

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 101 Radar Road, Tonopah, Nevada 89049.

John Koenig, Chair
Debra Strickland, Vice-Chair
Lorinda Wichman, Commissioner
Donna Cox, Commissioner
Leo Blundo, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Chris Arabia, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also Present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Savannah Rucker, Comptroller; Marla Zlotek, Chief Deputy District Attorney; Michelle Nelson, Deputy District Attorney; Bradley Richardson, Deputy District Attorney

Not Present: Chris Arabia, District Attorney; Sharon Wehrly, Sheriff

1. Pledge of Allegiance

The Pledge was recited.

3. Presentation by the Director of Emergency Management regarding the status of the COVID-19 outbreak.

Director Scott Lewis advised there were now 35 cases in the County. Of those 19 cases were still open, 14 had recovered, and there were no deaths. Two individuals were in intensive care on ventilators in Las Vegas. There were 133 tests completed in the County in the last week, which would continue this week, and the State had completed 40,119 tests. Mr. Lewis explained their priority list had changed a little with recovery becoming a more important issue. He was closely evaluating federal and state models for reopening the economy, however, even with reopening control plans needed to be put in place. DEM continued to provide supplies and PPE, but the most proven precaution remained social distancing and Mr. Lewis asked people to not become complacent.

Commissioner Blundo asked if all medical services were being utilized and if the hospital was exceeding capacity.

3. Presentation by the Director of Emergency Management regarding the status of the COVID-19 outbreak-Cont'd.

Mr. Lewis said the hospital was not at capacity. The EMS service was up and running throughout the County and in general terms the call volume was way down so it was running well.

2. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)

Commissioner Koenig said the solar comment period was coming up rapidly and he would like an agenda item for a comment period in Pahrump.

Commissioner Cox said she received an e-mail from the County Manager's Office asking if the Commissioners would like to be part of the other counties in opening the State up or if they wanted to stay with the plan that the Governor had. She responded that she would like to see the County support the President's plan for reopening rather than the Governor's as she did not think joining the pact would be best for Nevada.

Commissioner Blundo said he had been doing a "Walk It Wednesday" in District IV at 1:00 p.m. He then asked Samantha Tackett about the Artisan as he believed that would be before the Board soon as well as a name change for Wings-N-Things.

Mrs. Tackett explained she was working with the Sheriff's Office to complete the investigation and as soon as that was done those would be on the agenda.

Commissioner Blundo hoped all the businesses in Nye were doing everything they could to get a PPP or EIDL loan. He believed the crisis would be the economic crisis that came after shutting down the entire State and said the County should work toward reopening as soon as possible as every business was essential to someone. Also, due to the uncertain economic times he would be pushing for Yucca Mountain and a workable solution. Lastly, Commissioner Blundo said he would host a Facebook Live Friday at 1:00 p.m.

Commissioner Koenig said he was part of the COVID-19 task force where reopening the County had been discussed and he would continue to discuss that addressing the different needs in Nye compared to Reno or Las Vegas. He said he saw nothing wrong with reopening Tonopah, Gabbs, etc., and reopening Pahrump with certain rules.

Sam Merlino said her Pahrump staff would be back in the office tomorrow since the close of walk-in registration was May 12, 2020. There would be a table set up for that and Chief Lewis had gotten her some protective items like masks. There would be a hand washing station and B&G was building a plexiglass shield. The courthouse doors would have to be opened again starting tomorrow. Mrs. Merlino then advised sample ballots were on the way and the actual ballots would be in the mail as of April 30, 2020. They all had return envelopes with pre-paid postage and while she encouraged

2. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)-Cont'd.

everyone to drop them in the mail, the voted ballot could also be dropped off at either Clerk's Office. Voters who submitted party or address changes after April 17, 2020, would have to be issued a replacement ballot and the first ballot would be voided. Mrs. Merlino asked the voters to double check the labels on their ballots to be sure they were voting the correct ballot for their precinct and party.

4. Approval of the Agenda for April 28, 2020 (Non-action item)

Tim Sutton said there were no changes to the agenda.

**5. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.)
Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item.**

There was none.

