

JANUARY 22, 2020

The meeting was called to order at 8:30 a.m. by Carol Shank, Chairwoman. Those present were Robert McDougal and Larry Rackley, Commissioners; Bryce Shields, District Attorney; Karen Wesner, Administrative Assistant; and Lacey Donaldson, Clerk.

APPROVAL OF MINUTES: Mr. Rackley made a motion to approve the minutes from the December 5, 2019 special meeting as submitted. Motion seconded by Mr. McDougal and passed.

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

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: Mr. McDougal made a motion that Agenda Item #21, regarding the proposed Ordinance to increase the Fuel Tax, could impose a direct and significant economic burden on a business or directly restrict the formation, operation, or expansion of a business. It was noted that DA Shields has mailed a Business Impact Statement to businesses that could potentially be impacted. Motion seconded by Mr. Rackley and passed.

UNCLASSIFIED DEPARTMENTS:

ROAD DEPARTMENT – Dan Hill was present.

Mr. Hill reported they have been busy blading, working out in Pleasant Valley, Grass Valley, and Imlay. It is dry, so they moved on to cleaning up weeds in Imlay and on Old Victory Highway. A team is also blading out toward C-Punch.

Mr. Hill stated that he received a complaint about a blind corner in Keystone Canyon. He went out and looked at it and will be putting up some signage. Mr. Hill also reported that the Department finished their Safety Training right before Christmas. The bridge at Derby and Westfall by Alan Brinkerhoff's received some damage before Thanksgiving. They are working on repairing it now, but Mr. Hill's cost estimate is \$10,000. He would like to put a culvert in, but isn't sure about the amount of water that will run through it. Mr. Hill will work with Pershing County Water Conservation District to get it done by March.

LANDFILL AND RECYCLING – Dan Hill was present.

Mr. Hill reported that they are having a problem with wind-blown trash. He will be putting funds in next year's budget to replace some of the trash fencing with 10' fencing. They are trying to stay on top of things in anticipation of an inspection, but NDEP (Nevada Division of Environmental Protection) hasn't been out yet.

SENIOR CENTER/VOLUNTEER COORDINATOR – *Salary Resolution, C. Dahilig:* Mrs. McKinney reported that Ms. Dahilig is currently part-time as the homebound numbers haven't warranted an increase to full-time, which is in the budget.

Mr. McDougal made a motion to approve the Salary Resolution for Crystal Dahilig moving her from an Administrative Clerk I, Range 23, Step 1 to an Administrative Clerk II, Range 26, Step 1 effective January 28, 2020. Motion seconded by Mr. Rackley and passed.

K&H Construction will be putting up the sound panels.

BUILDINGS AND GROUNDS – John Handka was present.

Mr. Handka stated that they have been doing some work in preparation for the Lover's Aloft event.

Mrs. Shank asked about the Law Library remodel. Mr. Handka stated that he needs to verify with Mr. Shields what books need to be kept.

Mr. McDougal spoke about the grass at the ballfields. The discussion at the Recreation Board meeting was to change out some of the sprinkler risers for this season and plan to replace the turf and sprinkler system next season.

Pat Irwin, Lover's Aloft Balloon Festival, Request to use McDougal Sports Complex for the annual festival February 14-17, 2020: Pat Irwin spoke about this year's event. This year is the 15th anniversary of the event.

Mr. McDougal made a motion to approve the request from Lover's Aloft Balloon Festival to use McDougal Sports Complex for the annual festival February 14-17, 2020. Motion seconded by Mr. Rackley and passed.

Dawn Bequette, Approval to have Ghost Tour on Saturday, February 15, 2020 in the Courthouse for the Lover's Aloft Balloon Festival: Mrs. Bequette stated that the event will start at 5:00 p.m. and will be at the Courthouse at approximately 6:00 p.m. Mr. Rackley volunteered to open the doors. With the recent fires, Mrs. Bequette has done some research about other fires that she will be adding to her presentation.

Mr. McDougal made a motion to approve the Ghost Tour in the Courthouse on Saturday, February 15, 2020 for the Lover's Aloft Balloon Festival. Motion seconded by Mr. Rackley and passed.

PERSHING COUNTY FIRE/AMBULANCE DEPARTMENTS –

GRASS VALLEY FIRE DEPARTMENT: Chief Sean Burke was present.

