

MAY 4, 2016

The meeting was called to order at 8:30 a.m. by Darin Bloyed, Chairman. Those present were Pat Irwin and Carol Shank, Commissioners; Bryce Shields, District Attorney; Karen Wesner, Administrative Assistant; and Lacey Donaldson, Clerk.

APPROVAL OF MINUTES: There were no minutes submitted for approval.

PUBLIC INPUT: Roger Mancebo presented the Board with a Loss Control Excellence Award from POOL/PACT. He also stated that only three counties were given this award this year.

Martha Lynn Trost spoke about the Sheriff's deputies and them being charged with animal control duties. She doesn't feel that they have been properly trained to understand the needs of those animals they come in contact with. She would like to urge the Commission to figure out a way to provide the deputies with the necessary training.

REVIEW OF ALL AGENDA ITEMS TO DETERMINE IF ANY DO OR DO NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION, OR EXPANSION OF A BUSINESS: Mrs. Shank made a motion that Agenda Item #8-B regarding the Towne's hog farm may impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. Motion seconded by Mr. Irwin and passed.

UNCLASSIFIED DEPARTMENTS:

ROAD DEPARTMENT – Brian Greene was present.

Mr. Greene reported that they pulverized Pacific Avenue in Imlay and found some culverts that have been buried since the 40s. The crew dug them all out. Mr. Greene stated that the last time the road was worked on they also covered up some old pavement with gravel, so they are digging that out as well and will put in new gravel. Most of the crew has been out in Jersey Valley and Buffalo Valley installing culverts. The screening plant was at the Big 5 pit, but it has been torn down and brought back to the yard. With the little bit of rain, they were also able to blade Milich Road, Dunan's road, and a few others. Mr. Greene also stated that they installed some French drains and replaced two culverts in Imlay as well.

LANDFILL – Brian Greene was present.

Mr. Greene reported that Mr. Nielsen passed his test and is now SWANA (Solid Waste Association of North America) Certified as a Landfill Manager.

SENIOR CENTER/VOLUNTEER COORDINATOR – Jordan McKinney was present.

Mrs. McKinney reported that they made over \$1,600 on the Birdhouse Raffle. May is Older Americans Month and they will have different lunchtime activities at the Center throughout the month. There are three summer trips planned, an Aces game in June, Safe Haven in July, and Virginia City in August. Breakfast this month will be held on May 27th. The grant applications for the new bus and congregate and homebound meals have been completed and turned in. The Center will also be having a Candidates Luncheon on June 9th.

BUILDINGS AND GROUNDS – John Handka was present.

Mr. Handka reported that the crew is working on the grass in the Courthouse Park. They finished uncovering the pool and they will be installing additional lights to discourage vandalism. The pool has been cleaned and it is being filled today. Mr. Handka also reported that most of the projects have been completed at the Airport. They have been spending a lot of time at the Jail trying to get everything up to code. As things are fixed, Sheriff Allen has been notifying the State.

Mr. Irwin stated that he spoke with Bob Rice of NV Energy regarding the light poles in the park. He should be contacting Mr. Handka. Mr. Bloyed also spoke to Mr. Rice’s supervisor about the urgency to trim the trees, so hopefully we can at least get the lines dropped.

Mr. Bloyed asked how the softball fields are looking. Mr. Handka stated that they are looking really well. Mr. Handka stated that the NDF (Nevada Division of Forestry) prison crew will be out this month to do some clean-up at both cemeteries and the museum.

Discussion regarding placement and insurance/indemnification for bounce houses/mechanical bull booths: Mr. Handka stated that he hasn’t heard from anyone. Mr. Shields stated that he spoke with Marianne Papa and she hasn’t received the insurance from the vendor. As soon as she does she will forward it to the DA’s office.

COMMUNITY CENTER/ECONOMIC DEVELOPMENT – Heidi Lusby-Angvick was present.

Mrs. Lusby-Angvick gave the Board a copy of the Pershing County Business Retention & Expansion Survey. Nine businesses were interviewed in this process.

Mrs. Lusby-Angvick also reported that she meets with the contractor who is remodeling the kitchen on a weekly basis. She does not have a completion date yet, but they are really motivated to get done. The NRA (National Rifle Association) Dinner was held April 22nd and was successful in spite of the kitchen.

Economic Development did a YouTube campaign with Madden Media and it went live today. They are also working on an economic development video with THS Visuals. They will be in town filming the first part of June.

WNDD (Western Nevada Development District) will be holding their June meeting in Lovelock. They will be having a dinner and will be touring the Industrial Park.

Mrs. Lusby-Angvick also noted that the 4th grade field trips to the museum and Indian Caves will be May 16-18.

