

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

October 7, 2021

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on October 7, 2021.

PRESENT:

Commissioner Greg Koenig, Vice-Chair
Commissioner Justin Heath
County Manager Jim Barbee
Comptroller Sherry Wideman
Chief Deputy DA Benjamin Shawcroft
Clerk/Treasurer Linda Rothery
Deputy Clerk to the Board Pamela D. Moore
Commissioner H. Peter Olsen, Jr.

ABSENT:

Pledge of Allegiance:

The Pledge of Allegiance was recited by the board and public.

Public Comment:

Chairman Olsen asked if there was any public comment but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 29th day of September, 2021, between the hours of 1:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

**Commissioner Justin Heath made a motion to approve the Agenda as submitted.
Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- August 18, 2021.

The Minutes of the meeting held on August 18, 2021 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on August 18, 2021 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- September 2, 2021.

The Minutes of the meeting held on September 2, 2021 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on September 2, 2021 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Appointments:

A. - Consideration and possible action re: Approval of Stipulated Agreement and Mutual Release of Claims between Churchill County and Old Fallon, LLC addressing the correction of calculated taxes for current and previous years

The Churchill County Assessor and Churchill County Treasurer recently discovered an error in the calculation of property taxes for taxpayer Old Fallon, LLC. This error resulted in a significant reduction in taxes billed to the taxpayer, which compounded over several years. NRS 361.765 authorizes the Assessor and Treasurer to make corrections to mathematical errors and collect those taxes for the current year and for 3 years prior to the discovery. Because this was an internal error and, to be more equitable with the taxpayer, the Assessor and Treasurer sought to reach a negotiated settlement for taxes owing. The proposed Agreement reflects the settlement reached with the taxpayer. The total amount owing for previous years will be reduced from \$115,611.66 to \$50,000. The current tax bill will be adjusted from \$8,972.99 to \$37,784.88.

FISCAL IMPACT: No negative fiscal impact.

EXPLANATION OF IMPACT: No negative fiscal impact.

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Assessor Denise Felton said what happened what this was a partially exempt property. If you read NRS or NAC 361, there is really nothing that addresses partially exempt property. In tax calculations, in a very simple nutshell, it uses gross. The problem was part of this was nontaxable, so the difference between net and gross, the bigger the school portion got, which was exempt. The tax calculation was actually calculated in abatement, so it was giving credit for taxes that they had never paid taxes on because it wasn't taxable property. We discovered this when we did our conversion and have been working with the state and pointing out this law in

the statutes. So, AB 489 was cast in 2005, which initiated the tax cap and in 2012 AB 466 made it mandatory to start putting nontaxable value on their tax rolls. Nobody ever went back and looked at the tax calculations or if there were any problems that they needed to address with that. Taxation, right now, is working on legislation to clarify some of these issues. Vice-Chair Koenig said thank you. That is all we needed.

Vice-Chair Koenig asked if there was any public comment but there was none.

**Commissioner Justin Heath made a motion to approve the agreement as presented.
Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

B. - Consideration and possible action re: Approval of a Professional Services Agreement between Churchill County and Sanborn for two aerial imagery projects totaling \$164,328.64

The Assessor's office utilizes aerial imagery to complete its appraisal responsibilities safely, accurately, and efficiently. This proposed Sanborn Agreement replaces a previous agreement for east and southwest county aerial imagery flights. The previously approved 2022 east county flight of 3-inch ortho/oblique photos covered 223 square miles, at a cost of \$105,455. The previously approved 2023 southwest county flight of 3-inch ortho/oblique photos covered 123 square miles at a cost of \$58,255. The proposed Sanborn contract increases the flight coverage while keeping the cost relatively the same as previously budgeted.

2022 East County flight

Cost \$111,314.34

314.4 square miles @ 3-inch ortho/oblique

707.61 square miles @ 12-inch ortho

1,022.01 total square miles

2023 Southwest County flight

Cost \$53,014.30

100.34 square miles @ 3-inch ortho/oblique

120.09 square miles @ 12-inch ortho

220.43 total square miles

Founded as a mapping company in 1866, Sanborn's services also include GIS, data conversion, and analytic services. Sanborn owns and operates the fleet of aviation assets used to fly the imagery. Sanborn Ortho products use rigorous and comprehensive quality control measures to create an orthorectified image that "contains the image characteristics of a photograph with geospatial qualities of a map".

FISCAL IMPACT: \$164,328.64.

EXPLANATION OF IMPACT: Agreement will be funded by Technology Fund as a qualified expenditure not to exceed \$164,328.64.

FUNDING SOURCE: Technology Fund.

ACTION REQUESTED: Accept

Assessor Felton made this presentation as outlined above.

Vice-Chair Koenig said, do we have the budget for this? Assessor Felton said the Pictometry flights actually come out of our Technology Fund, so the Assessor gets a portion of the unsecured roll that goes towards technological expenditures and that is where this money comes from. It was previously budgeted and we are just modifying the contract.

