

**PAHRUMP TOWN BOARD MEETING  
NYE COUNTY ADMINISTRATIVE COMPLEX  
2100 E WALT WILLIAMS DRIVE  
TUESDAY – 7:00 P.M.  
March 27, 2012  
MINUTES**

PRESENT:

Town Board:

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

Staff:

Bill Kohbarger, Town Manager  
Michael Sullivan, Finance Director  
Matt Luis, Buildings & Grounds Manager  
Brett Meich, Attorney  
Samantha Carns, Executive Assistant

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).

There were no requests to move or delete agenda items.

3. Announcements

Announcements were read by Dr. Waters.

Carolene Endersby announced her resignation effective immediately and proceeded to read a prepared statement as to her reasoning. She exited the chambers.

4. Public/Board/Staff Comment: Action may not be taken upon matters considered during this item until specifically included on an agenda for action. – NRS241.020(2)(c)(3).

Public comment was heard.

Mrs. Parker addressed comments made by the public. She then announced that all the cases Mr. Anthony Greco had initiated against various Town officials had all been dismissed.

Dr. Waters spoke of intersections individuals had spoken of to him which included the highways. He stated most of the intersections were also being looked at by NDOT. He asked if any citizens had ideas concerning these intersections they convey them to someone who could speak with NDOT such as Mr. Kohbarger.

Mr. Kulkin said he would like to look into the opportunity of having the Town Board meetings on television once again. He continued by addressing comments made by the public. He addressed Mrs. Endersby's statement saying he was not surprised by it however he was disappointed in her resignation and comments, some of which he considered personal. He

commended Mrs. Parker and Mr. Darby for carrying out their positions on the Town Board as there were not many previous members of the Board who fulfilled their full four year term.

Mr. Darby mentioned Mr. Kulkin had spoken in a poor light of Mrs. Endersby's resignation however he himself had expressed that should he succeed in being elected to State Senate would resign from the Board.

Dr. Waters stated the Board did have times where they did agree to disagree. He asked Town Board candidates to run on platforms which did not wrongfully state the occurrences of the current Board which may have been present with previous Boards. He asked citizens support the good people running for Town Board as individuals.

5. Discussion and Possible Decision Consent agenda items:

- a. *Action – Approval of Town Vouchers.*
- b. *Action – Approval of Town Board Minutes for March 13, 2012.*
- c. *Action – Approval of Accepting Mr. Rick Tretter to the Pahrump Public Land Advisory Board.*

**Mr. Darby motioned to accept.**

**Dr. Waters seconded.**

**Motion carried, 4-0.**

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

Mr. Darby stated he turned the letters of middle school students to the Parks and Recreation Board as requested.

Donna Cox of the Boundary Line Advisory Board said the previous meeting did not have a quorum. She then gave her resignation of the Boundary Line Advisory Board effective immediately as she would be dedicating her time to her campaign for Nye County Commissioner. She thanked all for the opportunity of serving on the Board.

John Pawlak, Chair of Nuclear Waste and Environmental Advisory Board, stated they were working with other organizations, groups, boards, and individuals including the BLM and Native American communities for the Earth Day event. He said this would take place from 10am - 4pm on April 21st at Ian Deutch Memorial Park.

7. Discussion and Possible Decision to Approve a Fuel Surcharge Rate Adjustment of 1.75% for Pahrump Valley Disposal pursuant to PTO 43 Sections 43.020 and 43.270(C).

Mr. Darby disclosed he was an employee of Pahrump Valley Disposal.

Mr. Groesbeck spoke of the events which brought them to ask for the adjustment and the process they went through for the refueling of their fleet.

Mrs. Parker mentioned Pahrump Valley Disposal has come before the Board for rate adjustments downward as well as upward.

Dr. Waters said as he understood exactly what Mr. Groesbeck had explained.

Mr. Darby said as he was an employee of Pahrump Valley Disposal, he knew when the company ordered fuel they normally ordered a double tank. He said Las Vegas Diesel II was 30 cents higher per gallon than in Pahrump.

