

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

MAY 10, 2011

MINUTES

PRESENT:

Town Board:

Mike Darby
Vicky Parker
Carolene Endersby
Harley Kulkin
Tom Waters

Staff:

Bill Kohbarger, Town Manager
Brett Meich, Attorney
Matt Lewis, Building and Ground Manager
Al Balloqui, Community Business Economic Development
Scott Lewis, Fire Chief

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

Mike Darby 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).

Vicky Parker asked to move all consent agenda items to item 2.5.

Carolene Endersby asked to delete items 19, 20, and 21 to be brought back at a later date.

Items moved.

2.5 Discussion and Possible Decision Consent Agenda Items:

- a. Action – Approval of Town Vouchers.*
- b. Action – Approval of Town Board Minutes for April 26, 2011.*
- c. Action – Approval to accept Ms. Penny Hensel to the Pahrump Veterans Memorial Advisory Board.*
- d. Action – Approval to accept Ms. Andrea Sposato and Ms. Vanessa Ruiz to the Pahrump Youth Advisory Board.*
- e. Action – Approval to accept Mr. Duane D. Clasen, Mr. Rodney Camacho, Mr. David Harris, Mr. Gary Thompson and Mr. OJ Palmer to the Pahrump Parks & Recreation Board.*

- f. *Action – Approval to fund the 11th Annual Pahrump Town Clean-up to purchase advertisement in local newspapers in an amount not to exceed \$2,000.00.*

(was item 22)

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

Dr. Waters spoke on item c, informing those present that Ms. Hensel was voted unanimously to become a member of the Veteran’s Memorial Advisory Board as both the first female and the first non-veteran to sit on the Board.

Mrs. Endersby asked the Youth Advisory Board members, all seven of whom were present, to come forward.

Andrea Sposato and Vanessa Ruiz each expressed gratitude and excitement to be on the Board.

Motion carried, 5-0.

3. Announcements

Announcements were read by Mrs. Endersby.

Paula Glidden from PAVED spoke of May West Fest, saying it was a great success which brought in a lot of people from outside of Pahrump. She added that tickets for the Pahrump Fair and Festival would go on sale May 15th.

Sandy Jennings from the VITA program thanked everyone who supported them throughout the tax season, announcing the program had brought in over \$1,108,000 in refunds which would effectively be put back into the community.

Phil Huff remembered the recently late Harry Ford. He also announced on May 14th the Museum would be hosting their second to last lecture in this year’s lecture series.

Pastor Ron Fairbairn from the Community Outreach Committee stated that the organization would be serving a lunch during their meeting at 1061 E Second Street on May 11th at 11:30am. He said they were putting together a strategic plan to aid families with children with expressed concern for young people and families in the community.

4. 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.

5. Town Board Member’s Comments

Dr. Waters clarified some confusion on Open Meeting Law and what constitutes as a violation. He informed the public that a violation of Open Meeting Law only pertains to information discussed concerning agenda items. For this reason, the Town Board members

tend to separate themselves from one another when in the same vicinity as not to provoke confusion.

Dr. Waters also took the time to thank the public for sending e-mails and information to the Town Board members.

Mrs. Endersby addressed a newspaper article stating staff had no intention of keeping citizens from speaking openly.

She spoke of a workshop she attended by Pool Pact concerning information risk management. She offered material to be passed on for management of records as they need to be organized and accessible.

Mr. Darby asked staff to get permission from Pool Pact to copy and distribute the information supplied by Mrs. Endersby.

Mr. Kulkin thanked staff for organizing the production of a town banner, which had been completed. He also said citizens needed to look at topics from all sides without tunnel vision. Addressing the article, he stated successful businesses and departments usually had PR management. Finally, he asked that the Town and citizens work collectively as a team to get together and realize the efforts and importance toward economic development and career opportunities. He said a beginning step in a positive end result was to stop bickering over small matters and come together.

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

Mr. Kulkin mentioned the first meeting of the Boundary Line Advisory Board would take place in the Town office on May 12th at 6:30pm. He encouraged citizens to be in attendance.

Mrs. Parker said the Tourism Board had met the previous week and were working with staff to promote Tourism. She told citizens that fourteen proposals had come in for the RPF video which would include a thirty second, sixty second, and five minute promotional video.

