



Board of Mineral County Commissioners

Hawthorne, Nevada
February 20, 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

Safety Message was provided by Emergency Manager Patrick Hughes relative to Electrical Safety.

2. Public Comment –

Erlene Iacovelli asked who had the final say about living in their RV.

Commissioner Hoferer stated there was a concern about a ditch south of town.

Commissioner Price advised that both items were on the agenda.

3. Approval of Agenda/Necessary Changes

Item 20 was moved and would be addressed after item 4.

Commissioner Price would like to move lunch break to 11:50, because he had an appointment.

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

Public Comment: None

4. 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.

Vouchers and Credit Card purchases receipts presented for review.

5. Staci Emm, Cooperative Extension – For consideration and possible action relative to requesting Cooperative Extension be appointed a liaison.

Ms. Emm advised that she was requesting a liaison to the Board of Commissioners; they were having issues with collecting revenue in some of their youth programs.

Commissioner Price volunteered to be the liaison.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve a liaison to the Cooperative Extension and to appoint Commissioner Garth Price to that position.

Public Comment: None

6. For consideration and possible action relative to approval of scope of work and estimate by Leavitt Construction to install heating and air conditioning unit in Cooperative Extension building.

Ayes: Commissioner Price
 Commissioner Hegg
Nays: None
Abstain: Commissioner Hoferer
Absent: None

Motion carried and so ordered

Public Comment: None

7. Treasurer’s Accounting Fund Summary Balance Report and Financial Horizon Credit Union Accounts Report – presented for review, discussion and possible action.

Fund Summary was presented for review.

8. Chris Lawrence, Mineral County Fire Chief – For consideration and possible action relative to the purchase of 2002 Ferrara Fire engine from Fire Trucks Unlimited.

Mr. Lawrence advised he found a truck in Garland, Texas for around \$60,000 it had equipment worth \$30,000 to \$40,000 on it; they blew the engine from the Mina Fire truck so a truck from Hawthorne was sent; now Walker Lake and Mina are fully staffed but it leaves Hawthorne Town with only one fire truck. The company selling the Fire Engine requested an offer to purchase and they would put a hold on the truck.

Commissioner Hoferer feels this falls under an emergency; she is suggested making a temporary transfer to Hawthorne Town and then at the end of the fiscal year transfer funds from the Contingency Fund.

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to approve Fire Chief Lawrence to purchase the 2002 Ferrara Fire engine from Fire Trucks Unlimited, to be paid from Hawthorne Town fund 310 and to transfer funds at the end of the year from the contingency fund as needed.

Public Comment: Craig Nixon advised the Fire Chief to check out the truck before he buys it.

9. Reports and Correspondence

Letter from Mineral County Dispatchers Association relative to entering into negotiations.

Letter from Nevada Rural Counties RSVP Program, Inc. relative to submitting a request for funding.

10. Minutes of – February 6, 2019 for review and possible action.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to approve the minutes of February 6, 2019 as presented.

Public Comment: None

11. Kenneth Collum – For consideration and possible action relative to the BLM program updates.

Mr. Collum was present to give an update on grazing and minerals; the Mineral County Recreation Map was in the final draft; the Vegas to Reno run was scheduled for August on the same route and two film permits were issued.

Commissioner Hegg stated he talked to Public Works Director Eric Hamrey regarding the old flood ditches around Mina and Luning that were destroyed; he was advised the ditches were on BLM land.

Mr. Collum advised that he would check into this to determine who has the ditches.

Public Comment: None

13. For consideration and possible action relative to Element 26 Contracting dumping 8,350 tons of concrete in the Landfill with their intent to crush for cover material at Landfill in lieu of Landfill fees.

Mr. Grant advised Element 26 was bidding on a job at SOC and they asked about dumping 8,350 tons of concrete in the landfill to store and then crush when they were done; he was requiring a \$150,000 Bond to make sure it was going to get done, they have not contacted him.

The Board advised charging the landfill fees.

Mr. Grant advised it's a requirement to do testing before they put it into the landfill.

14. **Christina Boyles, Park and Recreation Coordinator** – For consideration and possible action relative to hiring a company to complete pigeon removal and cleanup at the adult softball field concession stand/restrooms.

Ms. Boyles provided the Board with a quote of \$800 for the cleanup of the softball field concession stand/restrooms.

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to move ahead with Integrity Pest Management for the pigeon removal and cleanup in the amount of \$800.

Public Comment: None

15. **Bill Ferguson, Undersheriff** – For consideration and possible action relative to purchasing two new patrol units.

Mr. Ferguson advised they were taking pictures this week for the online auction; they have the money in their benefits line item to cover the cost of two new cars; the cost for each car was \$23,703.25 to outfit them would cost \$7,291.30 the total for both cars was \$61,989.10.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to allow the Sheriff Randy Adams and Undersheriff Bill Ferguson to move forward with the purchase of two vehicles in the amount up to \$62,000.