6. TIMED ITEMS

7. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on PM-2019-000058: A request for a Parcel Map proposing to divide Parcel 2 of F#831429 into two parcels; Parcel 1 – 64.15 acre (net) and Parcel 2 – 192.45 acres (net); and a Waiver (WV-2020-000112) from the requirements to provide contour data, in Round Mountain/Smoky Valley, NV, Sections 17, 18 & 20, T13N, R43E, Assessor's Parcel Number 010-231-16. Turk Enterprises, Inc. – Property Owner, Advanced Surveying & Professional Services, Kevin Haskew – Agent/Applicant.

Commissioner Koenig opened the public hearing;

John Bosta asked when this was noticed in the paper and under which NRS.

Commissioner Koenig said he was not sure of the exact date and closed the public hearing.

Commissioner Strickland made a motion to approve the parcel map as read and the waiver as read; seconded by Commissioner Wichman.

Commissioner Cox wondered if staff was present who could answer Mr. Bosta's question.

Planning Director Brett Waggoner said he did not have that information on hand but he would find out. It would have been posted up north in the area it affected.

7. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on PM-2019-000058: A request for a Parcel Map proposing to divide Parcel 2 of F#831429 into two parcels; Parcel 1 – 64.15 acre (net) and Parcel 2 – 192.45 acres (net); and a Waiver (WV-2020-000112) from the requirements to provide contour data, in Round Mountain/Smoky Valley, NV, Sections 17, 18 & 20, T13N, R43E, Assessor’s Parcel Number 010-231-16. Turk Enterprises, Inc. – Property Owner, Advanced Surveying & Professional Services, Kevin Haskew – Agent/Applicant-Cont’d.

Commissioner Cox said she could not find anything that explained why they wanted to do this zone change and what the future intent was.

Mr. Waggoner explained the property was owned by two brothers who were splitting it due to a death in the family. They inherited the property and one of the brothers wanted to sell off his portion. As to the noticing, he had been told parcel maps did not require a public notice per NRS.

Commissioner Wichman added this was an active ranch which had been active for many years. As to the waiver, there was a requirement for contour data, especially for FEMA, but there was no flood zone in the north so that waiver request was typical.

The motion to approve the parcel map as read and the waiver as read passed with 5 yeas.

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on ZC-2020-000045: An application for a conforming Zone Change to change 2.50 acres from Neighborhood Commercial (NC) to Commercial Manufacturing (CM), located at 3621 W. Bell Vista Ave., Pahrump, NV, Assessor’s Parcel Number 028-231-12, Tinker Trust – Property Owner/Applicant.

Commissioner Koenig opened the public hearing.

John Bosta asked when the public hearing was noticed and under what NRS.

Commissioner Koenig closed the public hearing.

Brett Waggoner said he did not know the date or the NRS, but the same procedures as always were followed. As soon as he had an NRS he would let Mr. Bosta know.

Commissioner Strickland made a motion to approve the conforming zone change as read; seconded by Commissioner Wichman.

Commissioner Cox thought Mr. Bosta was concerned with it being a public hearing and asked if it was noticed.

Mr. Waggoner said yes as public notices were posted for zone changes.

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on ZC-2020-000045-Cont'd.

Commissioner Koenig added he saw it.

The motion to approve the conforming zone change as read passed with 5 yeas.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

Commissioner Blundo assumed the Chair of the Board of Highway Commissioners.

9. For Possible Action – Discussion and deliberation regarding General Road Report by Public Works Director on General Road Maintenance, Gravel Road Maintenance, Asphalt Patching, Weed Mowing and direction regarding public work projects.

Public Works Director Tim Dahl said his department was working with the Sheriff's Office and Buildings and Grounds to put some crosswalks in at Petrack Park on Basin and at Honeysuckle for Ian Deutch Park. He continued to work with the consultant who was getting ready to start reconfiguring the signals at the intersection of SR160 and Homestead and SR160 and Highway 372 to lessen the congestion. Edge of roadway markers were just put down at the corner of Mount Charleston and Dandelion, and some riff raff rock would put in the bottom of the drainage swale. The consultant did not recommend four-way stops at those intersections because there were not a lot of accidents at that intersection and the traffic counts were significantly lower right now due to people trying to not travel and stay at home. Mr. Dahl said he would put rumble strips at those intersections in those areas to slow people down along with early stop warnings. The crews were working on repairing potholes and clearing ditches as well as working on the Belmont Road up north. He also had a preliminary design for the sidewalks in Tonopah that were failing. Lastly, he advised that he still did not have spray patcher oil available, but he was in constant contact with the maker in Las Vegas.