Dr. Waters said the Veteran's Memorial Advisory Board had been doing a lot for the Town including organizing the placement of an F-4 airplane and two Howitzers in the veteran's area of Chief Tecopa Cemetery.

John Pawlak of the Nuclear Waste and Environmental Advisory Board spoke of the 11th Annual Town Cleanup which had taken place on May 7th. He thanked the Town Board members who were present at the cleanup and announced the Chairman and Secretary of the Advisory Board were in the process of preparing a press release containing a figure of how much trash had been picked up around town.

Mr. Darby added that the preliminary account was 11.14 tons of trash.

Mr. Pawlak thanked Mr. Darby and Pahrump Valley Disposal for playing such a tremendous part in the cleanup day.

7. Town of Pahrump Economic Development Report.

There were no questions on the Economic Development Report.

8. Discussion and Possible Decision to Approve a Proclamation to Assist the Efforts of Mr. Butch Harper, Pahrump Citizen in Supporting His Endeavor to Ensure a Military Family, Pay Grade E-4 or Below, to Have a Merry Christmas in 2011.

Mrs. Endersby read the proclamation addressed to Mr. Harper.

Mr. Kulkin motioned to approve.

Dr. Waters seconded.

Motion carried, 5-0.

Mr. Harper gave acknowledgement to military personnel, all of whom willingly volunteer themselves for the job. He added that many of the members of active duty military protect us and still end up on food stamps, therefore helping them is the least we could do.

Mr. Harper finished by thanking the Veteran's Memorial Advisory Board.

9. Discussion and Possible Decision to Approve a Certificate of Appreciation for Marvin Minnick for All His Hard Work, Dedication and Technical Advice in the Area of Tourism to the Pahrump Tourism and Convention Council (PTCC), the Town of Pahrump and Town Staff.

Mrs. Parker announced Mr. Minnick was unable to be in attendance due to a prior family engagement, but said the certificate would be waiting for him at the Town Office.

Mr. Kulkin motioned to approve.

Mrs. Parker seconded.

Motion carried, 5-0.

10. Presentation by Ms. Susan Moore, Extension Educator University of Nevada Cooperative Extension on Wildfire Fire Preparedness Entitled "The Next Step in Wildfire Preparedness".

Susan Moore presented, sharing a twenty four (24) minute video on fire safety, precautions, and tips during wild fire season. After sharing concerns for home owners who lose their homes due to wild fires being left helpless, Ms. Moore offered books which summarized the information in the presented video.

Mrs. Endersby expressed appreciation for Ms. Moore, Fire Chief Scott Lewis, and the video presentation.

Chief Lewis spoke of BLM's fire initiatives along with brochures which were available.

Mr. Darby thanked Ms. Moore for information.

Mrs. Parker asked those individuals who tend to throw cigarettes out of their car windows to please stop, as it is a major hazard during fire season.

11. Discussion and Possible Decision to Approve a Contract with William A. Kohbarger or alternatively, to Approve a Job Description for Purposes of Seeking Applicants for the Position of Town Manager and All Matters Properly Related Thereto.

Mr. Kulkin said he had done an extensive amount of research as well as listening to and addressing concerns from citizens. After this, he felt confident in his conclusions and decision to move forward with a motion.

Mr. Kulkin motioned to offer Mr. William A. Kohbarger a one year contract as in the Backup with changes.

- **Page 1, Paragraph 2 – Change from the currently written four (4) months notice to three (3) months notice.**
- **Page 4, Paragraph 7 – Adding after “shall pay the remainder of the Town Manager’s salary for the year”, to state “or sixty days, whatever is less.”**
- **Page 4, also Paragraph 7 – Concerning health insurance, to add “or sixty days, whichever is less”**
- **Page 4, Paragraph 8 – Concerning termination with cause, to add “no notice is required and no severance will be paid. Health insurance coverage will continue for thirty (30) days. Any incurred annual leave will be paid within two (2) weeks.**
- **Page 4, Bottom area – Concerning what is deemed termination with cause, to add a number six (6) stating “Pattern of behavior deemed inappropriate by the majority of the Board.**

Mrs. Endersby mentioned the performance evaluation, section 12, stating in 2009 the Town Manager received less than three (3) points and was not terminated with only one (1) month notice, therefore it shouldn’t be in the contract if the Board did not intend to honor it.