Public Comment: None

16. **Cherrie George, Senior Services Director** – For consideration and possible action relative to acceptance of Aging and Disability Services Division (ADSD) FY 2019 Nutrition Services Incentive Program (NSIP) sub award of \$8,636.

Ms. George was unable to attend; this was a forgiveness item as the grant had already been signed.

A MOTION WAS MADE BY Commissioner Hoferer, seconded by Commissioner Price and unanimously carried by the Board to approve the Aging and Disability Services Division (ADSD) FY 2019 Nutrition Services Incentive Program (NSIP) sub award of \$8,636.

Public Comment: None

17. **Kirk Bausman, Chairman Hawthorne Industrial Airport/Mineral Count Airport Land Use Advisory Committee** – For consideration and possible action relative to approval of Dan McPeake as proxy for Airport Manager, Eric Hamrey when he cannot attend the Airport Committee meeting.

Public Comment: None

20. **Glenn P. Carns, General Manager El Capitan Lodge and Casino** – For consideration and possible action relative to the El Capitan Firework display on the evening of May 17, 2019 at 9:00 PM.

Mr. Carns provided the Board of the plan for the El Capitan's Firework Display on May 17, 2019.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to allow the Mineral County Fire Department, Sheriff Department and Search and Rescue to assist the El Capitan in the May 17, 2019 Firework Show.

Public Comment: None

21. **Woody and Carolyn Isom** – For consideration and possible action relative to 357% garbage rate increase.

Mr. & Mrs. Isom stated that Hawthorne Utilities Director Larry Grant looked into this and they found some errors, so their rate was reduced.

Hawthorne Utilities Director Larry Grant advised the Board that on the 2018 rate increase the dumpster charges were increased; the increases were based on their audit.

Mr. Isom asked for a cap to be placed on the rates.

22. **Dr. Scott Thornta** – For consideration and possible action relative to revitalizing the school system and growing Hawthorne.

Dr. Scott Thornta was absent.

Superintendent Karen Watson suggested that when someone brings something regarding the school we ask them to check with the school.

23. **Sheri Samson** – For consideration and possible action relative to Walker Lake Residents 1) Budgetary consideration for Walker Lake 2) Enforcement of Codes Equal Protection for all residents and other matters related thereto.

#1: Sheri Samson stated since Walker Lake did not have an Advisory Committee she was advised to submit a petition to the Board to be included in the 2018-19 budget; Walker Lake residents tax contribution to the county was \$320,000 per year; in 2018-19 they were given only road maintenance once and they were allotted less than 1% through the Fire Department; they would like street sweeping and scraping; repairs done quarterly on the ruts and cracks in their roads; replacement of missing street signs; the Senior Services rein-stated; Volunteer Fire Department money to include recruitment, training and equipment; emergency management needs a petition to put them into his budget for CPR and first aid training; they have abandoned trust property that are risks to the residents and they would like to be included in all county enforcement and services; to include town specific chapters 9 and 10, because of the amount of their tax contribution they want the ordinances changed to town specific regardless of the cost; she would like to know what service hours had been given to Mina in 2018-19 because she feels the service hours should be equal to what Walker Lake is receiving.

Public Works Director Eric Hamrey advised they have been working at Mina since November 2018 after that they are going to Walker Lake; and the street signs have not been finished by the sign company.

#2 : Sherry Samson read and provided the Board with a history of her 10-month plight of the health, safety and welfare violations she has brought to the Board. See attached.

Public Comment: Mr. Bowen stated that the Board should be thankful that Ms. Samson laid their work out for them.

25. **Honorable Garth Price, Commissioner** – For consideration and possible action relative to requesting permission from the Governor’s Office on Economic Development to participate in the Sierra Region Development Authority.

Commissioner Price advised that Commissioner Hegg brought this up a year ago requesting the county to move to Northern Nevada Development Authority; he wasn’t ready at that time but he has been talking to Rob Hooper and Matt Moore, Director of the Governor’s Office of Economic Development; he thinks it is time for the county to move forward and join NNDA.

Public Comment: Jim Utterback chairman of the Board of Mineral County Economic Development Authority stated this was a power grab of NNDA, they take over other development authorities because they are in debt; they require \$25,000 in dues; they are based in Carson City and don’t know anything about Mineral County; why take it from the local area because the people in Mineral County know this county the best. Churchill and Pershing County have both left NNDA because of the lack of service. Why is this county not spending this money for the local efforts; do you think that if a business is looking for a location they would send them to Mineral County or keep them in their area; Matthew Moore is an employee of the Governor’s Office of Economic Development and he sits on the Board of the NNDA, which is a conflict of interest. If the Board sends the funding out of the county they will never get it back and receive no services.