Commissioner Cox thanked Mr. Dahl for putting the corner together and getting the posts up so quickly. She was looking forward to any kind of rock in the ditch to prevent an accident. She also thanked him for the flashing stop sign on Leslie and Mesquite. As to extending the turn lane at Homestead and Highway 160 Commissioner Cox asked if there was talk about putting a concrete island in there or just lines on the road.

Mr. Dahl said the agreement with the Maverick when they did their site development was the County would not change that configuration until the neighboring property or the property across the street developed. He believed both of those properties were in talks to develop so he was excited about what those developments could bring to the intersection to help with the flow of traffic. There were no plans to make two left turn lanes at this time because of the changes to the intersection lighting.

9. For Possible Action – Discussion and deliberation regarding General Road Report by Public Works Director on General Road Maintenance, Gravel Road Maintenance, Asphalt Patching, Weed Mowing and direction regarding public work projects-Cont'd.

Commissioner Cox expressed her concern with lack of use of the durapatcher and asked if there was another company that could be used for the oil.

Mr. Dahl said there were companies in Arizona, California and Utah, but this was not the right time of year for that volume of that specific oil to be made. He explained different oil could not be used in it as that clumped up in the spray nozzle and created a mess. As soon as it was available he was prepared to get it and start utilizing those pieces of equipment. He added this machinery was intended to be used in the middle of summer, not right now.

Commissioner Blundo said he wanted to look at Barney and Charleston Park for a four-way stop.

Paul Lemus from Nevada Southern Realty and Grow Abode Farm said they were an essential business in three categories and held four licenses at one of their locations. He said discussions had been held during the meetings about the economy recovering and safe distancing.

Commissioner Blundo advised this was public comment on the general road report on general road maintenance, gravel road maintenance, etc.

Mr. Lemus said Public Works was at their establishment yesterday when Mr. Sutton decided to take his foot and scrape off the original County marker on video. Mr. Lemus said they were an essential business that would like to recover as well and had been attacked by Nye County. He had five employees who were unable to get funding from any of the programs because of the lingering District Attorney's charges.

Marla Zlotek interjected that Mr. Lemus' comments had to be about the agenda item.

Mr. Lemus felt Public Works should stay focused on their tasks and not attacking essential businesses working hard to bring goods to the community.

Tim Sutton stated for the record he did not scrape off any marker.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

10. For Possible Action – Discussion and deliberation to direct staff to work with Spring Mountain Motorsports Ranch, the Bureau of Land Management (BLM), and the Pahrump Public Land Advisory Committee (PPLAC) to establish permanent designated off-road routes between Carpenter Canyon Road and South Wheeler Road.

Commissioner Blundo made a motion to direct staff to work with Spring Mountain Motorsports Ranch, the BLM and PPLAC to establish permanent designated off-road routes between Carpenter Canyon Road and South Wheeler Road; seconded by Commissioner Strickland; 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CLERK

11. For Possible Action – Discussion and deliberation to appoint three members to the Smoky Valley Library Board due to three expiring terms from the following list of applicants: Rebecca Lim, Gwenn Snow and Frank Wagener.

Commissioner Wichman made a motion to appoint Rebecca Lim, Gwenn Snow and Frank Wagener; seconded by Commissioner Blundo; 5 yeas.

FINANCE

12. For Possible Action – Discussion and deliberation regarding RFQ # 2020-03 – Qualified Environmental Professional to: 1) Accept the Fee Schedule as submitted by BEC Environmental; 2) Execute the contract; and 3) Fund from 10340 Grants, using the Grant Award for the Brownfields Revolving Loan Fund Grant.