Mr. Kulkin stated it applied to an average of the current Town Board.

Mr. Kohbarger added that the paragraph in question was not in the previous contract and that Mr. Kulkin had requested it be part of the new contract.

Dr. Waters said the paragraph needed to state the results would be on a scale of five.

Mr. Kulkin amended to add “on a scale of five (5)” to section 12 concerning Town Manager Evaluation.

Mrs. Parker seconded.

Mr. Darby commented that none of his requested and submitted changes had been added to the contract.

Brett Meich, legal counsel, stated that because this was Mr. Kulkin’s item, his changes were those added to the new contract.

Mr. Kulkin said he was open to hear Mr. Darby’s suggestions for changes.

Mr. Darby stated he was not prepared to move forward without his changes being added to the contract.

Dr. Waters added, stating when it was agreed for all five members to contribute to the drafted contract, they had been talking about a four year contract, however the contract on the floor being a one year contract, he had no problem and felt it was adequate.

Public comment was heard.

**Mrs. Endersby motioned to table until after a workshop.
Motion died due to lack of a second.**

Motion by Mr. Kulkin carried, 3-2, with Mrs. Endersby and Mr. Darby voting nay.

12. Discussion and Possible Decision to Approve the New Contract for Legal Services with Armstrong Teasdale, LLC and All Matters Properly Related Thereto.

Mr. Kohbarger presented the contract which Mr. Campbell had presented to him, with the exception of the topic of arbitration, which would not be included in the base fee.

Dr. Waters commented that the attorney included everything in the contract which he had asked for.

Mr. Kulkin said he had believed arbitration would be included, however the fees for legal counsel after he and Mr. Kohbarger met with the attorneys would go down from \$180,000 to \$120,000.

**Mr. Kulkin motioned to approve.
Mrs. Parker seconded.**

Dr. Waters said he had heard from the community the Town should look for \$120,000 per year contract, and that is exactly what the item was with the exception the Town would have approximately three hundred (300) lawyers at their disposal rather than only one (1).

Public comment was heard.

Motion carried, 3-2, with Mr. Darby and Mrs. Endersby voting nay.

Mr. Kulkin and Dr. Waters each addressed a combined total of five public statements concerning using the District Attorney, as the District Attorney would not be free for use by the Town of Pahrump as a member of the public had stated.

13. Discussion and Possible Decision to Approve the Recommendation of One Member from the Town of Pahrump Town Board or Town Staff to Participate as a Member of the Nye County Desert Tortoise Advisory Board.

Levi Kryder and Darrell Lacy both spoke of the development of a habitat conservation plan to be organized by the County, who had also advised staff to form the Desert Tortoise Advisory Board.

Mrs. Parker volunteered herself as she lived in the tortoise area and felt she would like to be involved.

Dr. Waters said he was going to suggest Mr. Kulkin as he was the liaison for the Public Lands Advisory Board, but after hearing Mrs. Parker he fully supported her with Mr. Kulkin perhaps acting as an alternate in the event Mrs. Parker could not attend.

Mr. Kryder said they were expecting to hold bi-monthly or possibly even quarterly meetings.

Mr. Kulkin motioned to nominate Mrs. Parker as the representative member to the Nye County Desert Tortoise Advisory Board, with himself as alternate. Dr. Waters seconded.

Public comment was heard.

Motion carried, 5-0.

14. Discussion and Possible Decision to Approve Placing Certificates of Appreciation/Achievements, Proclamations, and Awards, as Well as Items Involving the Presence of Children on the Agenda Starting at Item Number Three (03).

Mr. Darby said he could simply call, as Chairman, to make this change rather than spending time on it at a Town Board meeting.

Mrs. Parker said she had wanted to hear the opinion of the Board so that this could be a permanent change rather than a temporary movement. She felt it wasn't nice to put certificates and recognition items toward the end of a meeting.

Mrs. Parker motioned to approve. Dr. Waters seconded.

Motion carried, 5-0.

15. Discussion and Possible Decision to Approve Phase 1(b) of the Environmental Impact Statement (EIS) for the Proposed Pahrump Valley Airport in the amount of \$65,980.00 in Which the Town's Contribution is 5% or \$3,299.00.

Mr. Kohbarger said he tried to give detailed information for going from the EA to the EIS.