Approval of Change Orders for kitchen remodel project: Change Order #1 is for a Performance and Material Bond. Mr. Shields stated that the County is not obligated to pay this. Change Orders #2-4 were things that the Community Center Board asked be added when the bid was awarded.

Mr. Irwin made a motion to approve Ferrel Construction’s Change Orders #2, #3, and #4 for the Community Center remodel in the amount of \$2,831.00 and hold back on Change Order #1 until additional research can be conducted. Motion seconded by Mrs. Shank and passed.

PUBLIC DEFENDER – Mr. Bloyed stated that Mr. Cochran attended the Humboldt County Commission meeting. Mrs. Shank stated that Humboldt County doesn’t want to sever its ties with us and would like to enter into a new MOU (Memorandum of Understanding) with Pershing County. They will have an item on their next agenda to approve.

Mrs. Shank stated that Mineral County has gone out to bid for their Public Defender services. Mrs. Shank was unaware if Mr. Cochran had submitted something.

ELECTED DEPARTMENTS:

LACEY DONALDSON, CLERK-TREASURER – Mrs. Donaldson stated that she is still preparing for the upcoming election. Early Voting starts on Saturday, May 28th. She also stated that the office is short-staffed so they have been dealing with that. She also informed the Board that an ad will be in the paper looking for interested parties to form “for and against” statements in regards to the Fuel Index Tax Question for the General Election. If no one is interested the Clerk must write those statements.

Approval of corrections/changes to the Tax Roll: Three corrections were submitted as follows:

APN #001-213-02	Wade & Dawn Randolph	Assessed Value Error
APN #007-550-23	Jason & Martha Sutherland	Assessed Value Error
APN #012-080-31	Solidus Resources, LLC	Assessed Value Error

Mr. Irwin made a motion to approve the corrections as presented. Motion seconded by Mrs. Shank and passed.

RENE CHILDS, RECORDER-AUDITOR – Mrs. Childs gave the Board the end of the month reports. She stated that she will have a list of all the grants the County currently has for the Board to review at the next meeting. Mrs. Childs participated in a call Friday with Family Resources. They would like their grant to be administered by the County. An item will be put on the next agenda. Mrs. Childs also reported that all the research cabinets were moved yesterday to make way for the ongoing construction.

Request for approval of Critical Need Position through PERS for retired reserve deputies for Pershing County Law Enforcement Center: Mrs. Shank made a motion to approve the Critical Need Position through PERS for retired reserve deputies for the Pershing County Law Enforcement Center. Motion seconded by Mr. Irwin and passed.

PROCLAMATIONS AND AWARDS: NATIONAL HOSPITAL WEEK, MAY 8-14, 2016 – Mrs. Shank made a motion and read a Proclamation declaring May 8-14, 2016 National Hospital Week. Motion seconded by Mr. Irwin and passed.

MENTAL HEALTH AWARENESS MONTH, MAY 2016 – Mr. Irwin made a motion and read a Proclamation declaring May 2016 Mental Health Awareness Month. Motion seconded by Mrs. Shank and passed.

EMERGENCY MEDICAL SERVICES (EMS) WEEK, MAY 15-21, 2016 – Mrs. Shank made a motion and read a Proclamation declaring May 15-21, 2016 EMS Week. Motion seconded by Mr. Irwin and passed.

EMERGENCY MEDICAL SERVICES (EMS) FOR CHILDREN DAY, MAY 18, 2016 – Mr. Irwin made a motion and read a Proclamation declaring May 18, 2016 EMS for Children Day. Motion seconded by Mrs. Shank and passed.

NEVADA WILDFIRE AWARENESS MONTH, MAY 2016 – Mrs. Shank made a motion and read a Proclamation declaring May 2016 Nevada Wildfire Awareness Month. Motion seconded by Mr. Irwin and passed.

ADVISORY BOARD APPOINTMENTS/RESIGNATIONS: PERSHING COUNTY ECONOMIC DEVELOPMENT AUTHORITY / COMMUNITY CENTER – A letter of resignation was received from Julie Lyon.

Mrs. Shank made a motion to accept the resignation of Julie Lyon from the Pershing County Economic Development Authority Board. Motion seconded by Mr. Irwin and passed.

ELECTED DEPARTMENTS, CONT.D

LAURI CERINI-JONES, ASSESSOR – Mrs. Cerini-Jones reported that the Personal Property Declarations have been prepared and mailed ahead of schedule. The Exemption Notices are being printed today. Mrs. Cerini-Jones stated that they are going to start holding people accountable and requiring the notices to be returned by June 15, per Statute. Mrs. Conn is in the field working on new construction.