Commissioner Blundo made a motion to accept the fee schedule submitted by BEC Environmental, execute the contract and fund from 10340, Grants, using the grant award for the Brownfields Revolving Loan Fund Grant; seconded by Commissioner Strickland; 5 yeas

13. For Possible Action – Discussion and deliberation to augment the Nye County Sheriff's Office (NCSO) and the Nye County Department of Emergency Management (DEM) FY20 budget from Nye County General Fund Contingency for the unbudgeted expenditures related to the Storm51 emergency event. DEM's augment totals \$30,477.00. NCSO augment totals \$155,140.00. The total unbudgeted impact of this event was \$363,924.07.

Commissioner Wichman made a motion to approve; seconded by Commissioner Strickland.

13. For Possible Action – Discussion and deliberation to augment the Nye County Sheriff’s Office (NCSO) and the Nye County Department of Emergency Management (DEM) FY20 budget from Nye County General Fund Contingency for the unbudgeted expenditures related to the Storm51 emergency event. DEM’s augment totals \$30,477.00. NCSO augment totals \$155,140.00. The total unbudgeted impact of this event was \$363,924.07-Cont’d.

Commissioner Cox asked if cost recovery from the person who started this was being pursued.

Marla Zlotek advised it had been explored and she would get back with the Commission in a litigation non-meeting, but the District Attorney’s Office had not moved forward on any potential avenues in criminal or civil litigation.

Commissioner Blundo was also concerned about the cost and asked all departments to spend cautiously and be fiscally conservative at this time.

Commissioner Strickland suggested going after Facebook since they allowed the posts.

Scott Lewis reminded the Commissioners the State had not turned down the request for reimbursement, which would be submitted soon.

The motion to approve passed with 5 yeas.

14. For Possible Action – Discussion and deliberation regarding the budget status through March 2020 for Nye County and all sub-entities for Fiscal Year 2020.

Savannah Rucker said she expected revenues to fall short of what was budgeted about \$1.003 million due to the COVID-19 crisis. As to expenditures, there were a few departments with lines projected to be over, but Mrs. Rucker had explanations for all of them and there were a couple that action would need to be taken on. Overall, the general fund was estimated to expend about \$42.4 million. Expenditures were budgeted at \$44.2 million, so as of March 20, 2020, when this report was run, the County was about \$1.8 million under budget. Mrs. Rucker then discussed the other County funds. She was watching the airport fund, the room tax fund, the juvenile probation fund, and the jail fund. None of the town funds were causing any concerns for her at this point in time.

15. For Possible Action – Presentation and direction to staff regarding the current and future financial condition of Nye County as related to the COVID-19 outbreak.

Savannah Rucker advised she was working with her team to generate the budget presentation scheduled for May 11, 2020.

15. For Possible Action – Presentation and direction to staff regarding the current and future financial condition of Nye County as related to the COVID-19 outbreak-Cont'd.

Paul Lemus said he had a judgment against the County and he was holding off collecting on that for now due to the COVID-19.

PLANNING

16. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2020-04: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning by adding Chapter 17.12, titled Craft Distillery, Brewery, Brew Pub, Cidery, Meadery and Winery Zoning Requirements, to establish the zoning, land use and development requirements applicable to distilleries, micro-distilleries, cideries, microbreweries, brew pubs, meaderies and wineries within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Blundo disclosed he had a Nye County privilege license, but that would not prohibit him from participating in this item and it did not affect him in any financial manner.

Commissioner Blundo made a motion to set the date and time as May 19, 2020, at 10:00 am in the Pahrump chambers; seconded by Commissioner Strickland; 5 yeas.

Commissioner Blundo read the title of the bill into the record.

17. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2020-05: A Bill proposing to amend Nye County Code, Title 5, titled Business Licenses and Regulations, Chapter 5.04.020, titled Definitions by changing the definitions for Special Event Permit and modifying Wholesale Delivery Liquor License and Wholesale Liquor License within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Blundo disclosed he had a County privilege license, but that would not prohibit him from participating in this item and did not sway him in a financial manner.