Mr. Kulkin confirmed with Mr. Kohbarger that if the Board chose not to approve this, all hard work and effort which had been put in to the project would have been wasted.

Mrs. Parker confirmed the project had been going on for over ten (10) years.

Mr. Kohbarger said Mr. Gronda was representing the Town of Pahrump as the airport director and as the representative at all necessary aviation events.

Mrs. Parker motioned to approve. Mr. Kulkin seconded.

Motion carried, 5-0.

16. Discussion and Possible Decision to Approve Purchasing a New Larcen MXD3OU 30 Watt UHF Broadcast Digital Translator, With 3-pole Filter Input Channel 43 and Output Channel 36 for the Town of Pahrump Tower to Include Procurement, Installation, Alignment and Proof of Performance for an Amount Not to Exceed \$15,725.00.

Mr. Kohbarger stated the ABC translator had been on the original town tower which blew down over three (3) years beforehand. Upon initial diagnosis, the translator was deemed to be working, however it had begun having issues upon installation to the new tower, and eventually stopped working. Mr. Kohbarger added that he had been successful in requesting the insurance company to reopen the claim to pay half of the costs. Mr. George Richardson had also been successful in getting ABC to pay the other half of the costs, therefore no Town funds would be used.

Mrs. Parker complimented Mr. Luis, Mr. Kohbarger, and Mr. Richardson on their efforts and the amount of time they put into getting this taken care of.

**Mrs. Parker motioned to approve.
Mr. Kulkin seconded.**

Motion carried, 5-0.

17. Discussion and Possible Decision to Approve Purchasing a New Gearmore “S” Series Rotary Tiller Model # S230 in an amount not to exceed \$7,959.00.

Mr. Kohbarger said there was a memo from Matt Luis advising that the old Gilmore was still working, however it would regularly break down. He added this would be ordered through a local company, Pahrump Tractor.

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

Motion carried, 5-0.

18. Discussion and Possible Decision to Authorize the Pahrump Town Board to Submit a Request to the Nevada Department of Transportation (NDOT) to Consider Dedicating the Portion of State Route 160 from the Nye County Line to US 95 as “Veterans Memorial Highway.”

Dr. Waters said this had been an item Commissioner Borasky had put together and the Nye County Commissioners had already approved. He put this item on the agenda so the Town Board could support them and the cause.

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

Public comment was heard.

Motion carried, 5-0.

19. Discussion and Possible Decision to Approve to Adopt New Goals & Objectives and to Implement a Plan to Carry Out the Newly-Created and Previously-Established Goals & Objectives.
(item removed by Mrs. Endersby)
20. Discussion and Possible Decision Per Codification Authority, NRS 269.166 et seq. Adopt as “The Town Codes” as Codified by Municipal Code Corp., Tallahassee, Fl., and Officials of the Town of Pahrump, NV in 2008.
(item removed by Mrs. Endersby)
21. Discussion on the Pahrump Incorporation Advisory Board (PIAB) in Performing its Service to the Pahrump Town Board, do Hereby Express a Willingness to Undertake Any Task Properly Related to the Organization Government Structure Within the Pahrump Town Boundary.
(item removed by Mrs. Endersby)
22. Discussion and Possible Decision Consent Agenda Items:
(the consent agenda was heard as item 2.5)
23. Discussion and Possible Decision regarding a Closed Session, to Receive Information/Advice from the Town Attorney Regarding Potential or Existing Litigation Pursuant to NRS 241.015(2)(b)(2).

Mrs. Parker motioned to move into closed session.

Mr. Kulkin seconded.

Motion carried, 5-0.

24. Closed Session.

(closed session. Mrs. Endersby had to leave the meeting after closed session due to a prior engagement.)

25. Discussion and Possible Decision on potential or existing litigation presented in the closed session regarding issues addressed in closed session.

Mrs. Parker motioned to direct legal to attend the upcoming public hearing and represent the Town and direct the Town’s position not to support the change in the current County Ordinance.

Mr. Kulkin seconded.

Motion carried, 4-0.

26. Future Meetings/Workshops: Date, Time and Location

- a. *Town of Pahrump Final Budget Hearing – May 19, 2011 @ 6:00 p.m. at the Town Annex.*

27. Adjournment

Mr. Darby adjourned the meeting at 10:43pm.