Mr. Kulkin clarified this would only affect bills by 21cents.

**Mr. Kulkin motioned to approve.**

**Dr. Waters seconded.**

**Motion carried, 3-0-1, with Mr. Darby abstaining from voting as advised by Legal Counsel.**

8. Discussion and Possible Decision to Approve Sending a Letter of Support to the Bureau of Land Management (BLM) pertaining to the Sale of 120 Acres of Public Land adjacent to Spring Mountain Motorsports Ranch.

Mrs. Parker stated she had put this agenda based on comment and information from Mr. Huff as this would aid in the growth of Pahrump including the fairgrounds property.

**Dr. Waters motioned to do so.**

**Mr. Darby seconded.**

**Motion carried, 4-0.**

9. Discussion and Possible Decision to Approve Scope of Work for GC Wallace to provide for Pre-bid and Construction Administration for the Petrack Park Lighting Design (Field C) not to Exceed \$24,000 payable from Park Impact Fees.

Mrs. Parker asked if one of the reasons Field C was not used was due to lighting.

Mr. Luis confirmed this was why it was not used completely however the field was regularly used. He said the demand for fields was huge with the lighting of Field C in the works for three (3) years.

Mr. Darby said, as he was the Parks and Recreation liaison, he knew Field C was regularly used during daylight hours and had a demand for evening hours.

Mr. Kulkin said he felt very strongly about moving forward with Kellogg Park. He said he was worried that moving forward with this item could delay the development of Kellogg Park therefore he could not support the item in good conscience especially considering citizens on the south side of Town did not have a park available in close proximity to them.

Mr. Kohbarger made aware this item was a goal and objective voted on unanimously by the Town Board. He verified they were moving on with Kellogg Park however as they were dealing with two other agencies including the fish and wildlife service therefore they were held up.

Dr. Waters stated voting against the item would contradict what the Board had previously voted on the goals and objectives.

**Dr. Waters motioned to approve.**

**Mr. Darby seconded.**

Mr. Kulkin said he wanted to have a plan in place for Kellogg Park before he could support any upgrades to current parks.

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

**10. Discussion and Possible Decision regarding the future of the Pahrump Incorporation Advisory Board.**

Mr. Kohbarger spoke of the Incorporation Advisory Board's previous statements that they wished to be dissolved as their goal had been completed.

Dr. Waters said the IAB had given them an outstanding report as they completed their work. He stated they did not want to lose the expertise of these individuals however as they wished to be dissolved that needed to be supported.

Mr. Darby stated that as the IAB had fulfilled their purpose and this was supported.

Mr. Kulkin and Mrs. Parker each thanked the IAB for all of their services.

**Mr. Kulkin motioned to approve.**

**Mr. Darby seconded.**

**Motion carried, 4-0.**

**11. Discussion and Possible Decision to Approve Resolution #2012-03, A Resolution Supporting the Construction and Operation of Bright Source Energy Solar Electric Generating System (HHSEGS) site located in Inyo, CA.**

Dr. Waters deferred to the Chairman of the Nuclear Waste & Environmental Advisory Board, Mr. John Pawlak.

Mr. Pawlak stated they had several very educated professionals and scientists on their board each of whom considered and listed to citizens in the professionally written resolution which was before the Town Board.

Dr. Waters read the resolution aloud.

Mr. Kulkin stated a project of this magnitude would be a great asset to Pahrump.

**Mr. Darby motioned to approve Resolution 2012-03.**

**Mr. Kulkin seconded.**

**Motion carried, 4-0.**

**12. Discussion and Possible Decision to Approve Funding for the Nuclear Waste and Environmental Advisory Board's Annual Earth-Day Festival in an amount not to exceed \$1,000.00 from the Economic Development Room Tax Fund.**

Mrs. Parker stated Earth Day was an annual event which the Town consistently organized and supported through the PNWEAB.

Mr. Pawlak spoke of the event adding many organizations did this in conjunction with the Town to help support and put on this event.

Dr. Waters, Mr. Darby, and Mr. Kulkin each said they appreciated that the PNWEAB consistently decreased the costs to the Town for the annual Earth Day event.