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the Professional Services Agreement between Churchill County and Sanborn and to authorize the Chairman to sign the Agreement. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

C. - Consideration and possible action re: Approval of a 1-year extension request to submit the first final map for the River Homes in Fallon, LLC Planned Unit Development

Christian Spross, Public Works Director, will bring forward a request from River Homes in Fallon, LLC for a request for a 1-year extension to submit the first final map on the Planned Unit Development. This property is an integral piece of the future Moody Lane to Coleman connector road. River Homes in Fallon, LLC is up to date on all O&M fees.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Works Director Spross made this presentation as outlined above.

Vice-Chair Koenig said what are the odds of them being done in a year? They want 3 years and we give them one, then they are going to come back next year and ask for another year.

Director Spross said they understand the importance and we are pushing them because this is contingent of our development of the Coleman Property. I know they are already working with engineers. When we told them that we wanted a reduction in time, we asked them how long they felt it would take to get this redrawn and they said they would have it done within that one-year period.

County Manager Barbee said the transition from the 3-year request to the 1-year request is giving us leverage insuring that we can move forward with our project by them getting the road drawn. Director Spross said they are up to date on all O&M fees.

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve a 1-year extension request to submit the first final map for the Planned Unit Development. Commissioner Gregory

Koenig seconded the motion, which carried by unanimous vote.

D. - Consideration and possible action re: Review and approve the cost difference between installation of a sewer lateral and septic system for the property located at 1335 Moody Lane

Christian Spross, Public Works Director, will bring forward 3 proposals from 3 separate local contractors outlining the cost difference between the installation of a sewer lateral to the sewer main in Moody Lane and the installation of a septic system. Current code requires that any new construction is required to connect to the public infrastructure if the building is located within 400 feet of the utility. The owners have a letter from 2008 authored by a previous Planning Director that stated that a septic system would be sufficient.

FISCAL IMPACT: Cost difference.

EXPLANATION OF IMPACT: Cost difference.

FUNDING SOURCE: General Fund 100.

ACTION REQUESTED: Accept

Public Works Director Spross said this item is to right a wrong that we find ourselves in from years past. Back in 2008, the applicant wanted to construct a residence on 1335 Moody Lane and had approached the Planning Department on installing a septic system. County code, as written, states that if the structure is within 400 feet of a public infrastructure, it is a requirement to connect to that infrastructure. The former Planning Director gave the applicant a letter that allowed them to install a septic system. There was no work done. The applicant came back to us earlier this year to get the Building Permits and came to us because the building they wanted to build was actually a home and an accessory dwelling unit and they needed a Special Use Permit to allow that. During that review, I granted them a Special Use Permit, however, I conditioned that they would be required to hook into the sewer. The applicant had, over the years, made plans and things like that based on septic and they approached us with that letter that says they can install a septic system. We are strongly committed to connecting to our infrastructure. We have a \$13M treatment plant that we want people to hook into. We felt that it was fair that we should get some pricing for the installation of a septic system in comparison to the installation of the connection of a lateral and we could see what that cost difference was and then we could see if the county would be willing to pick up that cost difference. I went to 3 local contractors and requested pricing on septic systems and the connection. I got 2 sets of prices back and the 3rd one said he was too busy to even look at it much less do the work. I received a price from Hiskett and Sons for the septic system, which was between \$5,000 and \$6,000 and then their cost to connect to the sewer system was \$16,700, so there was a cost difference of about \$11,000 that the county would have to pick up to make this right. I got another quote that was considerably higher at almost double the difference of Hiskett and Sons. These are the construction costs only. They do not include the \$6,500 hook-up fee that would be required. I want to present those cost differences and see if the board would be willing to pay that difference so that the applicant is not burdened with the entire cost based on the information that was given that really should not have been given. The reason we are looking at the cost difference is the applicant would have to pay for the septic system itself one way or another, so

we are looking at the county to reimburse for the additional costs.

Vice-Chair Koenig said, you said 3 times either right the wrong or make things right. Tell me the wrong that you perceive was done.

Director Spross said the Churchill County Code states that, if the structure is within 400 feet of a public infrastructure, it is a requirement to connect to that infrastructure. The former Planning Director gave the applicant a letter that allowed them to install a septic system, which contradicted that code and would allow them to do something that was not in compliance with the Development Code. That letter should not have been written because it is my belief that the person that wrote that letter did not have the authority to do that. That is a board decision not a Department Head one. However, it was issued from the county, whether it was right or wrong, the county authored it. That is the reason I believe there was a wrong. Vice-Chair Koenig said I did a bit of homework on this one and it does bother me a little bit that the Planning Director can write a letter to make a waiver, without, as far as I could tell, never being approved by the board. When you make that kind of exception, that needs to be approved by the board and it was not. I think we have to go with what was given. These people were okay with getting the exception and putting in their own septic system. I would lean towards just having them put their own septic system in. It is going to cost the county \$11,000 to hook them up. I don't know that we need to spend county money to put them on the county system. I say they can put in their own system and pay for it and save the county all that money. Commissioner Heath said we need to have them hooked up into the system. Vice-Chair Koenig said what is the benefit to the county of hooking them up into the system? Commissioner Heath said it is all in county code and then it is the same thing we have had in other places. Vice-Chair Koenig but no one else would be able to do that unless there are more letters from 2008. Commissioner Heath then somebody else would want an exemption like that. If they have a 2008 letter exempting them, then we will have to honor that anyways. Commissioner Heath said we still need to hook them up to the system. Vice-Chair Koenig said we can take a vote and split it or do we want to wait until Pete comes so we don't have a tie? County Manager Barbee said it's up to Ben. Can we postpone it until the next meeting? Chief Deputy DA Shawcroft said yes, we can. Vice-Chair Koenig said I am going to table this one. I think it is clear where Justin and I stand and I think we are going to have a tie, so I think we are going to postpone it until next time. I think we have some comments out there.

Ronald Fry said this has been delayed quite a bit already and it is really going to be hard on us if it is delayed any further. There was something about the letter that we received that got me thinking that they thought that this was something different and I think you will agree that the letter is important. That resulted from my wife and I being right here at this meeting. I don't know if we commented or anything, but something was said about hooking up and the cost to go to a lateral, I think. I don't know if it was mentioned then but later, we learned it was from \$30-35,000 because it had to go to a lateral on Rice Road. We were really concerned and that is twice the value of our property and so we left, and by our expression, someone saw that we were really concerned and so they stopped us out in the hall and asked us about our concerns and said they would take care of it. That letter was issued from here, although I don't know if it was discussed here, as I have not seen the minutes or anything, but I know that the letter came from here. What really got my attention was, I know Mr. Spross has really tried to make things right.

It still is kind of hard if we delay it. It has already been delayed since July 22nd when they came and applied for the thing. My wife and I are not in too good of shape and she saw the need for us all to be together as quickly as possible. Another delay is really going to hurt us. I think there was a misunderstanding that in the letter that we got from Mr. Spross it brought out what he thought contradicts it and the reason why we had to hook up. Then he referred to the letter and said the letter contradicts County Code and the author was operating outside of her authority to change the code. I don't think that it contradicted it. I think it was like a variance and it was only applied to us as far as I knew. I couldn't figure out why it is such a fight because everyone has been so pleasant about this. At one time, they said that it was grandfathered in. I have a problem processing things. I really don't feel that there should be more delay. Our contractor said by now he could have had it half completed and it is important that we get there as soon as possible.

Rhonda Major said when I spoke to Mr. Spross the first time and questioned him about all the times that my dad had been into the county building and Planning Department and they assured him each time that a septic system was fine. Even when we were planning on putting a manufactured home on the property, again he was told it was fine and given all the applications and specific directions on what he had to do to install that septic system. On August 11th, our contractor met with Mr. Sanford at the District Attorney's office about this and it was understood that we would either be allowed to put in the septic system or the county would install it and that Mr. Sanford would meet and they would get back to us with a decision soon. When we had not heard back, our contractor called and was told that they were still meeting on it. When I met with Mr. Spross, he had told me that if his staff had indeed told us that the septic was allowed and the letter was valid, that his hands were tied and he would have to allow us to do that. The fact that there has been so many meetings on this leads me to believe that there has been some disagreements and the enforcement of this code has been an issue. On August 29th Mr. Spross said that he had issued a Special Use Permit and they told me they were ready for me to file so I came in and as I was reviewing those permits. They had included that we would agree to hook up to the sewer line but they never mentioned that to me. They just put that out there and said you need to file this and I caught it, so I really felt like I was trying to be tricked in to signing and agreeing to that sewer line.

Rhonda Major said I would like to address this code. I don't believe that when these codes were enacted, they were meant to put hardships on people. It seems more probable that they were intended for the housing developments that we see going up and that is eluded to in Eleanor's letter in paragraph 2 where it mentions on a one-acre lot that has appropriate soils for septic systems and does not have adjoining lots that are divisible, construction of a lateral is not recommended. She made this statement according to the letter, after discussing this with Building Official, Cliff Van Woert, and the engineer and Capital Project Manager to this water and sewer system. The letter also stated that direct connections into a large diameter mainline is not a recommended practice. After consulting with a different contractor in the area, they agreed with that. What is common practice is when a sewer line is installed, laterals are put in at the same time in order for connections to be made to the individual property. That was not done. I believe it was because the sewer lines were installed to facilitate the housing developments at the end of Moody Lane. I don't understand why I am being told that a variance is not allowed when it is allowed for other situations. The definition of a Zoning Variance is a request to

deviate from current zoning requirements. It permits the owner to use the land in a manner not otherwise permitted by the zoning ordinance. Instead, it is a specific waiver of requirements of the zoning ordinance. I know of a lady down the road that is disabled. Should her septic tank fail, she would be required to hook up to the sewer line, at great cost. This lady would not be in a financial position to do that, so what would happen? Would she be forced to sell her house and what would she be able to get for it without a septic? The hookup fee alone would be impossible for her. With the hookup fee being \$6,500, if the homeowner is required to hire a contractor to connect, then what is that connection fee for? If the lateral is in place and brought to the property by the county, then I could understand the fee. To the average homeowner, these fees are difficult to manage and, in some cases, impossible. What are they to do? Lose their home? It is only affordable for people with deeper pockets and developers. I don't think that was intended by the code. Owning a home is considered an American dream. Some people work many years to be able to afford one. Further delays add to the cost, not only monetarily but emotionally and it has been physically draining on my father. I ask that you consider these codes for us and for future projects. We would agree with Mr. Spross's proposal with the exception that the \$6,500 is included in that cost so our cost would be between the \$5,000 and \$6,000 or that the lateral be put in by the county and then we will hook our lines to that lateral and pay that connection fee. These 2 options are agreeable to us if it does not cause any more delays to us. If this can't be worked out, then we request that we be allowed to put in our septic.

Vice-Chair Koenig said we are only agendized to talk about your case not about the whole code. We can't do that today but could in the future. Chief Deputy DA Shawcroft said I would recommend honoring the previous agreement by the county and allow the septic system to go in. I don't think we would be setting a precedent because it is unlikely that there are any other letters floating around out there similar to this. Even if there are, we should honor them. To me, it appears that there was a commitment made by the county and the county should not be in the position of trying to change it. I don't see any evidence that would suggest that this was a Planning Director going rogue. This letter says this was the fruit of conversations with property owners among county officials. That would be a recommendation that we honor that letter. Vice-Chair Koenig said that is my preference, which is to give you my blessing to go and put your septic in, but I don't know that we have an agreement on the board to agree with that, especially because this is getting stickier. Commissioner Heath said can we waive the \$6,500 fee? Chief Deputy DA Shawcroft said that would be up to the board. You could if you wanted to. Commissioner Heath said if the septic fails then they are going to have to go through the same process. Director Spross said that is correct. The second part of the code says if you opt not to hook into the lateral because you have an existing septic tank, once that fails, you cannot rebuild your septic. After 20 years, if the tank fails then you would be committed to hook into it.

Commissioner Heath said what happens if the leach field fails? Is that considered a failure also? Mr. Spross said that is a good question. Commissioner Heath said what I would propose is we waive the \$6,500 fee and we do the difference of the amount into our sewer system. County Manager Barbee said, just for clarity on what the \$6,500 fee is, when these infrastructure pieces are built, they are built with the idea that, in the future, we will have connectors that will offset the cost that was put forward by the county through a loan process and the USDA. The fee is to offset the original \$15M or whatever it was to build the sewer plant so that we recognize that is

paying back for infrastructure that the county already has in place, not paying forward for new infrastructure.

Vice-Chair Koenig said, unfortunately, I think you are going to have to wait another 13 days because we are not agreeing here. My preference is to give you my blessing to go and put your septic in. We are not all in agreement here, so there would be a tie vote, which gets us nowhere. We will have to wait until Pete gets back to break that tie.

Rhonda Major said would it be possible that the conditions are renewed like our Building Permit and the Special Use Permit, so that we can go ahead and start preliminary work on the job until this can be decided? Vice-Chair Koenig said can we do pending either or? Their plan will get approved either way and we say okay so they can get started? Mr. Spross said I can only speak for the Public Works Department; our NOFA does state on there that the applicant has to hook into the sewer. My only concern would be sewer is typically, because it is under ground, one of the things that goes in first and now you are deciding whether that sewer lateral goes out the back or the front of the building. We can certainly re-write the NOFA that says it is based on the outcome of what the Commissioners say so that construction can start, but I am hesitant on what type of construction needs to be done. If they just want to put up form boards to get ready for the foundation or something like that, I don't see a problem with that. If it gets past that point where a plumber has to decide which way to go, at that point, I think you have to be committed to what is going to happen. We can certainly re-write the NOFA pending an outcome, but I would caution them as to how far you go in the process to make sure that you don't commit yourself one way or the other. Rhonda Major said we do understand that.

Ronald Fry said, as I understand it, there are only 2 licensed installers to that septic to that main line in Churchill County, is what we were told. Mr. Spross said that is not correct. Rhonda Major said that is what the Planning Department told us. Ronald Fry said Peek Brothers and A & K is what we were told. Mr. Spross said the 3 contractors that I requested pricing from are Hiskett and Sons, Pioneer Engineering and also from Dream Builders. All of them are licensed to do that. There are at least 5 contractors that I know of just with that list that are capable of doing that work. Ronald Fry said I tried to call 2 of the ones to find out when they can start the process and finish it, because that would be important because another delay would be unacceptable.

Vice-Chair Koenig said I am going to change my mind because I have a pretty good feeling where Pete is going to land and so, by putting it off 2 weeks, I know what the outcome will be anyway, so Justin can make a motion.

Vice-Chair Koenig asked if there was any public comment but there was none.

Mr. Spross said now that you know what has to happen, even if your contractor can't come in for 4 weeks to make the connection, your building contractor will now know which direction the plumbing has to go and construction can begin even if your sewer takes a little bit more time to make the connection. Rhonda Major said thank you very much.

Commissioner Justin Heath made a motion to approve the cost difference between

installation of a sewer lateral and septic system for the property located at 1335 Moody Lane and to waive the \$6,500.00 connection fee. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

E. - Consideration and possible action re: Approval of an Interstate Interlocal Contract between the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services, and the Tenth Judicial District Court of the State of Nevada, in and for Churchill County, for the provision of a Child Support Hearing Master for the Child Support Enforcement Program

Historically, the Tenth Judicial District Court has entered into an Interstate Interlocal Contract with the State of Nevada to provide for a Child Support Hearing Master for the Child Support Enforcement Program. This Contract provides assistance with child support hearings and the State of Nevada provides the financial support for these services.

FISCAL IMPACT: There is no fiscal impact if the Contract is approved, as the costs are paid by the State of Nevada.

EXPLANATION OF IMPACT: There is no impact if the Contract is approved, as the costs are paid by the State of Nevada.

FUNDING SOURCE: State of Nevada.

ACTION REQUESTED: Accept

Civil Deputy District Attorney Shawcroft made the presentation as outlined above.

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the local Contract. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Letters Received:

A- Letter from the Board of County Commissioners in Lincoln County, Nevada addressed to Governor Steve Sisolak expressing their deep concern over the Governor's Executive Order 2021-18 giving direction and power to the Nevada Department of Wildlife to establish a Nevada Habitat Conservation Framework.

The Board of County Commissioners in Lincoln County, Nevada provided a copy of the letter addressed to Governor Steve Sisolak expressing their deep concern over the Governor's Executive Order 2021-18 giving direction and power to the Nevada Department of Wildlife to establish a Nevada Habitat Conservation Framework, including a comprehensive Sagebrush Habitat Plan. The Lincoln County Commissioners feels this flies in the face of the statute that creates, empowers and directs the Nevada Sagebrush Ecosystem Program to do this work (which is already done but the state has neglected to fund the program to any adequate degree). Lincoln County has endorsed and supported the efforts of the Sagebrush Ecosystem Council and the work of the program to benefit sagebrush obligate species.

The letter states that the decree speaks often about the concept of NDOW working in "collaboration" with groups and local governments and that, in the spirit of collaboration, it

seems a little odd to have this hit Lincoln County from the dark, never having been presented or discussed with them as a unit of local government. The letter states that this does fit the model of communication and collaboration exhibited by NDOW over the past couple of decades. Their experience has been that the department is totally dismissive of local government.

Where Lincoln County has such a limited amount of private land, they see no purpose or benefit to anyone to create a Wildlife Connectivity Plan that affects areas of their county. Their communities are the ones that need improved connectivity and highways.

The letter implores the Governor to rescind this arbitrary and contentious Order and to place support behind the lawfully empowered agency in this state to do the work the Governor has indicated needs to be done. If the Governor continues down the path he has started, the Lincoln County Commissioners insist that he offers meaningful opportunities for local government (Lincoln County) to be at the table.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- Letter from the Nevada Division of Environmental Protection to Naval Facilities Engineering Command Southwest with comments to the Draft Site Management Plan, Naval Air Station, Fallon.

Letter from the Nevada Division of Environmental Protection to Naval Facilities Engineering Command Southwest with comments to the Draft Site Management Plan (SMP), Naval Air Station, Fallon. The Draft SMP presents a summary of the Installation Restoration Program (IRP) sites and underground storage tank (UST) sites at NAS Fallon administered under the Department of the Navy's Environmental Restoration Program. The purpose of the Draft SMP is to serve as a planning and coordination tool for managing the variety and large number of environmental restoration activities being implemented at NAS Fallon. It also serves as a reference tool for information on each of the IRP and UST sites. It describes the site characterization activities, as well as removal, remedial, and corrective actions that have been taken to mitigate threats to human health and/or the environment at the sites. A total of 37 on-and-off-base sites are reviewed.

NDEP has comments to the Draft SMP in Attachment A to the letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Letter from the Bureau of Land Management concerning its 30-day public comment and scoping period to gain input on the preparation of an Environmental Assessment (EA) for the proposed Bench Creek Ranch Range Improvements.

The Bureau of Land Management provides notification of its 30-day public comment and scoping period to gain input on the preparation of an Environmental Assessment (EA) for the proposed Bench Creek Ranch Range Improvements.

The proposed action has been developed in coordination with the Nevada Division of Wildlife, Bench Creek Ranch LLC, and the BLM. Multiple range improvement projects are proposed and listed in the letter under Table 1. These projects would be implemented across three allotments operated by the same permittee, Bench Creek Ranch LLC (see map provided).

The BLM encourages public participation during external scoping by submitting additional information and comments to better inform the National Environmental Policy Act and decision-making processes for this project. Public comments will be accepted as outlined in the letter until October 22, 2021.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

D- Letter to Aqua Trac LLC from the Division of Water Resources notifying them of protests filed by the Truckee Carson Irrigation District, Churchill County, C Punch Ranch, Inc., Central Nevada Regional Water Authority, and the Humboldt River Basin Water Authority against Aqua Trac's Application 90857.

The Nevada Division of Water Resources provides a letter to Aqua Trac, LLC notifying them of protests filed by the Truckee Carson Irrigation District, Churchill County, C Punch Ranch, Inc., Central Nevada Regional Water Authority, and the Humboldt River Basin Water Authority against Aqua Trac's Application 90857. Pursuant to NAC 533.140, an answer to the protest may be filed within 45 days of the date of the letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

E- Letter from the Bureau of Land Management notifying that it has been directed to develop a Wilderness Management Plan (WMP) for all wilderness areas on public lands and its 90-day pre-scoping comment period for the development of the Pine Forest Range Wilderness WMP.

The Bureau of Land Management provides notification of being directed to develop a Wilderness Management Plan (WMP) for all wilderness areas on public lands and its 90-day pre-scoping comment period for the development of the Pine Forest Range Wilderness WMP. A WMP should include objectives as outlined in the notice. Pre-scoping comments can be made as outlined in the letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

F- Thank you card from the Fallon Animal Welfare Group (FAWG) for the community support grant provided to the organization.

The Fallon Animal Welfare Group (FAWG) provides a thank you card in appreciation of the community support grant provided to the organization to help them with their mission.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Other

G- William N. Pennington Life Center's Activity Calendar for October 2021.

The William N. Pennington Life Center's Activity Calendar is provided for the month of October 2021 for the information of the board and the public.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

H- Nevada Division of Environment Protection's notification of a No Further Action Determination for EP Minerals.

The Nevada Division of Environmental Protection (NDEP) has reviewed the August 25, 2021 Release Response Report prepared by Anna Henry and CEM Caitlin Jelle of McGinley and Associates, Inc. on behalf of EP Minerals. This letter provides a no further action determination for the above-referenced facility and applies to other places where contaminants related to this release have come to be located (NAC445A.3452).

The August 25, 2021 Release Response Report contains a request for a no further action determination from the NDEP.

The NDEP has reviewed information contained in the Corrective Action file that has been provided by EP Minerals and Caitlin Jelle, CEM. Based on this review, Diesel Range Organics (DRO) and Oil Range Organics (ORO) remain above industrial action levels or remediation standards in soil. However, based on current land and groundwater uses, NDEP has determined that no further assessment or remediation is required to be protective of human health and the environment (NAC 445A.227(2)).

NDEP may re-evaluate this decision if conditions at the site change or if new or previously identified information becomes available that:

- 1) alters the results of the site evaluation; and
- 2) demonstrates a potential detrimental impact on human health or the environment.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

I- Nevada Division of Environmental Protection's notification of an application for a new Water Pollution Control Permit for the Bell Mountain Mine Project.

The Administrator of the Nevada Division of Environmental Protection (NDEP) gives notice that an application for a new Water Pollution Control Permit for the Bell Mountain Mine Project, a mining and beneficiation facility, has been properly filed with NDEP in Carson City. The Applicant for a new Water Pollution Control Permit NEV2020115 (Permit) is Bell Mountain Exploration Corp., 250 South Rock Boulevard, Suite 118, Reno, NV 89503.

The facility is located on public land in Churchill County, within portions of Sections 1-3, 10-12, and 15 of Township 15 North (T15N), Range 34 East (R34E); and portions of Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, T16N, R34E, MDB&M, approximately 40 miles southeast of the town of Fallon. The Project consists of an open pit mining and chemical processing facility, pursuant to Nevada Administrative Code (NAC) 445A.394.

The Administrator is constrained to either issue the new Permit or deny the Application. The Administrator has made the tentative decision to issue the new Permit.

Persons wishing to comment on the proposed Permit, recommend terms and conditions for consideration of incorporation into the Permit, or request a public hearing pursuant to NAC 445A.403, must submit their written comments, objections, or requests by hand delivery, U.S. Postal Service, facsimile, or e-mail transmittal, no later than 5:00PM on the 30th day following the date of publication of this notice (submittal end date 22 October 2021) to:

Nevada Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249.

All comments, objections, or requests received during the public notice period will be considered in the final determination regarding the Permit. If NDEP determines that written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Permit and all Application documents are on file at NDEP and are available for public inspection and copying pursuant to Nevada Revised Statute 445A.665.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

New Business:

A- First Reading - Consideration and possible action re: Bill 2021-E, Ordinance 113, an ordinance amending Title 16 of the Churchill County Code adopting new definitions from the NRS related to cannabis establishments and further prohibiting cannabis consumption lounges in all zoning districts.

Since the time that Churchill County passed its ordinance prohibiting marijuana establishments, the Nevada Legislature has changed the definition of those establishments and moved those related laws to a different section in the NRS. This ordinance amends the Churchill County Code to reflect those changes. Further, this ordinance adds cannabis consumption lounges to those types of land uses prohibited in all zoning districts in response to the 2021 Nevada Legislature removing that prohibition under state law.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Set Public Hearing

TITLE: AN ORDINANCE AMENDING TITLE 16 OF THE CHURCHILL COUNTY CODE ADOPTING NEW DEFINITIONS FROM THE NRS RELATED TO CANNABIS ESTABLISHMENTS AND FURTHER PROHIBITING CANNABIS CONSUMPTION LOUNGES IN ALL ZONING DISTRICTS.

SUMMARY: Since the time that Churchill County passed its ordinance prohibiting marijuana establishments, the Nevada Legislature has changed the definition of those establishments and moved those related laws to a different section in the NRS. This ordinance amends the Churchill County Code to reflect those changes. Further, this ordinance adds cannabis consumption lounges to those types of land uses prohibited in all zoning districts in response to the 2021 Nevada Legislature removing that prohibition under state law.

Civil Deputy DA Shawcroft made this presentation as outlined above.

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to set a public hearing for Bill 2021-E, Ordinance 113, on October 20, 2021, at 1:20 PM. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Conversion of two part-time (19-hours per week) Human Resource Specialist positions to one full-time Human Resource Specialist position.

The Human Resources Department currently consists of 1.9 FTE (full-time equivalent) employees. In that count, the 0.9 FTE is comprised of two 19-hour per week positions of Human Resources Specialist. One position has been filled for several years and the second part-time position was recently approved as part of a grant obtained by Social Services. Recently, the current part-time employee notified the county that she would be leaving her position. This leaves both part-time positions open. As part of the Position Review Board process, Human Resources Director Geof Stark proposed that the two part-time positions be converted to one full-time position. It is hoped this would increase the applicant pool for the position. Doing so would incur additional costs of benefits.

Geof Stark spoke with Social Services Director Shannon Ernst, who indicated the grant could be modified to cover a portion of the additional benefits. After the grant expires (in about two years), the county would have to determine whether or not to continue to fully fund the full-time position or have it revert to one 19-hour per week position.

FISCAL IMPACT: Approximately \$11,000 per year for two years.

EXPLANATION OF IMPACT: Currently the county funds one part-time position at about \$20,000 per year. The grant covers the other part-time position at about \$20,000. If the two positions were converted to full time, the total cost would increase to \$62,000. The grant from Social Services would cover half the cost, or \$31,000, leaving the county with the other \$31,000. Since the county already pays \$20,000 for the position, the county would be left with an additional \$11,000 per year while the grant is in effect.

Once the grant is ended, the county would absorb the full cost of the increase in hours in benefits. This would result in an annual increase of approximately \$42,000.

FUNDING SOURCE: Grant funding; General Fund

ACTION REQUESTED: Accept

HR Director Stark made the presentation as outlined above.

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to convert two part-time HR Specialists to one full-time HR Specialist Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Authorization for Churchill County to bid on and purchase Assessor's Parcel Number 006-191-12.

There is a parcel located near the new Civic Center which would be a benefit for the county to own. It is Assessor's Parcel Number 006-191-12 located on Miners Road, consisting of 1.79 non-water-righted acres with a single family residence. The county continues to struggle with attracting qualified employees to fill several open positions. One consistent problem is that potential employees are unable to find adequate housing in the community. The residence on

this property could be leased to employees on a temporary basis to give them time to find housing. The property would also assist in providing a buffer between the Civic Center and close neighbors. Because this property is being sold through bids, the county is unable to negotiate a purchase price. Further, it would be unwise to publicly disclose the county's cap for its bid. Therefore, we are requesting the board authorize the Chairman to set the cap on the county's bid. If the county is the top bidder, staff will return to the board for a final vote on the purchase Contract.

FISCAL IMPACT: Unknown.

EXPLANATION OF IMPACT: It is unknown what the bids will be like for the property. It is understood that there is an existing offer of \$320,000 - \$340,000.

FUNDING SOURCE:

ACTION REQUESTED: Accept

Civil Deputy DA Shawcroft made this presentation as outlined above.

County Manager Barbee said, because of the location of the property and the interface that it would have with the fairgrounds, we see a two-fold benefit from this. We would be able to control who would be in the house. It would be our intent to rent the property out so the county would recoup funds that were laid out and maybe over a long term, obviously. We have a strong rental market in the community. It also would give us a benefit in terms of employment at the fairgrounds. We could hire someone interested in renting who would be connected to the property and be able to respond to issues with events and so on and so forth. I think it could be positive for the county in a multitude of ways and also eliminating having a general population in there that may be concerned with the noise impacts and effects of the fairgrounds.

Vice-Chair Koenig said do we have the money for this and what fund does it come out of? We don't have a purchase of people's houses fund. Where is that coming from? I don't quite have a full grasp of what our scope is and how that works? Comptroller Wideman said the last property we purchased came out of the Building Reserve Fund. So, it could possibly come from there. Vice-Chair Koenig said, so we don't know for sure where it will come from? Comptroller Wideman said there is money in that fund. Management would have to decide how they wanted to go forward with this. We did purchase the Coleman property out of it.

County Manager Barbee said how much money is in the Building Reserve Fund? Comptroller Wideman said I believe there a couple million dollars in there.

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to authorize the county to bid on and purchase APN 006-191-12 and to authorize the Chair of the board to set the cap on the bid.

Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Consent Items:

A- Consideration and possible action re: Report of the condition of each fund in the treasury and the statements of receipts and expenditures pursuant to NRS 251.030 and 354.290.

A fund balance report is provided for the board's consideration showing the beginning balance, receipts, disbursements, and the ending balance of each fund for Churchill County as required by NRS 251.030 and NRS 354.290.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Consideration and possible action re: Third Quarter 2021 Report from the Churchill County Sheriff regarding the number of deaths of prisoners in the county jail, which was zero for the period of July through September, 2021.

Nevada Revised Statutes require a report from the Churchill County Sheriff regarding the number of deaths of prisoners in the county jail and any known circumstances surrounding any such deaths. There were no such deaths at the jail for the period of July through September 2021.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

C- Consideration and possible action re: Treasurer's Report for August 2021 showing a total of \$59,183,165.87 in the bank.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for August 2021 showing a balance of \$59,183,165.87 in the account. The bank reconciliation was completed on September 9, 2021. This report is provided for the board's information and acceptance.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Vice-Chair Koenig asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the Consent Agenda as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Consider Future Agenda Items:

There were no future Agenda items suggested.

Commissioner and Management Staff Reports:

Chairman Olsen was not present for this meeting.

Commissioner Koenig reported on the following topics:

- Went to the NACO Conference last week. It was very informative.

Commissioner Heath reported on the following topics:

- Went to the Coalition for Senior Citizens meeting.
- Attended the NACO Conference.
- Went to the Park & Recreation Commission meeting.

County Manager Barbee reported on the following topics:

- Went to the NACO Conference and said we appreciated the work our staff did for that conference.
- Still working on the Navy's expansion project.
- Go take a look at the Rafter C3 building. The roof should be completed by tomorrow.
- We pushed out the Deputy Operations' position and have had a significant response for a pool of qualified candidates.

Sheriff Hickox was not present for this meeting.

Comptroller Wideman reported on the following topics:

- There is a fund balance of \$5.4M in the Building Reserve Fund.
- Auditors are here this week.

Civil Deputy DA Shawcroft had nothing to report.

Clerk/Treasurer Rothery reported on the following topics:

- Taxes were due on Monday.
- Auditors are here and looking through our files.

Claims and Payroll Transmittals:

The claims and payroll submittals were presented to the board.

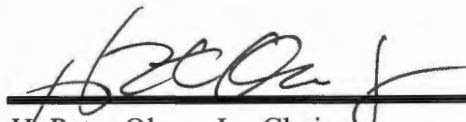
Public Comment:

Vice-Chair Koenig asked if there was any public comment but there was none.

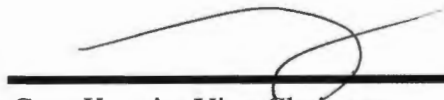
Adjournment:

The meeting was adjourned at 9:13 AM.

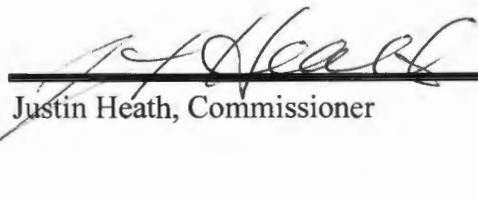
Approved: _____


H. Peter Olsen, Jr., Chairman

Approved: _____

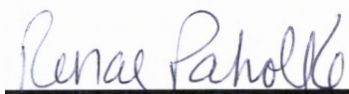

Greg Koenig, Vice-Chairman

Approved: _____


Justin Heath, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer



Renae Paholke, Deputy Clerk