



Board of Mineral County Commissioners

Hawthorne, Nevada

January 7, 2019

The Honorable Board of Mineral County Commissioners met this day in a regular session with the following people present:

Honorable Chris Hegg	Chairman
Honorable Christine Hoferer	Vice-Chairman
Honorable Garth Price	Member
Honorable Christopher Nepper	Clerk-Treasurer
Honorable Sean Rowe	District Attorney

1. Pledge of Allegiance and Safety Message

Pledge of Allegiance was led by Commissioner Price

No Safety Message was provided

2. Board of Commissioners – For consideration and possible action relative to Organization of the Board: Appointments and Commissions.

Commissioner Hegg welcomed Commissioner Hoferer.

The Board appointed Commissioner Hegg as Chairman; Commissioner Hoferer as Vice Chairman; Commissioner Price remained as Member; Commissioner Hoferer was taking over as liaison for Commissioner Tipton departments; discussion ensued relative to changing the Commissioner assignments, the final assignment list is attached and made a record of the minutes.

Commissioner Price requested that someone take over the department head meetings; the requested that an email be sent to remind department heads of the meetings.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to accept the Board of County Commissioner Assignment for 2019.

Public Comment: Courtney Oberhansli advised that the Library Board was listed twice.

3. Public Comment –

Item was revisited

Fire Chief Chris Lawrence advised the Board he had a burn trailer, he would like to shut down D Street between 1st and Mineral Way for Friday and Saturday.

The Board advised letting the Sheriff know.

4. Approval of Agenda/Necessary Changes

Item 12 was continued for two weeks; RTC was cancelled

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve the changes to the agenda as presented.

Public Comment: None

5. Accounts Payable Vouchers, Credit Card Approval Form Requests, Capital Outlay Purchase Orders and Auditor’s Cash Report by Fund presented for review, discussion and possible action.

A Credit Card approval for \$1,237.65 was presented from Assessor Kevin Chisum for Marshall Swift.
A Credit Card approval for \$402 was presented from Park and Recreation Coordinator Christina Boyles for an Environmental Health License.

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to approve the credit card purchase of \$1,237.65 to Marshall Swift.

Public Comment: None

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to approve the credit card purchase of \$402 for an Environmental Health License.

Public Comment: None

Recorder Auditor Deputy Teresa McNally advised the cash balance was \$24,000; that Consolidated was already in, there were no more PILT transfers, they have two more payrolls this month, they have to payout Christine Hoferer and Mike James and they are holding a 38,000 voucher for Pershing County.

Commissioner Price advised that the Assessor said they would be billing SOC and he thinks Luning Solar would be in today.

Item was revisited

Commissioner Hoferer advised that after posting the cash balance was \$182,000.

6. Reports and Correspondence - None

7. Minutes of – December 19, 2018 for review and possible action.

Public Comment: None

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve the minutes for December 19, 2018 as presented.

8. Business License Applications – The following applications will be presented for discussion and possible action.

A. Jill & Tom Powers; Excel Plumbing LLC; Countywide; New Applicant

Public Comment: None

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve the business license for Excel Plumbing LLC.

Public Comment: None

B. Jennie Jenkins-Dunham; J Clarissa Studio; 324 C St, Hawthorne, NV; New Applicant

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to approve the business license for J Clarissa Studio.

9. Eric Hamrey, Public Works Director – For consideration and possible action relative to the invoice from Nevada Division of State Lands for payment of application processing fee for State Beach boat ramp.

Mr. Hamrey advised that he had received an email from the state; the permit would be issued to State Parks so the invoice to Mineral County was cancelled but the county was still responsible for the maintenance and operational costs.

10. Courtney Oberhansli – For consideration and possible action relative to the appointment of two (2) members to the Library Board of Trustees.

Ms. Oberhansli advised the Library Board of Trustees recommendation was for Kay Bencoter and Christine Clifford.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to accept the Library Board of Trustees recommendation and appoint Kay Bencoter and Christine Clifford to the Board.

Public Comment: None

11. Earlin Milschewski – For consideration and possible action relative to Eight Point tie down for manufactured homes.

Mr. Milschewski was unable to attend.

Mark Nixon advised that this gentlemen had a manufactured home at Walker Lake that was put in under the old guidelines so it does not qualify as real property; he wanted the commissioners to accept the 8 point tie down for real property

12. Honorable Chris Nepper, Clerk-Treasurer – For consideration and possible action relative to funding for Trust Property Auction expenses for auction to be held in the spring of 2019.

Item was continued for two weeks.

13. **Honorable Board of County Commissioners** – For consideration and possible action relative to the temporary appointment of a Public Guardian.

Commissioner Hoferer asked if it was necessary to appoint someone or could the current deputy work out of classification.

District Attorney Sean Rowe advised that by statute the county had to have a public guardian.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board appoint the Deputy Public Guardian Dawn LeClaire to fill the position of Public Guardian until they interview and hire.

Commissioner Price amended his motion to say working out of classification at 7.5% of her current salary, effective today.

Public Comment: None

14. For consideration and possible action relative to written approval for Southern Methodist University to replace the existing telephone line with a new one at 945 Front Street, Mina Nevada, per lease agreement.

Jeff Barrow advised that it was just an improvement on the phone line that was already there.

Mr. Hamrey asked if the phone company was doing the work.

Commissioner Hoferer asked about the cost.

Mr. Barrow advised that Verizon and AT&T was involved and that Southern Methodist University would be paying for the improvement.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to accept Southern Methodist University replacing the existing telephone line with a new one per lease agreement.

Public Comment: None

15. For consideration and possible action relative to the Fallon Range Training Complex Modernization Plan.

The Board asked to have Mr. Nixon return for this discussion and continued this item until after the 1:30 time specific.

Mr. Nixon advised there had to be a reply to the Environmental Impact Statement, and a decision as to what the county wanted to ask for in lieu of what they were losing; during the original EIS.

The original comments were done during the original EIS, the county asked for mitigation studies; the planning commission asked for a lands bill to dedicate, natural gas, fiber optics; senior center and youth center.

Commissioner Price would contact Marilyn Kirkpatrick, and he would provide an update at the next meeting.

16. **Honorable Christine Hoferer, Commissioner** – For consideration and possible action relative to purchasing a computer/tablet and phone for use as Commissioner.

Ms. Hoferer advised she had already purchased a tablet, the cost was around \$800; she thinks they need to keep anything that has to do with Commissioners separate.

The Board was agreement, Commissioner Price and Commissioner Hegg advised they both need phones at this time.

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to proceed with the purchase of a tablet and to proceed with the purchase of individual phones for the Commissioners solely for county use.

Public Comment: None

17. For consideration and possible action relative to review and approval of draft letter to the Department of Taxation regarding violations listed in the Mineral County's FY 2018 audit.

Recorder - Auditor Cindy Nixon and Deputy Hillary Pellet provided the draft letter to the Department of Taxation.

Commissioner Hegg read the letter into the record.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve the letter to the Department of Taxation regarding violations listed in the Mineral County's FY 2018 audit and have the chairman sign.

Public Comment: None

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to go into closed session pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances and negotiations.

Public Comment: None

- 18. Closed Session** – Pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances and negotiations.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to go back into open session.

Public Comment: None

- 19. Open Session** – Discussion and possible action relative to all labor/bargaining unit contracts, grievances and negotiations.

TIME SPECIFIC ITEMS:

- 10:00 AM Mark Nixon** – For consideration and possible action relative to approval of Gateway Sign and Landscaping on NDOT property.

Mr. Nixon provided the Board with a letter to NDOT regarding the Gateway sign; he explained that the Planning Commission was approached by the Lions Club about landscaping on the corner by McDonalds and Mr. McNeill on a Gateway Entrance Sign so he talked with Rudy Malfabon at the last I-11 meeting; Mr. Malfabon tentatively approved a Gateway Entrance Sign for Mineral County on NDOT property up to \$250,000 and would maybe help with the Landscape sign if the county would enter into an interlocal agreement on the water and lighting; he has been approached by Sportsman to donate Big Horn Sheep statues.

Mr. Hamrey asked where the costs were going to come from for the lighting, water and landscaping.

Jean Peterson advised that the Lions Club was paying for the repairs on the water system; they bought a lot of material for the landscaping when Barbara Owens was the director, she doesn't know what happened to the materials.

Mr. McNeill advised that solar lighting was included in the base cost of some of the quotes.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to allow Mr. Nixon to send the letter regarding the Gateway sign to Rudy Malfabon at the Nevada Department of Transportation.

Public Comment: None

Mr. Nixon asked for a signature from the Board so he could email the letter to Rudy, he explained the intent of this was to get the project moving.

- Immediately Following Mike Mc Neill** – For consideration and possible action relative to appointment of one "Representative at Large" and one "Commercial Interest Representative" to the Mineral County Convention and Tourism Authority Board (MCCTA) to fill two expiring terms as of this January. (Public comment following.)

Mr. McNeill advised that by statute they had to reorganize the Board every odd number year; they had two members reapply Mr. Thyne for Commercial Interest and Gary Anderson was the Representative at Large; Mr. James Slezak also applied.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to appoint Gary Anderson as the member at large and Michal Thyne as the Commercial Interest.

Public Comment: None

**Immediately
Following**

For consideration and possible action relative to credit card purchase request of spending up to \$3,221.25 on the Public Works Credit Card for Mineral County Convention and Tourism Authority Board (MCCTA) to purchase a Projection Screen & associated item.

Theresa McNally, Deputy Recorder-Auditor advised that Public Works would use their Credit Card for the purchase; she needed signatures on the pre-approval to do this.

Commissioner Hoferer asked why it was put on a Credit Card and not invoiced to Mineral County.

Mr. McNeil advised they do not have a bank account or a credit card.

The Board advised Mr. McNeil to work with the Recorder-Auditors office on setting up an account where she was able to order the items that were needed.

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to approve the one time purchase of \$3,221.25 for Projection Screen & associated item.

Public Comment: None

12:30 PM

Regional Transportation Commission: Item was cancelled

1:30 PM

Public Hearing – For consideration and possible action relative to proposed rate increases for Hawthorne Water System, Sewer Operations, Garbage Department and the Mina/Luning Water Systems.

Larry Grant advised that according to the ordinance if they were going to have a rate increase they had to go before the Board 30 days prior to their audit; they have been doing the yearly rate increases since 2015.

Hawthorne Utilities Office Manager, Ana Fitzgerald provided a Power Point presentation with update on the revenue and the operational expenses; she advised they were doing the rate increases every year so it would not be such an impact on the consumer.

Mr. Hamrey asked when the water loan would be paid off; he would like to know if they could recycle the garbage cans.

Ms. Fitzgerald advised it was a 40 year loan.

Ana Fitzgerald read Resolution 19-001 into the record relative to Hawthorne Water System.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-001 as read into the record.

Public Comment: None

Ana Fitzgerald read Resolution 19-002 into the record relative to Mina/Luning Water System.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-002 as read into the record.

Public Comment: None

Ana Fitzgerald read Resolution 19-003 into the record relative to Hawthorne Wastewater System.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-003 as read into the record.

Public Comment:

Ana Fitzgerald read Resolution 19-004 into the record relative to the Garbage Department.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-004 as read into the record.

Public Comment: None

Attached to the minutes is the list of the public that attended the Public Hearing.

5:30 PM Public Hearing – For consideration and possible action relative to proposed rate increases for Hawthorne Water System, Sewer Operations, Garbage Department and the Mina/Luning Water Systems.

There was no outside attendance.

Commissioner Hegg advised he liked the small rate increase every year versus a large rate increase every couple of years.

Commissioner Price advised putting information in the newspaper; and on the website regarding the rate increase.

Ms. Fitzgerald advised she would have it put on the website.

Commissioner Hoferer suggested a five year history.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve the proposed rate increases for Hawthorne Water System, Sewer Operations, Garbage Department and the Mina/Luning Water Systems as presented.

Public Comment: District Attorney advised that the resolutions needed to be adopted.

Ms. Fitzgerald read Resolution 19-001 into the record relative to Hawthorne Water System.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-001 as read into the record.

Public Comment: None

Ms. Fitzgerald read Resolution 19-002 into the record relative to Mina/Luning Water System.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-002 as read into the record.

Public Comment: None

Ms. Fitzgerald Read Resolution 19-003 into the record relative to Hawthorne Wastewater System.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-003 as read into the record.

Public Comment: None

Ms. Fitzgerald read Resolution 19-004 into the record relative to the Garbage Department.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-004 as read into the record.

Public Comment: None

Ms. Fitzgerald advised she wanted to make a correction on the dates the rates were going to be effective; they will be effective July 1, 2019.

6:00 PM Public Hearing – For consideration and possible action relative to adoption of Ordinance 249A Bill 265 to amend regulation for nuisance abatement within Mineral County.

Building Inspector Mike Fontaine advised that a group of citizens went through the ordinance that was voted down and the existing ordinance and came up with the proposed ordinance.

Mr. Rowe advised that in 2013 he brought to the Board an ordinance; this modified that ordinance.

Mr. Fontaine advised the new ordinance speeds up the process; he would keep records of the nuisance complaints and then report to the Board on the complaints that he had received.

Commissioner Hoferer advised there should be accountable record keeping.

Jean Peterson advised that in other counties a complaint could be made anonymously; she could show

at least fifteen properties that had been brought before the Board that never was cleaned up.

Mr. Rowe advised there was nothing in the new ordinance for entering a complaint anonymously

Commissioner Price asked Mr. Fontaine if he could do everything that was in the ordinance.

Mr. Fontaine advised the new ordinance had written guidelines but if he needs more information on certain regulations he would ask.

David Bowen asked about the county cleaning up debris that has been blown around.

Mr. Rowe advised the county had no policy set up at this time.

Charlene Mills asked where the county was on the current nuisance complaints; she asked if there was a timeline for action to be done and can a person who complained receive a phone call letting them know what action was being taken.

Mr. Fontaine gave an update on the action for the current complaints.

Mr. Rowe advised that a lien could be placed on the property.

Darlene Nelson stated that the clean- up day was a joke because people are picking up the junk on the street; when she first came they were fined for a nuisance.

Jerry Herod advised that at one time District Attorney Larry Bettis had someone out of his office that would go around and give warnings and fines to the people whose property didn't meet the standards; he asked if this could be done again.

Mr. Rowe advised he could take people into District Court for public nuisance if this doesn't work. Mr. Fontaine has to respond to the complaint within a certain number of days and then start action if he deems there is a nuisance; if it is an emergency situation the county can take action.

Mr. Fontaine advised the new ordinance outlines the fines and fees for violation of the ordinance.

Mary Marinello advised she would like to see a five or ten year plan to identify what the reasons for lack of growth, new businesses.

Public Comment: Jean Peterson advised she was on the committee when Larry Bettis District Attorney, they got an official letter and they cleaned up the property.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Ordinance 249A Bill 265 to amend regulation for nuisance abatement within Mineral County.

Mary Marinello suggested that a job be made for someone to help Mr. Fontaine; this needs to be made a priority.

Board of Highway Commissioners

Public Comment

Lou Gallaher asked what she could do about the people across the street who has threatened her; and the Mineral County Sheriff department who was doing nothing about the situation;

District Attorney Sean Rowe advised that the Board could not deliberate for anything that was brought to them during public comment.

Commissioner Hoferer asked why a Public hearing was being held before it was approved by the Board; she wants to know why it did not come before the Board before it is put out as a public hearing; she thinks it should be two items.

Mr. Rowe advised that after the audit was turned in; they could request a rate increase and they have to do it in a Public Hearing.

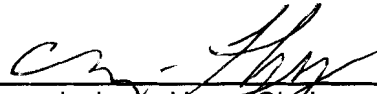
Commissioner Recognition - Commissioner Price welcomed Commissioner Hoferer again.

There being no further business to come before this Board, the meeting of the Board adjourned until

Wednesday, January 16, 2019 at 9:00 AM.


A verbatim recording of this meeting has been prepared and by reference becomes a part thereof.

Approved: Board of County Commissioners

By: 
Commissioner Hegg, Chairman

Date: Jan 16, 2019

Attest:


Christopher Nepper, Clerk of the Board

NOTE: Persons attending the meeting who are disabled and require special accommodations or assistance are requested to notify the County Clerk's Office, PO Box 1450, Hawthorne, NV 89415 or by calling 945-2446 no later than three (3) days prior to the meeting.

Mineral County is an equal opportunity provider and employer. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- 1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

Board of County Commissioners Assignments – January 2019

Representation to various organizations is as either a voting member or liaison depending on State statute or County ordinance relating to the specific organization. Representation or involvement does not provide the authority to take action on behalf of Mineral County (local government) or to obligate Mineral County (local government). Such action can only be taken in an open meeting of a quorum of the Board of County Commissioners. This requirement also applies to official correspondence on behalf of Mineral County or the Board of County Commissioners. When in doubt, review the Open Meeting Law Manual and/or Nevada's ethics laws, or seek legal counsel from the District Attorney.

Chris Hegg	Chairman of the Board
Christine Hoferer	Vice Chairman of the Board
Garth Price	Member of the Board
	Liaison to County departments and support agencies:
	Museum Board - Chris Hegg
	Park & Recreation / Ground & Maintenance - Chris Hegg
	Public Works - Chris Hegg
	Library Board - Chris Hegg
	Care & Share - Garth Price
	Building Inspector - Garth Price
	Emergency Management / Local Emergency Planning Commission (LEPC) - Garth Price
	Library Board - Garth Price
	Fire Department - Christine Hoferer
	Public Guardian - Christine Hoferer
	Hawthorne Utilities - Christine Hoferer
Christine Hoferer	Labor negotiations and actions
Chris Hegg	Consolidated Agencies of Human Services (CAHS)
Chris Hegg	Western Nevada Home Consortium
Chris Hegg	Emergency Management/ Local Emergency Planning Commission (LEPC)
Chris Hegg	Homeland Security Working Group
Garth Price	Library Board of Trustees
Garth Price	Park & Recreation Advisory Commission
Garth Price	Airport Land Use Advisory Board
Chris Hegg	Northern Nevada Development Authorities (NNDA) and its agencies
Christine Hoferer	Alternate - Emergency Management / Local Emergency Planning Commission (LEPC)
Christine Hoferer	Alternate - Mineral County Regional Planning Commission (MCRPC)
Christine Hoferer	Western Nevada Development District (WNDD) and Strategic Planning
Garth Price	Debt Management Commission
Christine Hoferer	Mineral County Economic Development Authority (MCEDA)
Garth Price	POOL/PACT
Chris Hegg	Mineral County Regional Planning Commission (MCRPC)
Garth Price	Regional Transportation Commission (RTC)
Christine Hoferer	Alternate – Regional Transportation Commission (RTC)
Garth Price	Mineral County Convention and Tourism Authority
Garth Price	Nevada Works

**Board of County Commissioners
Assignments – January 2019**

Garth Price	Alternate - Western Nevada Development District (WNDD) and Strategic Planning
Chris Hegg	Alternate – Nevada Associations of Counties (NACO)
Christine Hoferer	Coordinate and assist District Attorney with legal issues (including Walker Lake litigation)
Garth Price	Nevada Association of Counties (NACO)
Garth Price	State Land Use Planning Commission
Chris Hegg	Mason Valley Conservation District
Garth Price	Represent Mineral county in State, Federal and Tribal agencies

Nuisance Ordinance 1-7-19

Maryknoll Bowen
Christine Miller

Darlene Nelson

ROY L. BOWEN

Jay Ann Williams

Michael Henry

R. Clemens

Chel Neefe

Marsay Neagher

Sheri Tomson

Paul Peterson

Dede Lutzon

May Marinell

Wanda Noe

Water & Sewer Increase

1-7-19