

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

MAY 24, 2011

MINUTES

PRESENT:

Town Board:

Mike Darby
Vicky Parker
Carolene Endersby
Harley Kulkin
Tom Waters

Staff:

Bill Kohbarger, Town Manager
Seaton J. Curran, Attorney
Matt Luis, Building & Grounds Manager
Al Balloqui, Community Business Economic Development
Michael Sullivan, Finance Director
Scott Lewis, Fire Chief
Samantha Carns, Administrative Assistant

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 motioned to move item 7, a presentation, to item 2.5.

Harley Kulkin seconded.

Motion carried, 5-0.

2.5 Discussion and Possible Decision to Approve an Agreement Between the Town of Pahrump and Contour Entertainment Inc. & The Vercitas Group for a Entertainment Concept Preliminary Investigation and Project Potential Assessment and All Matters Properly Related Thereto. (Was item 7)

Mr. Kulkin gave a brief history of how had had begun efforts on this idea.

Mr. Kohbarger introduced Don Holbrook, Economic Developer, and gave a brief history on him.

Mr. Holbrook began his presentation by speaking of a unique process used by the company which has proven to be successful.

Dr. Waters asked for examples of successful projects through the company in question. Mr. Holbrook said the Earthquest Adventures project in Houston was the most recent project which could be deemed their most successful as it is creating 17,000 jobs. He also stated they had worked on various projects such as MGM and Disney as well as projects in Europe, India, and Australia. He added the company also had worked on numerous exhibits, such as the Titanic and Star Trek.

Dr. Waters asked what Mr. Holbrook thought the company could do for Pahrump. Mr. Holbrook said with Las Vegas being less than an hour away and having an estimated forty million (40,000,000) visitors a year, a development such as the proposed would be extremely advantageous. He said visitors needed a reason to come to Pahrump, and this is a very compelling reason. He said he would not sign himself to be part of this project if he didn't believe it would be very successful and followed through with. The team, which is comprised of a variety of proven successful specialists from around the world along with former lead Disney Imagineers, would undoubtedly build a famous world class and compelling tourism experience.

Mrs. Endersby asked if Mr. Holbrook was aware of the projects which were being talked about and happening in Las Vegas, also asking if he had had the opportunity to meet with the Pahrump Tourism and Convention Council. She also asked, with the knowledge of challenges the Town of Pahrump had, how did he feel about those challenges. Mr. Holbrook said he had intelligence specialists who kept a close eye on all proposed and possible projects in the Las Vegas and surrounding areas. He added that Las Vegas had embraced their image as an adult playground which was working for them. As to the second question, Mr. Holbrook said in the first phase due diligence would be done and would include a complete assessment. He added there weren't many challenges he could foresee that he had not dealt with in the past. Due to this fact, they could pull from previous processes which had worked with similar challenges in other locations.

Dr. Waters asked how many of the hundreds of projects Mr. Holbrook had been involved in had been successful. Mr. Holbrook replied one hundred percent (100%) of the projects had been successful therefore he had never had a failed project. He said he had walked away from three (3) to four (4) times as many proposed projects as he had worked on. He added that he would not be in Pahrump if he thought the project could fail. He said he believed in the project and it was his professional as well as personal opinion that this was the perfect time to get the process started before another surrounding area chose to do so.

Mrs. Endersby expressed appreciation for Mr. Kulkin's views and passion concerning the project along with his perseverance in finding the appropriate company and people to spearhead such an operation. She said although she had no doubt the project would be successful, she felt making a decision at the present time would be premature as they had yet to hear from the tourism advisory board on the issue.

Mr. Holbrook told the Town Board this was an investment and that the due diligence package required the private sector to buy that investment from the Town one hundred percent (100%) as a first step in confirming investment. He said the price may be high but the comprised team involved would most certainly be world class with proven success in multiple situations. He added that they had nine to ten (9-10) investment followers who were actively looking for investment opportunities from the company. He said they were very confident the investment community would start asking questions about the project and have interest in Pahrump as they are knowledgeable enough to know the company would not be putting the energy into a project which would not result in a world class facility.