Chief Burke reported that they currently have 17 of the 18 member positions filled. They have received two applications that they will be reviewing. Chief Burke also reported that he is working on the budget prep for Mrs. Childs. He and the other chiefs have scheduled quarterly meetings and the next one will be on Saturday, March 14th in Grass Valley. Chief Burke stated that he is working on the POOL/PACT grant for coats for all the departments. They are also looking at BLM's vehicle acquisition program for a water tender or a Type III Engine. Chief Burke is still waiting for a meeting with the BLM (Bureau of Land Management) and NDF (Nevada Division of Forestry) to discuss the fuel reduction project for Grass Valley. All four departments are working together on an AFG (Assistance to Firefighters Grant) to replace SCBAs (self-contained breathing apparatus) in all the departments. Chief Burke is also working on updating the Department's long range plan.

GRASS VALLEY ADVISORY BOARD: Sean Burke was present.

Mr. Burke stated that their next meeting is Monday, January 27, 2020. Mrs. Donaldson will be coming out to speak about the duties of her office. The roads and transfer station both look good. The Winnemucca Grange is still using the Community Center for their meetings and have been increasing their membership. The Board is working on scheduling dates for a Heath Fair and a Voter Registration Drive. They would like to schedule a Town Hall for June or July. The Commission stated that they would be available June 27th.

UNCLASSIFIED DEPARTMENTS, CONT.D:

SAFETY/CHN/CEMETERY – Cheryl Haas was present.

Ms. Haas reported that the amount of vaccine inoculations being given are down, but she is still doing TB testing regularly. Ms. Haas stated that Carson City is ramping up their archival efforts, but she is already up to date with all of hers. Ms. Haas spoke about the coronavirus from Asia. The office is continually receiving updates from the CDC (Center for Disease Control). There are currently two cases in the United States, both in Washington State.

Regarding the Safety Department, all departments finished their 2019 requirements. Ms. Haas hasn't started sending anything out for the new year yet as POOL/PACT is changing their programs as of February 1st. She hopes to have training on the new system tomorrow.

Regarding the Cemetery office, Ms. Haas is continuing to update information as she finds it in preparation for the new system. There will be a burial on February 1st for Mackie Duncan. Mr.

McDougal asked if they had thought about setting aside smaller plots for cremations. Mrs. Shank stated that the board has been discussing it. Ms. Haas stated that there are already spots designated for that by the Memorial Wall as well. The next Cemetery Board meeting will be on February 12th.

IT DEPARTMENT – Justin Abbott was present.

Mr. Abbott reported that he is putting together the final count for the physical security project today. He stated that he needs approximately 20 units. Mr. Abbott has also been in contact with the High School about using their computer lab for training. Mr. Abbott also reported that he has been working with Homeland Security on the Secretary of State's security assessment. Mr. Abbott is finalizing the budget figures for the Windows 10 upgrades and should have figures for the Board in February. Mr. Abbott is also working on his budget for the next Fiscal Year.

ECONOMIC DEVELOPMENT – Heidi Lusby-Angvick was present.

Brownfield Grant Project: Mrs. Lusby-Angvick gave the Board the agenda for Monday's PCEDA meeting to discuss the Brownfields Grant. It will be held from 6pm till 8 pm at the Community Center. Mrs. Lusby-Angvick stated that a website is being created and the property assessment reports will be housed on that site.

ELECTED DEPARTMENTS:

LACEY DONALDSON, CLERK-TREASURER – Mrs. Donaldson reported that the office has been busy collecting third installment taxes. They are still posting in both ADS and Devnet, as abnormalities are worked out. As of Friday, the office has processed 47 Automatic Voter Registrations from DMV. Only about 12 of those registrations are new registrations.

Approval of Amended Contract with Dominion Voting to include Mobile Ballot Printing purchase as approved in budget hearings (\$5,285 one-time purchase, \$575.00 annual licensing and fees): Mr. Rackley made a motion to approve the amended contract with Dominion Voting to include a Mobile Ballot Printing purchase in the amount of \$5,285.00, plus \$575 in annual licensing fees, as approved in the budget workshops. Motion seconded by Mr. McDougal and passed.

RENE CHILDS, RECORDER-AUDITOR – Mrs. Childs stated that she was able to export the budget worksheets into excel and they have been distributed to the departments.

She will be attending Tyler Training on February 13th and 14th in Carson City. She will also be participating in a budgeting webinar next Wednesday. W2s and 1099s have been distributed.