Commissioner Blundo made a motion to set the public hearing for May 19, 2020, in the Pahrump chambers at 10:00 a.m.; seconded by Commissioner Cox.

17. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2020-05-Cont'd.

John Bosta asked if this was the proper way to notice this action.

The motion to set the public hearing for May 19, 2020, in the Pahrump chambers at 10:00 a.m. passed with 5 yeas.

Commissioner Blundo read the title of the bill into the record.

18. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2020-06: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.04.060, titled Classes by reclassifying and defining classes of business licenses within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Blundo disclosed he held a privilege license, but this would not impact him financially.

Commissioner Blundo made a motion to set the date and time as May 19, 2020, at 10:00 a.m. in the Pahrump chambers; seconded by Commissioner Strickland.

Commissioner Strickland disclosed she had three business licenses, none of which were affected by this as they were liquor and special licenses.

Commissioner Blundo added he held town licenses as well.

The motion to set the date and time as May 19, 2020, at 10:00 a.m. in the Pahrump chambers passed with 5 yeas.

Commissioner Blundo read the title of the bill into the record.

PUBLIC PETITIONER

19. For Possible Action – Discussion and deliberation to consider Karl Mitchell's request for a waiver of the \$375.00 Title 6 Special Conditions Animal, Conditional Use Permit Fee.

Commissioner Blundo made a motion to approve the request for a waiver; seconded by Commissioner Cox.

19. For Possible Action – Discussion and deliberation to consider Karl Mitchell’s request for a waiver of the \$375.00 Title 6 Special Conditions Animal, Conditional Use Permit Fee-Cont’d.

Brett Waggoner told the Board the total fee paid by Mr. Mitchell was \$375.00, \$200.00 for the actual application fee and \$175 for the noticing fee. Since this was noticed that money was spent by the County and the \$200.00 portion of it would be for administrative costs. He pointed out this was a request to refund all fees paid.

Attorney Arlette Newvine, representing Mr. Mitchell, said they were fine with the deduction of the expenses.

Commissioner Cox withdrew her second.

Marla Zlotek advised this agenda item could not consider any kind of refund. It would have to be re-agendized properly to take that action. She suggested taking no action on this item and bringing another agenda item forward.

Commissioner Blundo withdrew his motion.

Commissioner Strickland made a motion to withdraw this item and re-agendize it at another date; seconded by Commissioner Wichman.

John Bosta asked if the \$175.00 noticing fee was the actual cost paid to the newspaper.

Mr. Waggoner said it was the standard fee charged based on an average and never changed.

The motion to withdraw this item and re-agendize it at another date passed with 5 yeas.

**20. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.)
Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item. (SECOND)**

Tim Bohannon, president of Nevada Standardbred Association, advised they were still working on the equine project in Pahrump. Due to COVID-19 they were updating renderings and would address federal, state, local and industry guidelines as they became known. He expected the project to bring in 500 jobs over the course of five years.

2. Commissioners’/Manager’s Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)-Reopened

Commissioner Koenig said public hearings had been held forever. The update received from the County Manager mentioned John Bosta had e-mailed him with his concerns about public hearings. Mr. Sutton responded and copied the District Attorney. That

2. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)-Reopened-Cont'd.

response clearly said NRS 278, 244, etc., so all of this was just rhetoric. Commissioner Koenig said public hearings and agenda items for possible action had been done forever and he did not understand the confusion all of a sudden.

Commissioner Blundo expressed his gratitude to all the frontline people battling the crisis as well as County staff who were working diligently from home or the office and continued to serve the public. He said he could not wait to get the County open and get the economy back on track.

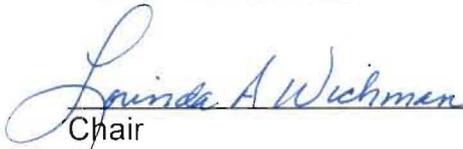
Brett Waggoner stated the NRSs used for parcel map processing, reviews, application processing, etc., was stated in the back-up (NRS 278.471 to NRS 278.4725) if Mr. Bosta wanted to do some research.

21. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 2nd day ATTEST:

Of June, 2020.


Chair


Nye County Clerk / Deputy