Mrs. Parker left the room.

Mrs. Endersby spoke of an issue of transportation being as Pahrump did not have transportation infrastructure, saying she felt it was a real challenge.

Mr. Holbrook said her concerns were very valid however part of the investigation would include transportation and he did not see it as nearly big of an issue as Mrs. Endersby did. He added that we are a driving nation and one of the largest airports in the world was within an hour of the Town. He added that with Earthquest, the Hwy leading toward it had previously been four (4) lanes but was expanded to eight (8) after the project was initiated. The company actively visits all avenues including the state road departments to make sure all necessary adjustments are made in order to support the project. He also said the objective was to get visitors to spend the night in Pahrump.

Mr. Kulkin clarified the meaning of 'intellectual property'.

Dr. Waters mentioned he was very impressed by Mr. Holbrook's presentation however his only concern was that the advisory board had not been consulted.

Mr. Holbrook responded saying he could absolutely appreciate that and agreed a project must be gone in to wholeheartedly. He warned that imminently something would be happening in the Las Vegas area and that timing was everything. He also warned that he could not promise that within two (2) weeks another entity would not step up as an interested party which could very likely result in initiating an area other than Pahrump and the company would not participate in competing projects.

Mrs. Parker returned to the room, saying the discussion had moved on from the area she had wished and not been given the opportunity to comment on.

Mr. Kulkin stated the Tourism Advisory Board would be part of the proposed project as it progressed and asked for a ten (10) minute break to digest information.

Dr. Waters agreed the item needed to be carefully thought about but he would like to table it.

Dr. Waters motioned to table.

Mrs. Endersby seconded.

Motion carried, 3-2, with Mr. Kulkin and Mrs. Parker voting nay.

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

3. Announcements

Carolene Endersby read the announcements.

Dr. Waters announced business meetings at the Chamber to look at revisions of business license ordinance.

Paula Elefante announced the Pahrump Powwow was collecting used ink cartridges to recycle in order to pay for this year's PowWow.

Butch Borasky said on June 3rd there would be an orientation and sign up from 3pm-8pm at the Pahrump Nugget for the Pahrump Youth Organization. He also announced June 5th starting at noon in the Pahrump Nugget Poker Room there would be a charity poker tournament to benefit the organization.

Sidney Howard announced the Seventh-Day Adventist Church would be hosting the program "Babylon is Rising" from speaker John Bradshaw May 25th-28th starting at 7pm. The program would take place at 477 N. Blagg and also streamed lived on babylonisrising.com for citizens unable to physically attend.

Butch Harper announced the Smiles Across Pahrump event would be on July 23rd this year from 11am-6pm at Ian Deutch Park. He asked if anyone was interesting in helping with donations or sponsoring the event, to contact him.

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

There were no advisory board reports.

6. Town of Pahrump Economic Development Report.

There were no questions on the report.

7. Discussion and Possible Decision to Approve an Agreement Between the Town of Pahrump and Contour Entertainment Inc. & The Vercitas Group for a Entertainment Concept Preliminary Investigation and Project Potential Assessment and All Matters Properly Related Thereto.

(see above, heard as item 2.5)

8. Discussion and Possible Decision to Repeal Pahrump Town Ordinance #35, Relating to Business Licenses.

Mr. Kulkin motioned to keep Ordinance 35.

Mrs. Parker asked to table the item because there were workshops being done on business licensing which would continue through the month of June.

Dr. Waters asked for the motion to be modified to bring the item back at the June 25th meeting, which would be after all workshops.

Mr. Darby clarified that a motion was being made before the presenter had even been given the opportunity to present.

In light of this, **Mr. Kulkin withdrew his motion.**

Jim Duncing presented, speaking of the cost of business licensing and lack of revenue the program created.

Mr. Kulkin stated a decision should be made to repeal or not to repeal the Ordinance as changes could be made at any time.

Seaton Curran, Legal Counsel, said an ordinance could not be repealed simply by a vote, however the Board could direct staff to start paperwork to begin the process.

Mr. Kulkin motioned to keep Ordinance 35.