Randy Samson Vice Chairman of Mineral County Economic Development Authority would like this item tabled; Shelley Hartmann, Executive Director for MCEDA is getting phone calls that the Governor’s office is not going to fund the rurals; they are trying to set up a meeting with the Governor through an attorney.

Commissioner Price advised the Governor and Matt Moore have made it clear they are defunding Highway 95.

Commissioner Hoferer asked how Mr. Utterback came up with the \$25,000; she was advised that it came from Cheryl Gonzales from NNDA.

Rick Niedzwiezki stated any prudent business decision would come with some detail and quantitative analysis, he would like for these to be made public for people to review; he is a business owner and he would not have come to this county if it was not for the help his received from Ms. Hartmann; he challenged the Board to ask other development agencies if they would have done the same.

Commissioner Price advised that with everything he had been presented, he doesn’t know why they haven’t done this sooner. Commissioner Price advised that Mr. Hooper stated they would have an office in the area.

Donna Glazier, Secretary MCEDA stated they all work together to bring business to Mineral County; she does not think NNDA would come to show Hawthorne to a potential business; she wanted to know why the Board is working against them instead of with them.

Sheri Samson asked if Commissioner Hegg and Commissioner Price were meeting Mr. Hooper and if it was an open meeting law violation.

Commissioner Hoferer asked to have this tabled until she could get more information; she asked what Highway 95 was.

District Attorney Sean Rowe advised that Highway 95 Development Authority was the pass through organization the Governors’ Office of Economic Development authority that funds the three different local development entities.

Mr. Bowen asked why this was just brought up and a decision needed now.

Jean Peterson stated it was hard for businesses to come here and to get employees to move here. It is going to take time; it’s going to be hard to bring in business until the town gets cleaned up; she does not think any Board had worked as hard as they have to bring in businesses.

District Attorney Sean Rowe advised you could modify the resolution just note that a modification was made.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hoferer and unanimously carried by the Board to adopt Resolution 19-005 supporting Senate Bill 48 with the specified changes for correcting the year.

Commissioner Hoferer asked to have a standing agenda item to address any Assembly or Senate Bills that are coming up that require the Board's attention.

Public Comment: None

27. For consideration and possible action relative to an update on the recommendations for compensation for loss of Mineral County land to the Military Expansion.

Commissioner Price advised that he spoke with Marilyn Kirkpatrick; she advised listing five things the county wants for their loss of land. Discussion ensued.

Commissioner Hoferer advised she would send out an email to the Department Heads to get more input.

Then they would submit five things to benefit the county.

Put on the agenda in two weeks.

28. **Closed Session** – Pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances and negotiations. None at this time.
29. **Open Session** – Discussion and possible action relative to all labor/bargaining unit contracts, grievances and negotiations. None at this time.

TIME SPECIFIC ITEMS:

- 10:00 AM Honorable Garth Price, Commissioner** – For consideration and possible action relative to policies and procedures for permitting residential RV use.

Commissioner Price advised that the Commissioners and the Planning Commission had special meetings to discuss Title 17, he thought they were targeting the sanitation problem; he thought the conditional use permit was good for a year but was advised that it was good for six months; there are county and state rules for living in an RV; this ordinance had been on the books since 1965 just not enforced.

Commissioner Hegg wants a conditional use permit to allow people time to adjust to the enforcement of the ordinance.

District Attorney Sean Rowe advised this ordinance had been on the books since 1965, just not enforced; there are exceptions like a mine site, construction site, or constructing a residence.

Commissioner Hoferer asked what the time frame was for a person to obtain a Conditional Use Permit.

Building Inspector Mike Fontaine advised it was thirty days. The conditional use form was new but the permit follows the same permitting process as the Special Use Permit but with minimal requirements; he explained that an affidavit of ownership or a letter from the owner regarding their status was needed; it goes before the Planning Commission so they can make sure it meets all of the land use provisions set by county and state; the adjoining land owners have to be noticed and a reply received; the fee schedule comes from the Planning Commission.

David Bowen stated two years ago he informed the Board there was a sewage line out to a culvert; the

guidance from the Board relative to the 6 months and the renewable process.

Sheri Samson advised the Board that as elected officials they were required to meet all ordinances; she had been fighting this for a year at Walker Lake; and now they are trying to bend the rules for people who were not in compliance yet you have people who pay high taxes and are in compliance and their value becomes degraded; there are mobile home parks that are empty; the county needs a five and ten year plan. Ms. Samson stated that on the 5th of December Mike Fontaine was told by Commissioner Tipton to handle the situation at Walker Lake; Wanda Nixon was in two of the meetings and she was aware. Ms. Samson holds accountable those that were voted into the office, according to the state it should have been brought to a priority level response.