UPDATE ON PROGRESS OF SITE LOCATION, DESIGN, FUNDING, AMENITIES AND CONSTRUCTION OF FUTURE LAW ENFORCEMENT CENTER: Mr. Rackley stated he would like LCA to come look at the two sites. An item will need to be put on the next agenda to discuss and possibly approve having the consultant look at the two additional sites.

PROCLAMATIONS AND AWARDS: YEARS OF SERVICE CERTIFICATE/PIN, C. SANTOYA – Maria Santoya was not available, so Mr. Handka accepted the Years of Service Certificate and pin honoring her five years of service on her behalf.

BOARD APPOINTMENTS/RESIGNATIONS: The following letters were received asking for reappointment:

Shelly Nee	Pershing County Television Advisory Board
Vijay Ratti	Community Center/Economic Development Authority Board
Dale Talcott	Cemetery Advisory Board
Glenn Rose	Cemetery Advisory Board
Charles Sparke	911 Surcharge Committee

Mr. McDougal made a motion to reappoint all that submitted a letter to their respective boards. Motion seconded by Mr. Rackley and passed.

DERBY FIELD AIRPORT: UPDATE – Mr. Rackley met with Armstrong Consultants yesterday regarding the fencing project. They presented a draft proposal of the fencing plan. There is an Airport Board meeting on February 20th. Armstrong will bring the draft to that meeting as well. Mr. Rackley also spoke about the Five Year Plan. We usually have to send a representative to meet with the FAA (Federal Aviation Administration) at their yearly conference, but they will be coming here this year. Mrs. Shank stated that the Buildings and Grounds Supervisor usually participates in that meeting as well.

APPROVAL OF 2020 FAA GRANT FOR DERBY FIELD AIRPORT – TERMINAL AREA FENCING IN THE AMOUNT OF \$210,000.00 (INCLUDING \$13,125.00 COUNTY MATCH) – Mrs. Shank asked Mrs. Childs if this money is in the current budget. Mrs. Childs stated that the money is not in the current budget. If the project starts after July 1st it can be added to the FY21 budget. Mr. Rackley stated that he spoke with Armstrong about this as well and that wouldn't be a problem.

Mr. Shields has not reviewed the grant application. The paperwork is in the packet. Mrs. Shank stated that the application is already signed and dated December 22, 2019. Mr. Shields will review the grant application, and this will be put on the next agenda.

(Discussion from Legal Counsel Report added here for continuity) Later in the meeting the Board readdressed the grant application. Mrs. Shank was concerned as the funding wasn't budgeted in this Fiscal Year (FY20). Mrs. Donaldson explained that this approval is for submittal of the grant application. The grant will not be awarded for several months; therefore, the grant match was to be included in the FY21 budget. Mrs. Donaldson stated that the project can't be started at this time as we haven't been awarded the grant.

Mr. Rackley made a motion to submit the 2020 FAA Grant Application for Terminal Area fencing in the amount of \$210,000, which would include a \$13,125.00 County Match to be budgeted in Fiscal Year 2021. Motion seconded by Mr. McDougal and passed.

APPROVAL OF PROFESSIONAL SERVICES AGREEMENT AND SCOPE OF WORK FOR FENCE PROJECT – This item will be put on a future agenda.

DISCUSSION REGARDING HEATING THE SNOW REMOVAL BUILDING – Mr. Rackley stated that the heating system is supposed to be for when someone is in the building, not to heat the building year round. Mr. Handka does have equipment in the building that can freeze, so he has been keeping the thermostat at 54 degrees. Mr. Handka also stated that Oasis was out yesterday, and they have stated that the ventilation system is not vented properly and there is no fresh air intake. Mr. Rackley doesn't feel there are any problems with the system; however, we are still within the 1 year warranty period. It was installed according to the Manufacturer's instructions, but Mr. Rackley agreed that it would be more efficient if it was ventilated.

Mr. Rackley stated that the spray rig should be moved. Mr. Handka was instructed to winterize the spray rig and turn the heat off in the building.

Mr. Rackley made a motion to turn the heat off in the Snow Removal Building. Motion seconded by Mr. McDougal and passed.

PUBLIC HEARING ON PROPOSED ORDINANCE #338: Mrs. Shank asked for any public comment. There was none.

Mr. McDougal stated that it was his understanding that work cards would stay at the Sheriff's office. Mr. Shields stated that was correct. Mr. McDougal also thought that distilleries should be included. Mr. Shields stated that there is a "catch-all" for businesses not specifically named.