Mrs. Parker seconded.

Dr. Waters said the Ordinance needed to be kept, but did most certainly need to be fixed and with the upcoming workshops for local businesses, the input they receive should be very good.

Mrs. Endersby said the budget and audit showed a decline in business licensing, however the economy itself was also on a decline. She said due to the fact that business licensing had previously created positive revenue and had been a growing fund on its own, there was money in that special revenue fund to take care of all losses until the economy picked up. She added that the ending balance was still a positive one because of this fact.

Al Balloqui spoke stating there was no factual information or evidence to support the presenter's case while mentioning Mr. Duncing had also not spoken with staff. He asked that the Board require this before accepting an agenda item from a presenter.

Public comment was heard.

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

9. Discussion and Possible Decision to Direct Staff to Move Forward with the Adoption and Enactment of the Speed Limit Study as Presented by Nye County Roads Department and All Matters Properly Related Thereto.

Mr. Kohbarger stated that each Town Board member had taken the opportunity to review the study and spoke of the three options the board had in making a motion.

Mrs. Parker spoke of the history on the item, recommending the Town stay with 45 mph on paved roads and 25 mph on non-paved roads. She said there was a sign placed at every conventional entrance to Pahrump stating exactly that.

Dr. Waters said he would like to move forward with the adoption of speed limits the County had given and leave the signs as they were because the roads were owned by the County, therefore they should be responsible for changing them.

Mrs. Parker said the County had seemed to be very persistent in the Town needing to change the signs, as it was a Town Ordinance.

Mr. Kohbarger said the Board would be directing the attorney to create an ordinance and then follow through in that full process meaning a vote would not suddenly put an Ordinance in affect.

Mr. Darby asked if the Town would be liable for costs if they changed the speed limits, even though they were county roads.

After clarifying that because the roads were within Town boundaries, the Town had jurisdiction of setting speed limits, Mr. Kohbarger said there would need to be more research on liabilities.

Mrs. Endersby said an Ordinance was already in place (Ordinance 4) concerning speed limits and that several others had been passed in previous years addressing traffic and traffic control.

Mr. Kohbarger specified that each ordinance repeals all previous concerning the topic.

Dr. Waters motioned to direct staff, in this case being the attorney, to create an ordinance to adopt the speed limit study as presented and to begin the ordinance process.

Mrs. Parker asked the phrase “provided the Town doesn’t have to pay for the signs” be added to the motion as she wanted it in writing the Town would not be paying.

Mr. Kohbarger stated if the Board moved forward with creating a motion, staff could get the research before bringing it back to them for Ordinance editing and approval.

Mrs. Endersby seconded the motion.

Mr. Kulkin expressed concerns with all road taxes going to the County while they asked the Town to pay for the new signs. He said this needed to be looked into more and understood this was a move forward. He also expressed concern about possible liability of the Town.

Public comment was heard.

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

10. Discussion and Possible Decision on Approving the MOU for the Family Movie Night in the Park Series Program in an Amount Not to Exceed \$8,400 From the Parks

and Room Tax Fund.

Mr. Kulkin said that, based on these figures, the cost per movie would be over \$1000 to put on what seemed to be a charity event. He added that if American stopped getting handouts they might work harder.

Mrs. Parker said she was glad to see they had expanded to eight (8) movies as the event had been in heavy attendance in previous years. She also said this was the one thing apart from maybe a free night at the pool that the Town had to sponsor any recreation. The event was important to people in Pahrump and particularly to family which may be unemployed or underemployed.

Mrs. Parker motioned to approve.

Dr. Waters seconded.

Mr. Kohbarger said a member of the Parks and Recreation Advisory Board was in the audience as well as Matt Luis if the Board would like to ask them any questions.

Mrs. Endersby asked Nick Moore, Chairman of the Parks and Recreation Advisory Board, if Entertainment Concept was the same company used the previous year. He confirmed it was as it had been out to bid once again and Entertainment Concepts gave a rate which was half as much as any interested competitor.

Mrs. Endersby asked if volunteers would be operating the snack bars as in previous years.

Mr. Moore replied that volunteering was open to any non-profit youth group as a first chance but also would like help from any volunteer. He asked any interested parties meet with the Parks and Recreation Advisory Board.

Mr. Luis said there would be an extension on the Town Office phone line dedicated to Movie Night information.

Mr. Kulkin asked Mr. Luis if members of staff would need to be present during the event.

Mr. Luis replied that there would not be any more staff required than of a normal event in the park.

Mrs. Endersby asked about security.

Mr. Luis said security would be as it had in previous years as the community policing themselves with backup of the police department. He added that there had never been any major issues at the Movie Night.

Mr. Kulkin commented that he had a problem understanding a raise in tax percentage being a result rather than laying off staff but the Town was able to spend money on a charity movie night. He said he didn't think they were doing justice to the children in teaching them to work for what they get. Finally, he thanked the Parks and Recreation Advisory Board for their processes.

Public comment was heard.

Motion carried, 4-1, with Mr. Kulkin voting nay.

11. Discussion and Possible Decision to Approve a Contract with Anthony Roofing & Waterproofing to Re-Roof the Town Annex Building in an Amount Not to Exceed \$7,000.00.

Mr. Darby asked if the annex roof would be completely stripped to bare sheeting. Mr. Luis replied yes.

Mr. Kulkin asked Mr. Luis if he had felt any weak spots on the roof when walking on it in the past.

Mr. Luis said no, that was not the case. He added the new roofing would be a commercial type application with a five (5) year warranty with an expectancy of twenty (20) years.

Mr. Kulkin motioned to approve.

Mrs. Parker seconded.

Mrs. Endersby said she saw on the proposal there would be a start date within three (3) days of acceptance, however asked if there was an estimate as to how long the process would take as the Annex was the only source of public space with the Ruud Center unavailable.

Mr. Luis said so long as everything went correctly the entire process should take seven (7) days, however problems may arise delaying this.

Mrs. Endersby asked what would be done for interior repairs.

Mr. Luis replied the Buildings and Grounds staff would be working on the interior around events.

Public comment was heard.

Motion carried, 5-0.

12. Discussion and Possible Decision to Approve Placing a Bid in the Local Newspapers for Two (02) Ambulances to be Funded From the Capital Outlay Ambulance Fund.

Mr. Kohbarger clarified the request was to go out to bid, not to purchase. He said the funds had been set aside in the ambulance fund which was compromised of brothel fees collected over the years. He added this fund would pay the entire amount for the ambulances and if the Board had any questions, Fire Chief Scott Lewis was present.

Mr. Kulkin asked Chief Lewis to state the need for new ambulances.

Chief Lewis said while the newer Dodge ambulances occasionally need maintenance, they are using the older Ford models as backup. These older Ford models routinely have problems and have had mechanical failures during interfaculty transfers. He added the bid would consider all available chassis including Chevy, Dodge, and Ford.

Mrs. Endersby inquired about the issue of \$250,000 being budgeted for new ambulances while they planned to go out to bid for up to \$260,000.

Chief Lewis said he had spoken with Mr. Sullivan and had been assured there was enough money in the enterprise fund compiled of brothel fees to completely cover the expenses.

Mr. Kulkin motioned to approve.

Dr. Waters seconded.

No one came forward for public comment.

Motion carried, 5-0.

13. Discussion and Possible Decision to Approve Creating a “Chain of Command” Policy.

Mr. Kulkin said he had felt there may have been confusion as to the chain of command and proposed one which had a clear path to the Chairman of the Town Board.

Dr. Waters asked who in turn would contact the Town Manager to ensure proper procedure was followed. If the issue was not resolved the Chairman could bring it to one fellow Board member if he so chose however speaking with five (5) Board members would result in a violation of Open Meeting Law.

Mr. Kulkin clarified if an issue came up it would result in a personnel item in closed sessions.

Mr. Kohbarger asked if this would be for any personnel issue or just termination. He noted all decisions go through human resource specialists with Pool Pact as well as the attorney. He added the Board could be opening themselves up to liability of personnel issues.

Mr. Kulkin said as the ultimate authority, the Town Board should be included as part of the involved persons in personnel issues.

Dr. Waters clarified they were talking about personnel issues and almost ignoring the NRS which they would not want to do as the Town Board should not be in personnel business other than those of the Town Manager.

Mrs. Endersby stated the current chain of command chart was in the backup, not the information Mr. Kulkin had given.

After this realization, **Mr. Kulkin motioned to table because the paper was not included in the backup.**

Mrs. Endersby seconded.

Motion carried, 5-0.

14. Discussion and Possible Decision to Direct Staff to Move Forward with Repealing All Town of Pahrump Ordinances Related to Animal Control/Enforcement and All Matters Properly Related Thereto.

Mrs. Parker said the County had been working on an ordinance for two (2) years however because of the Town's ordinance, it would not prevail. Mrs. Parker read information from the March 22nd Minutes while quoting Mr. Kunzi concerning animal control. She said that because the County had the funds and means to enforce animal control, they should have control of the ordinances concerning it.

Dr. Waters motioned to approve.

Mr. Kulkin seconded.

Mr. Kulkin expressed similar views as Mrs. Parker.

Mr. Darby mentioned there were other Town Ordinances which conflicted with the County and should be addressed.

Mrs. Parker said she concurred.

Public comment was heard.

Motion carried, 4-1, with Mrs. Endersby voting nay.

15. Discussion and Possible Decision Consent Agenda Items:

- a. *Action – Approval of Town Vouchers.*
- b. *Action – Approval of Town Board Minutes for March 22, 2011, March 29, 2011, April 12, 2011, and May 10, 2011.*
- c. *Action – Approval to accept Mr. George Demas, Mr. Tim McCall, Mr. Robert Smith and Mr. Joel McMillin to the Pahrump Boundary Line Advisory Board.*
- d. *Action – Approval to accept Mr. Will Bond to the Pahrump Public Lands Advisory Board.*
- e. *Action – Approval to accept the Resignation of Mr. Chuck Hackley from the Pahrump Public Lands Advisory Board.*

Mr. Kulkin motioned to approve consent agenda items a – e.

Mrs. Endersby seconded.

Motion carried, 5-0.

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

Mr. Kulkin announced the meeting of the Pahrump Boundary Line Advisory Board on May 26th.

17. Staff's Comments

There were no comments from staff.

18. Town Manager Report

Mrs. Endersby commended and showed appreciation to Chief Lewis and the Fire Department on response times for emergency services.

Chief Lewis said the longer response times reported were those to Clark and Inyo County. He said the community was doing a great job of pulling to the side and making way for services.

19. Town Board Member's Comments

Dr. Waters said one citizen had mentioned the Town Board was in their position to make tough decisions and tabling items was not doing this. Dr. Waters' reply was that choosing to table an item is in itself a tough decision.

He also addressed public statements which had said taxes were raised by clarifying taxes had not been raised but left stable.

Before thanking all for attending Town Board meetings, Dr. Waters mentioned that in some instances in our history when regulations were done away with, as members of the public suggested concerning business licensing, it has proven to cost us and have negative effects.

Mr. Darby publically apologized to Mrs. Parker for not recognizing her comments/questions during the item concerning Contour Entertainment.

Mr. Kulkin apologized to the Board for getting upset earlier in the meeting. He said he felt the quality of life in Pahrump had gone down and it was up to the Board to make the necessary changes.

In reply to comments concerning the budget he asked if citizens recognized something was wrong and why they would want to add to the problem by adding to the high unemployment rate of the community and/or making it harder for other citizens, in this case being Town employees, to live.

Lastly, Mr. Kulkin said it can get tough to make the decisions the Board may be faced with but the best part of the Board was that they were able to get past disagreements and issues. He said he felt this Board would be remembered for doing big things.

Mrs. Endersby stated reasonable and responsible decisions required all available information and research to make proper decisions. She said all information should be available with a reasonable amount of time so the Board could make an informed decision rather than needing to table an item in order to obtain further information.

20. Adjournment

Mr. Darby adjourned the meeting at 10:46pm.