Craig Nixon stated this has been going on for a long time.

Erlene Iaovecelli – they live in a fifth wheel, it is behind a chain link fence and has all the sewer and power,

Sandy Essenprice stated she does not want their home devalued, they were there to protect their investments.

Mr. Bowen stated that homeowners at Walker Lake are paying 2 or 3 times more taxes; these people are paying a minimal cost compared to what home owners are paying; he wanted a clarification regarding a person being able to renewing a Conditional Permit every year.

Donna Glazier stated she was a realtor in the area and she does not think it right for people to be able to live in RV's and Connex containers with no sewer and water.

Mr. Nixon advised that some of title 8 will change when title 17 is codified; Title 8 needs to be completely redone, it is difficult for the Planning Commission to do without specific directions; he has heard people talking about using their property for RV rentals.

Mr. Fontaine stated that if he could get people to tell him that they live in an RV then he can address it on a case by case basis, some of these are state ordinances; steps had been put into place to enforce the ordinance and now there is blow back from the community; the Board needs to discuss a procedural order and possible look at changing title 8.

Commissioner Hoferer asked what he was doing for the people who were not voluntarily coming to him.

Wanda Nixon stated it sounds like the concerns are due to a sanitation issue; she hasn't had a single complaint brought to her and she does not have the time to look for the problems. If people have a complaint they need to bring them to her.

Sybil Caldwell asked if there were not rules for these issues already on the books and why they are not being enforced.

Marty Iacovelli asked if he did not get the permit what would happen.

Mr. Fontaine advised a citation would be issued and then it would come before the Board.

Craig Nixon stated this was a zoning issue and asked if any RV had been inspected.

Item Continued after 10:30

Discussion ensued

District Attorney Sean Rowe advised this was an opportunity for the Board to get input from the citizens; he advised they could file a nuisance complaint, it deals with health quality and safety of a

The Board advised placing back on the agenda in two weeks.

Commissioner Hoferer advised that she wanted to see an update on the nine properties at Walker Lake at the next meeting from Mr. Fontaine.

It was advised to serve the notice on the nine residences because they are not getting mail; the Board advised having the constable serve the notices.

Commissioner Hoferer would like to see correspondence and the letter from the state and Environmental Health Services department now.

10:30 AM **Honorable Garth Price, Commissioner** – For consideration and possible action relative to who is responsible for moving forward with finding funding and cleaning out Flood Ditch South of the Mormon Church.

Mr. Price advised this was discussed after the last flood and still have come to the conclusion of who was responsible for the ditch.

Mr. Hamrey advised the Government owned the property.

Dennis Bunch advised that he could not find anything and that SOC was working with the government staff on this also.

Mark Nixon stated that he understood the ditch was a cooperative effort between FEMA and Mineral County.

Mr. Hamrey advised that he had a Corps of Engineers map of the area.

Craig Nixon advised that when John Stroud was the FEMA Flood Plane Manager they researched the ditch and FEMA had no record of this ditch. FEMA would not do anything about the ditch because it was not registered with them, it does not meet any of their specifications or jurisdiction or scope of work.

Mr. Hamrey advised that he had a Corps of Engineers map of the area; it would take an excavator or dozer at about \$5,000 and \$7,000 a month.

Emergency Manager Patrick Hughes advised that in recent talking with the state mitigation and a FEMA Region 9 representative his they say the same thing and that we would not get funding to fix this. County would not get reimbursement because it is on Government Land. Mr. Hughes advised the reimbursement from the last flood was still in process.

Discussion ensued.

The Board asked Mr. Fontaine to contact the Corps of Engineers relative to this item.

Continue this agenda item for two weeks at the same Time Specific. At 10:30.

Immediately Following **Dennis Bunch** – For consideration and possible action relative to the Board of Commissioners to act upon a Resolution Authorizing Mineral County Support for Armed Forces Week, May 13-19, 2019, proclaiming May 2018 as Armed Forces Month and proclaiming May 13-19, 2019 as Armed Forces Week and directing department heads to work with the Armed Forces Day Committee to help make the event successful.

Board of Highway Commissioners - Nothing at this time

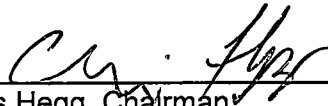
Public Comment - None

Commissioner Recognition - Commissioner Price would like to recognize the Girl and Boys Varsity Basketball teams for going to the Zone Basketball Tournament. Commissioner Hoferer would like to recognize the passing of the previous Assessor Dorothy Fowler; she talked to Clerk Treasurer about send flowers on behalf of the county.

There being no further business to come before this Board, the meeting of the Board adjourned until Wednesday, March 6, 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: 
Chris Hegg, Chairman

Date: March 6, 2019

Attest:


Christopher Nepper, Clerk of the Board

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- 1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW