Ordinance forbidding it. This was because one legislative body did not have the authority to bind a separate legislative body and because NRS Chapter 269 defined the method to adopt or repeal an Ordinance.

Dr. Waters said he had received about 25 (twenty five) calls about the item. He asked citizens who believed PTO 46 was created because of Vicky Parker to do the math because the Ordinance was created in 2005 with Vicky not even running for Town Board until 2008.

He said he received a lot of calls and spoke to all who called him and usually those citizens listened to him and found they did not know certain information before placing the call. He asked people give calls to the Town Board members prior to meetings because the Town Board had done their research and although they did listen, it was unlikely they would change an opinion at the meeting especially if they could not do research on a statement.

Mr. Kulkin asked if it was necessary to adopt an ordinance to repeal the ordinance.

Mr. Meich clarified they would be voting on an ordinance to repeal PTO 46.

**Mr. Kulkin motioned to repeal PTO 46 and all matters properly related thereto.**

**Dr. Waters seconded.**

Public comment was heard.

Dr. Waters said it was part of the Goals and Objectives for staff to review all Ordinances and Resolutions on the books to ensure they were all constitutional and upheld. He said it should have been seen this would be coming.

Mr. Darby stated he had asked legal counsel in his meeting if in fact PTO's 1 – 45 had all been deemed in order, legal, and Constitutional to which he could not be given an answer as they did not know if the other 45 Ordinances had been reviewed as PTO 46 had been discovered by the Chair. He said he did not feel comfortable voting on this item as there were still several things he would like to research for himself.

Mr. Kulkin said no one had declared anything contained within PTO 46 unconstitutional but that was not the issue. The issue was they were taking a look at an Ordinance which was on the book. He said he did not like the Ordinance because he believed it was not fair to all people and favored those who did not favor incorporation. He said he felt everyone should be able to vote.

Mrs. Parker said if it was even questionable to be unconstitutional and was not enforceable that was reason enough to take it off of the books.

**Motion carried, 3-1, with Mr. Darby voting nay.**

Dr. Waters asked if all other Ordinances had been looked into.

Mr. Kohbarger responded they were currently looking into all Ordinances and this particular Ordinance was brought to their attention by a citizen which resulted in Mrs. Parker's decision to place an item for repeal on the agenda.

A citizen attempted a citizen's arrest of three of the four Town Board members.

Deputies advised the citizens to give witness statements outside of the building at that point in time.

**11. Discussion and Possible Decision to Approve Resolution 2012-11, a Resolution to Establish a Town Board Policy in Favor of the Public's Right to Vote for or Against Any Effort to Incorporate the Unincorporated Town of Pahrump.**

*(heard as item 10)*

Dr. Waters said he would like to add the words "the issue of" and in paragraph four the words "yea or nay".

He proceeded to read the resolution.

Dr. Waters said he had hoped to have this in affect for a long time as he had stated many times, 48% of citizens had not voted on Incorporation previously. He said they needed to let the people vote.

Mr. Kulkin said as some citizens seem to believe the Town Board was trying to 'back-door' the item of incorporation. He asked Mr. Meich if this was even possible because to his knowledge it was not. Mr. Meich said according to NRS Chapter 266 a vote was required. He said there was the avenue of a special Charter by the State Legislature however to his knowledge no one was pursuing such a Charter.

Mr. Kulkin said he wished to re-write the third whereas to state the Town Board of Pahrump will not seek any method of incorporation or annexation that does not include a vote of the registered voters within the Town of Pahrump affective area boundaries.

Mr. Kulkin stated all citizens had the right to vote if they were or were not in favor of an item such as incorporation.

He also asked the Resolution be brought back as an Ordinance at a future meeting.

**Dr. Waters motioned to approve with suggested changes.**

**Mr. Kulkin seconded.**

Public comment was heard.

Mrs. Parker said this was an issue of passing a resolution, not going through with Incorporation.

Dr. Waters reiterated Mrs. Parker's comment.

Mr. Darby said in his meeting with the Town attorney earlier that day more questions were raised in his mind and with little time to research after the meeting to be comfortable with voting, he would be abstaining from voting.

Mr. Kohbarger stated Mr. Darby needed to have a valid reason for abstaining from the vote.

Mr. Meich said Mr. Darby could indicate his position and vote no if he would like and should the motion fail, he could bring it back at a later date.

Mr. Kulkin asked if the motion could state it would be brought back if the ordinance with item 10 tabled until such time as part of the new ordinance could say it would retire PTO. 46.

Mr. Kohbarger informed Mr. Kulkin they could motion to direct staff to bring back Resolution 2012-11 as an ordinance and then motion to table item 10 once they had reached discussion on the item.

**Motion approved, 3-1, with Mrs. Parker noting Mr. Darby voting nay.**

A ten (10) minute recess was called.

**12. Discussion and Possible Decision to cancel the Town Board meeting set for July 10, 2012 or to schedule the meeting as an Advisory Board Update Workshop.**

Mrs. Parker said with various members of staff traveling in the first weeks of July along with quarterly reports being due, it would be desirable to change the meeting into an advisory board workshop.

**Dr. Waters motioned to cancel the Town Board meeting set for July 10, 2012 and set up an Advisory Board Update Workshop in its place.**

**Mr. Kulkin seconded.**

**Motion carried, 4-0.**

Mrs. Parker called for a five (5) minute recess per Mr. Kulkin's request.

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

**14. Public/Board/Staff Comment**

Mr. Kulkin thanked all in attendance for attending the meeting.

Public comment was heard.

**15. Adjournment**

Mrs. Parker adjourned the meeting at 10:47p.m.