CORRESPONDENCE: There was no correspondence discussed.

CO-LOCATION AND SERVICE AGREEMENT FOR MENTAL HEALTH SERVICES BETWEEN STATE OF NEVADA, DEPARTMENT OF PUBLIC WORKS AND PERSHING COUNTY FOR OFFICE SPACE LOCATED AT PERSHING GENERAL HOSPITAL: Mr. Shields stated that he was given some wrong information as the location is not Pershing General Hospital; it is the Community Health Nurse's Office. This item will be placed on a future agenda.

The meeting recessed at 9:38 a.m. and reconvened at 10:06 a.m.

PLANNING DEPARTMENT: James Evans and Damien McKinney were present.

Mr. Evans stated that there will not be a Planning Commission meeting this month. There will be a meeting in June.

IMLAY WATER: Mr. Evans reported that the tank cleaning is scheduled for May 14th and the Sanitary Survey is scheduled for May 16th.

BUILDING DEPARTMENT: Mr. Evans gave the Board the monthly fees collected and permits issued report. They were also given a report from the Code Enforcement Officer.

Mr. Bloyed asked about the progress on the Archival Building. Mr. Evans stated that they are getting close to having the footings done and hope to pour cement this week. He also reported that the Community Center kitchen project is going well.

PETER AND CHERYL TOWNE: DISCUSSION REGARDING ALLOWANCE OF A HOG FARM BY PETE TOWNE LOCATED IN AN MDR LAND USE DISTRICT UNDER CHAPTER 302 OF THE PERSHING COUNTY DEVELOPMENT CODE, SECTION 17.302.05-5 – Mr. Shields stated that a couple of weeks ago he was asked by the Planning and Building Department to issue an opinion in regards to the allowance of a hog farm in MDR (Medium Density Rural). Mr. Shields stated that he has concluded that as the current Development Code adopted in 2009 stands, they are not. He has spoken to Mr. Towne and was told that his hog farm has been in existence since the mid-80s, early 90s. The issue is that there is no grandfather clause designated in the current Development Code, nor in the 2003 version of that Code. Common law suggests that when these issues arise, the non-conforming land use is entitled to a grandfather clause, but that designation is fact driven. Mr. Shields is suggesting that his office, the Planning Department and the Commission do some more research on the matter. As both parties are present today, Mr. Shields thought it might be beneficial to hear from them.

Mr. Towne stated that he started the hog farm in 1972. Mr. Bloyed asked if, at that time, the property was all contiguous. Mr. Towne stated that he had the whole section. Mr. Bloyed also asked if there was any time that the Towne's stopped farming. Mr. Towne stated that the operation was off and on as they changed the configuration, etc. It was noted that the property owned by Martha Trost, which is the location of the original hog farm, was sold to her by the bank. Mr. Bloyed asked how many pigs the Towne's currently have. Mr. Towne stated that today he has 30 head, but two weeks ago he had 100. Mr. Irwin asked if there was ever a year that they had absolutely no pigs. Mr. Towne stated that he couldn't say for sure. Mr. Shields asked Mr. Towne how many pigs he had when he moved operations in 2001. Mr. Towne stated that he had 60 sows, but he had already moved off the property that now belongs to Ms. Trost by that time. Mr. Shields asked what has been the motivating factor in ramping up the business now. Mr. Towne stated that his wife is the motivating factor. Mr. Shields asked if they have a planned maximum capacity of sows. Mr. Towne stated that the plan is 4 sows per month and they do not plan to exceed between 80-100 pigs at one time. Mr. Shields asked what the maximum number of pigs they have had on the farm in the past was. Mr. Towne stated that they had 3,000. This number was curtailed sometime in the 90s as the pigs had to be quarantined and were put down. Within 60 days after that incident, they were back up to 60 sows.

Martha Lynn Trost gave the Board a letter pointing out her objections and read some of them out loud.

Mr. Shields stated that the Sheriff has a timed event on the agenda and has another meeting he has to get to. The Board will come back to this item after the Sheriff gives his report.

SHERIFF JERRY ALLEN: Sheriff Allen stated that the Inmate Work Crew has been doing several projects. Sheriff Allen also reported that he has a deputy that is leaving later this month and he would like to fill the position as soon as possible. An item will be on the next agenda for approval, but the Board did not have a problem with Sheriff Allen advertising the position.

UPDATE ON 2016 BURNING MAN EVENT – Sheriff Allen stated that he is leaving after this meeting to attend a Sheriff's and Chief's meeting in Carson City. He is currently looking for recruits to work this year's event.

DISCUSSION REGARDING PAYMENT TO SH ARCHITECTURE IN THE AMOUNT OF \$1,037.33 FOR THE PERSHING COUNTY LAW ENFORCEMENT CENTER DESIGN PROJECT – Sheriff Allen stated that he hasn't received any correspondence from SH Architecture since the last billing he received. The last time he spoke with Dennis Panars he was under the impression that we still had funding available. Mrs. Childs stated that she is currently holding this check. To date, including this payment, we will have paid \$22,657.41. Mrs. Childs believes the Board authorized \$20,250. Mr. Irwin stated that he would call SH and see what he can find out.

CONTINUED DISCUSSION REGARDING THE TOWNE HOG FARM: Mrs. Trost spoke about Pershing County's zoning laws. She stated that under 17.302.05.5, hog farms cannot be located within ½ mile of any dwelling. Her home is within this ½ mile. She also stated that case law states that a grandfather status is based on original zoning allowances and her research does not show any such allowance. Mrs. Trost stated that the original hog farm was never lawful. Mrs. Trost has additional concerns about air quality and waste. Mrs. Trost stated that Mr. Towne is notorious for not obtaining permits.

Ronald Cwetna also spoke and is concerned that this would open it up to other people to do the same thing.

Mr. Towne spoke about other properties in the county that have received grandfather allowances for the same thing. He stated that he specifically bought the property in Grass Valley to have horses, pigs, and cattle.

Mr. Bloyed stated that no action will be taken today. The Board will do some more research and speak with legal counsel and this will be put back on a future agenda. Mr. Towne asked if he was to "cease and desist". Mr. Shields stated that no determination has been made and things can continue as is until further notice.

Mrs. Trost asked if neighbors would be formally notified. Mr. Evans stated that notices are only sent to neighbors within 300 square feet unless it is a Master Plan Amendment. Mr. Bloyed stated he would like notices sent to neighbors within a ½ mile. Mr. Irwin stated that the Grass Valley Advisory Board could also help get the word out.

Mr. Irwin asked to discuss the Planning and Building Department again. He would like the Code Enforcement report to have its own agenda item. He also asked Mr. Shields if it would be inappropriate to list the addresses of concern. Mr. Shields did not feel it would be appropriate and thought Mr. McKinney's report gave sufficient information.

VOUCHERS: Mrs. Shank made a motion to approve the vouchers as submitted. Motion seconded by Mr. Irwin and passed.

REPORT FROM LEGAL COUNSEL: Mr. Shields and Bob Redd sat down with a reporter from The Arizona Republic to discuss BLM management in the West.

Mr. Shields was asked to draft a letter to Attorney General Laxalt regarding moving forward with litigation against BLM for the wild horse and burrow issues in Nevada.

Mr. Shields will also be meeting with John Ruhs, the State Director of BLM, on Monday along with members of the N2 Grazing Board to discuss the RMP (Range Management Plan).

REPORT FROM ADMINISTRATIVE ASSISTANT: Mrs. Wesner stated she didn't have anything to report. She did state that the information on the Lands Bill is now on the County's website.

MATTERS OF THE BOARD FOR DISCUSSION, BOARD MEMBER REPORTS, BOARD LIAISON REPORTS: Mrs. Shank stated that she had already spoke about her attendance at the Humboldt County Commissioner's meeting. She stated that she was hoping that on today's agenda they would review the County's process and discuss the Lands Bill in depth. She had hoped that the Commission would be able to discuss this and get on the same page prior to the next town hall. Mrs. Shank stated that she also stopped by the Imlay Firehouse and noticed that the property next door is for sale. She took down the number so that someone can inquire about it. Mrs. Shank would also like to have a conversation regarding the exact dollar amount for the Sheriff's Burning Man budget.

Mr. Irwin stated that Jerrie Tipton testified before Congress on the lands issues. The TV Board will be meeting next week, but he won't be able to attend. The house in Unionville looks really good and they are done at this time. Mr. Whitaker would like a connex to store some lawn equipment. Mr. Irwin also reported that as of May 10th he will be resigning from the Lovelock Volunteer Fire Department. He also stated that he was appointed to NACO's Legislative Committee.

Mr. Bloyed stated that he participated in two more budget meetings with Nevada Works. The Recreation Board meets tomorrow.

PUBLIC INPUT: There was no public input at this time.

As there was nothing further to come before the Board, the meeting was adjourned at 11:42 a.m. to meet in a closed labor session pursuant to NRS 288.220 to meet with the County's labor representative regarding labor negotiations.

Approved: _____ /s/
Darin Bloyed, Chairman

Attest: _____ /s/
Lacey Donaldson, Clerk