**Mr. Kulkin motioned to approve.**

**Dr. Waters seconded.**

**Motion carried, 4-0.**

13. Discussion and Possible Decision to Add Sub-Section 6.1.1 to Town Board Policy stating, “When a vacancy occurs within an Officer position of the Town Board, the Town Board at the next available Town Board meeting will select a member to fill that vacancy by vote of the Town Board. In the interim the next officer in line will automatically step up to assume the roles and duties of the vacant position.”

Dr. Waters referenced his statements at previous Town Board meetings.

Mr. Darby said he believed this was a fantastic idea and very well written.

Mr. Kulkin said he appreciated the intent however he did not agree with the change.

Brett Meich, Legal Counsel, said the Town Board was in safe footing with the recent decisions as they had followed Robert's Rules of Orders however they could change the policy as suggested Dr. Waters.

Dr. Waters said nothing was currently in the Town Board policy and this was his suggestion.

Mrs. Parker said as various Boards had voted to support Robert's Rules this is what they had done.

**Dr. Waters motioned to accept as written.**

**Mr. Darby seconded.**

**Motion did not pass from a tie vote, 2-2, with Mrs. Parker and Mr. Kulkin voting nay.**

14. Discussion and Possible Decision to Add to the Town Board 2011-2012 Goals and Objectives, Item #30 – Review all Town Resolutions to assure practicality and currency.

Dr. Waters thanked Donna Cox for bringing this item to his attention as previously approved Resolution was in violation of NRS. He said this was embarrassing for the Board to not have seen these themselves.

Mr. Darby said there were around 200 Resolutions made by the Town Board throughout the years and needed to be looked at.

Mr. Kulkin agreed.

Mr. Kohbarger said as Mr. Darby brought up the vast number of resolutions, perhaps a committee could be formed of two town board members, the town manager, a member of town staff, and legal counsel work together to work toward this on a weekly basis.

**Dr. Waters motioned to approve.**

**Mr. Darby seconded.**

**Motion carried, 4-0.**

Mr. Kulkin expressed he would like to volunteer to the committee. Dr. Waters said he would also serve on the committee.

15. Discussion and Possible Decision to Approve Resolution #2012-04, A Resolution Adopting a Fee Structure for the Bob Ruud Community Center.

Mr. Luis stated this was a project from staff after he, Mr. Kohbarger, and Ms. Carns had done research of fee structures in various communities throughout the state.

He said they had struggled with many issues, one of which was the payment of fees for non-profits and having looked at this

Mr. Kohbarger verified Ms. Carns had put a lot of research and work into the item and the process involved many meetings including one of Mr. Sullivan.

He said this was an attempt to not bleed the budget of the general fund so much in order to do all that needed to be done to operate the BRCC.

He said while the deficit was \$41,879, this would only bring in around \$12,000 to aid in maintaining the building. We would still be approximately \$30,000 behind on fees. He said he believed the Town should move forward with this.

Dr. Waters said his biggest concern was non-profits however knowing the committee had worked diligently he agreed however he wished to add in "any organization utilizing the Bob Ruud Community Center on a recognized holiday in the months of November and December for the benefit of the community may get that day's use for free."

Mr. Darby asked if the \$41,879 included the fees it cost to organize the Town Board meeting within the Ruud Center.

Mr. Kohbarger said this was not included.

Mr. Kulkin said he had come up with a few ideas to share with the Board. He addressed Dr. Water's comment stating that should an organization wish to be sponsored by the Town could ask for this from the Board and should it be granted, they would not need to pay for any event. He also said he was against renting the building for private functions and felt it should only be used for events available to the whole community or just for governmental use.

Dr. Waters said he felt a community center was for the community to use. He asked it just be used on those two days.

Mr. Darby said he felt the Town needed to do something to recoup at least some of the costs and this would be the beginning.

Staff confirmed weekend events were normally organized by private individuals rather than general community and non-profit organizations. They also stated there were rarely conflicts where a non-profit or event for the general community could not hold their function on a particular date due to a private functions. The rare occasions a date was not available, the non-profit or general community function was able to successfully schedule a separate date.

Mr. Darby motioned to approve.

Dr. Waters seconded and then rescinded his second.

Motion died.

**Dr. Waters motioned to approve adding the statement 'Any organization utilizing the Bob Ruud Community Center on a recognized National holiday for the purpose of serving the citizens of Pahrump will get that day's use for free'.**

**Mr. Kulkin seconded.**

**Motion carried, 4-0.**

**16. Discussion and Possible Decision to Approve Resolution #2012-05, A Resolution to Update the Policy and Guidelines for Rules of Procedure at Pahrump Town Board Meetings.**

Dr. Waters said he wished to change the words under item 3 to state "under public comment periods."

Mr. Darby said the wording of the section was confusing as a presenter was regularly categorized as a person giving a presentation. He said he felt the term should be changed to "members of the public". He asked if this would leave the decision of public comment on each item up to the Chair. Mr. Kohbarger stated staff said this could be left or removed from the policy.

Mr. Meich said the Board is always free to go above and beyond the requirements of the Open Meeting Law by having public comment at the beginning, the end, and after each agenda item if they so chose.

**Dr. Waters motioned to approve with the changes being adding the word "periods" after public comment and replacing the term "public presenters" to "members of the public".  
Mr. Kulkin seconded.**

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

**17. Discussion and Possible Decision to Approve Resolution #2012-06, A Resolution Designating Daniel C. MacArthur Ltd. as the Town's External Auditor for the Fiscal Year 2011-2012 and Approving the Proposed Engagement Letter.**

Mr. Kohbarger said this was basically housekeeping stating Mr. MacArthur had been servicing the Town for many years and staff was very happy with this.

**Dr. Waters motioned to approve.  
Mr. Darby seconded.**

Mr. Kulkin said he was very impressed with Mr. MacArthur and felt he did a great job.

**Motion carried, 4-0.**

**18. Discussion and Possible Decision to Approve to Transfer Ambulance Fund Delinquent Accounts for December 2011 through February 2012 for Further Collection and Related Accounting Adjustments.**

**Mr. Darby motioned to approve.  
Dr. Waters seconded.**

Mr. Kulkin stated it was sad to be such a continuance and somewhat of a raise in the number of people unable to pay their bills.

**Motion carried, 4-0.**

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

*Town Board Retreat – March 29, 2012 @ 9:00 a.m. Mt. Crest Community Center, 4701 North Durango Las Vegas, NV  
Preliminary Budget Workshops – April 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> at 6:00 p.m. at the Town Annex.*

**20. Public/Board/Staff Comment**

Public comment was heard.

Dr. Waters said he felt there were very valid questions from members of the public and he hoped if they did not receive answers during the meeting they did at a later date.

Mr. Darby asked for verification on the process for appointment of a new Board member. Mr. Kohbarger detailed the process.

Mrs. Parker said it is at the discretion of the Governor whether or not to accept the Board's recommendations.

Mr. Kulkin said he felt it was unfair the public did not contact the Board or staff to receive answers prior to the meeting and then accusing they did not have the opportunity due to the structure of public comment.

He also said he personally called other communities around the state concerning community center and facility usage. He said one of those communities did not accept a deficit at all on the facilities. He said he had spoken with staff to put janitorial supplies out to bid. He wished Mrs. Endersby well in the future.

Mrs. Parker addressed a comment stating that Bright Source would in fact bring people to Pahrump as it was by far the closest place to the facility.

Mrs. Parker said it was her understanding staff called community centers of other communities to see what they were charging and had in their policies. She also wished Mrs. Endersby well in whatever endeavors she chose to follow. She thanked her for serving on the Board.

Mr. Meich said it was his legal opinion the Town of Pahrump did have the ability to rent or lease space. He also stated the topic of point of order had been addressed in the revision.

**21. Town Manager Report.**

There were no questions on the report.

**22. Adjournment**

Mrs. Parker adjourned the meeting at 9:34 pm.