Mr. McDougal made a motion to adopt Ordinance #338, creating the Pershing County Business License Department. Motion seconded by Mr. Rackley and passed unanimously.

The meeting recessed at 9:37 am and reconvened at 9:42 am.

REPORT FROM ADMINISTRATIVE ASSISTANT/HR REP: MEMO REGARDING EMPLOYEE PARKING AREAS – Mrs. Wesner gave the Board a copy of a memo that was distributed by the Board several years ago regarding employee parking. The memo prohibits employees from parking on Dartmouth Avenue by the Post Office and Wizard’s Flower Shop; on Central Avenue along the side/front of the Courthouse; and on Main Street in front of the Administrative Building. She asked if the Board would like it updated and re-sent out.

Mr. McDougal didn’t feel the parking on Main Street needed to be prohibited. Mrs. Donaldson stated that she would like the Administrative Building parking lot included as prohibited, as there isn’t a lot of customer parking out front to begin with.

The Board agreed to re-issue the memo prohibiting parking on Dartmouth Avenue and in the Administrative Building Parking Lot.

APPROVAL TO FILE PROTEST DOCUMENTS FOR WATER RIGHT APPLICATION #89357, CAROL ST. CLAIR AND GRANT ST. CLAIR – Mr. McDougal stated that Humboldt River Basin Water Authority also approved filing a protest on this application, as well as an application on the Washoe County side.

Mr. McDougal made a motion to approve filing a protest document on Water Right Application #89357, Carol St. Clair and Grant St. Clair. Motion seconded by Mr. Rackley and passed.

PLANNING AND BUILDING DEPARTMENT / IMLAY WATER: James Evans was present.

REQUEST FOR REVIEW AND APPROVAL OF A PARCEL MAP APPLICATION ON APN #009-270-01 FOR ROGER RICHARDS. THE APPLICANT PROPOSING TO DIVIDE THE PARCEL INTO (1) 18.23 ACRE +/- PARCEL AND (1) 142.67 ACRE +/- PARCEL IN ORDER TO SEPARATE THE IRRIGATED AGRICULTURE FIELD FROM AN EXISTING GRAVEL PIT ON THE PROPERTY. THE PARCEL IS ZONED LOW DENSITY RURAL (LDR) AND LOCATED ON DUTCHMAN DRIVE, ½ MILE WEST OF GRASS VALLEY ROAD IN GRASS VALLEY, PERSHING COUNTY, NV – Mr. Evans reported that the Planning Commission recommended approval at their January 8th meeting, listing Findings A-O of Section 17.404.35 in the Pershing County Development Code.

Mr. McDougal made a motion to approve the Parcel Map Application for APN #009-270-01 for Roger Richards as submitted, based on the recommendation of the Planning Commission, which includes Findings A-O of Section 17.404.35 of the Pershing County Development Code. Motion seconded by Mr. Rackley and passed.

The meeting recessed at 9:49 a.m. for a Litigation meeting and reconvened at 10:00 a.m.

COEUR ROCHESTER, UPDATE ON MATTERS RELATING TO THE COEUR ROCHESTER MINE, PERSHING COUNTY, NV: Sarah Thorne and Scott Hill were present.

Mr. Hill showed a short video about the mine. Mr. Hill and Ms. Thorne also spoke about the mine’s expansion plans. They are currently conducting a labor study, which they will share when it has been completed. They would like to schedule a joint meeting with the County Commission and the City Council in the near future. It was noted that during peak construction they will have 300-400 construction workers.

Pat Irwin thanked Coeur for their support of the Lover’s Aloft event.

Mr. Rackley stated that the County doesn’t currently have a road agreement for Coal Canyon Road. Mr. Hill stated that they do have one for Limerick and would be willing to discuss a road agreement for Coal Canyon as well.

PUBLIC WORKSHOP AND REQUEST FOR DATA OR ARGUMENTS CONCERNING A PROPOSED TAX ON DIESEL FUEL SOLD IN PERSHING COUNTY: Mrs. Shank read a paper prepared by DA Shields regarding the disparities in cost of diesel fuel in Washoe, Lyon, Pershing and Humboldt Counties.

Bingo Wesner stated that he doesn't agree with the average costs presented by DA Shields. Ron Burrows feels that the Commission is singling out the diesel industry

Mr. McDougal stated that the fuel providers are going to remain competitive, regardless of an increase to the tax.

Tommy Moura stated that he is opposed to a \$0.05 increase, but would hope that the Commission would agree to meet in the middle. He also agrees that our local fuel stations will lose business.

Nathan Carmichael suggested increasing the diesel tax minimally and encourage business to advertise that our tax is less than others.

SHERIFF ALLEN: Sheriff Allen reported that the Jail is currently at 50% capacity with 13 inmates. Half of the Sheriff's Office staff is on duty today with court, transports and regular duties.

APPROVAL OF 911 UPGRADE – Sheriff Allen stated that if the contract was signed today, the order would be placed the beginning of February with install in April and cutover in May. Final acceptance would take place in June and the billing would not start until 30 days prior to the acceptance date. Sheriff Allen also proposed adding the texting option for an additional \$4,000.

Mr. McDougal made a motion to approve the 911 System Upgrade as proposed by the Sheriff for a total cost of \$249,168.40 over five years and to include the texting option for an additional \$4,000. Motion seconded by Mr. Rackley and passed.

Sheriff Allen also stated that he was concerned that there wasn't an item on the agenda concerning the Red Flag Law, but he spoke with Mr. Shields, who will be providing information to the Board.

ITEMS FOR FUTURE AGENDAS: The Board didn't have anything additional to add.

REPORT FROM LEGAL COUNSEL: Mr. Shields stated that he is researching the Red Flag law and reaching out to some other District Attorney's for information.

Mr. Shields wanted to further discuss Agenda Item #10 regarding the approval of a grant application for Derby Field. Mr. Shields stated that signing a contract before it is discussed and approved by the Commission is a violation of the Open Meeting Law. Mr. Shields stated that there are two options to correct the violation. We can self-report to the Attorney General's Office and wait for them to tell us what action to take or we can correct the violation and then report it to the Attorney General's Office. Mr. Shields felt the latter should be done. He has reviewed the application and doesn't see any issues. Mr. Shields also stated that he knows that no maleficence was intended, but we must follow the rules. (Further discussion regarding the Airport Grant is reported on page 4 of the minutes for continuity.)

Mr. Shields also spoke about Commissioners signing vouchers that do not pertain to the County Commission (i.e., in lieu of a department head's signature). Mr. Shields stated that this needs to stop as it is a conflict of interest and does not conform with our voucher process.

CORRESPONDENCE: There was no additional correspondence discussed.

MATTERS OF THE BOARD FOR DISCUSSION, BOARD MEMBER REPORTS, BOARD LIAISON REPORTS: Mr. Rackley spoke about a proposal from the Planning Department to

have an outside entity provide plans for the Rye Patch Fire Station. Mr. Evans received a quote for services between \$51,000 and \$91,000.

Mr. McDougal stated that on Monday evening he will attend the PCEDA (Pershing County Economic Development Authority) meeting on the Brownfield Grant. He will also be attending a presentation Tuesday on the final EIS for the Fallon Naval Station expansion. Thursday he might attend the Annual Economic Update in Winnemucca.

Mrs. Shank will be attending the Grass Valley meeting on Monday.

VOUCHERS: Mr. McDougal made a motion to approve the vouchers as submitted. Motion seconded by Mr. Rackley and passed.

PUBLIC HEARING ON PROPOSED ORDINANCE #337: Mrs. Shank asked for any public input. There was none.

Mr. McDougal stated that he totally respects those that have expressed their concerns and oppositions; however, he must balance that against what is best for the City and the County. Mr. McDougal suggested considering a 2.5 cent tax at this time.

Mr. Rackley and Mrs. Shank would like to see a 5 cent increase. Mr. Rackley stated that if they go straight to \$0.05 it doesn't have to be revisited. He also stated that the majority of those that will be paying the tax are not citizens of the county. Mrs. Shank stated that she feels the surrounding counties will also be passing increases and that the station owners will absorb as they see fit.

Mr. Rackley made a motion to adopt Ordinance #337, imposing a five cent per gallon tax on special fuel that consists of diesel fuel sold within Pershing County, exempting certain diesel fuel from taxation. Motion seconded by Mrs. Shank. Motion carried unanimously.

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

As there was nothing further to come before the Board, the meeting adjourned at 11:34 a.m.

Approved 3/4/20: _____ /s/
Carol Shank, Chairwoman

Attest: _____ /s/
Lacey Donaldson, Clerk