

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

March 16, 2022

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 1:15 PM on March 16, 2022.

PRESENT:

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

ABSENT:

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 11th day of March, 2022, between the hours of 8:00 and 9:00 AM 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- February 16, 2022.

The Minutes of the meeting held on February 16, 2022 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Gregory Koenig made a motion to approve the Minutes of the meeting held on February 16, 2022 as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Appointments:

A. - Recognition of Roger Lambert for support and service to the redevelopment and improvements at the Churchill County Fairgrounds

County Manager Jim Barbee will present a certificate of appreciation to Roger Lambert for his outstanding support and service to the redevelopment and improvements at the Churchill County Fairgrounds.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

County Manager Jim Barbee said I would ask that Jesse or Jorge and Roger come forward because I know that they are going to give a little bit more detail, but one of the side positives to my gig is when it gets crazy, I get to drive out to the fairgrounds and look at the progress that they have been making. Each time I have been out there, Roger or folks that work for Roger, have been out there donating time, equipment, knowledge, skill and it is greatly appreciated. We appreciate the support that he has shown for Churchill County and this effort to fix up the outdoor arena and really, all of the fairgrounds out there, so we wanted to bring him forward and really acknowledge the amount of time and effort and even financial aspect that he has given to the county over the last several months. With that, I would turn it over to Jorge.

Jorge Guerrero said I just want to echo the same thing. Roger's expertise has been invaluable in helping Jesse, as we move forward, as many of you have seen out there. We have totally rebuilt the grounds with the new addition of the Rafter 3C arena. It was prudent and, of course, we have talked about this and received funding for making sure that everything kind of flows together in a way that we can host large regional events. With that, there was a lot of work and, with the help that we have had with Roger Lambert and his crew, we just wanted to recognize him. He actually does a lot, not only for this project but in the community, so I thought it was prudent to come in front of the Commission and recognize him and thank him personally myself and also on behalf of Churchill County.

Jesse Segura said I just want to thank the Commissioners for letting Roger know how much we appreciate him and how much we, all at the county, appreciate him and the amount of equipment we are getting. We can't do this stuff alone and the vision of moving the fairgrounds forward and what we are doing, we need the community involved and he is part of it and he is getting everybody involved too.

Chairman Olsen said it is great to have Roger here and have the opportunity here to embarrass him a little bit. I thought I would get the first joke out, Roger, because you are always good with a joke. Thanks so much. It is people like you that saw the need out there and then saw that we were doing something and you pitched in and helped and it is more than help, you have done an awful lot. You have gone above and beyond what anybody could have expected. I know this probably springs from the love of rodeo and watching kids do what they do and so it is greatly appreciated. It is something the community is really going to appreciate for a long time to come. Thank you so much.

Commissioner Koenig said thank you.

County Manager Barbee said, with that, we will have you guys step down and we will get a picture of you presenting him with the award of appreciation. How about a round of applause. Thank you, Roger.

Chairman Olsen asked if there was any public comment but there was none. This item was done for recognition of Roger Lambert only and no formal action was taken.

B. - Employee Service Awards for the 1st Quarter of 2022

Employees receiving service awards during the First Quarter of 2022 are:

NAME OF EMPLOYEE	DEPARTMENT	YEARS OF SERVICE
Briana Schwab	Museum	5 Years
Mike Heidemann	Emergency Management	5 Years
Jeffrey Mello	Juvenile Detention	5 Years
Renae Paholke	Clerk/Treasurer	5 Years
Garrett Long	Sheriff's Office	5 Years
Dean Patterson	Public Works, Planning & Zoning	5 Years
Ashley Peters	Sheriff's Office	5 Years
Nick Adams	Road Department	10 Years
Jerilyn Alexander	Sheriff's Office	15 Years
Tasha Hessey	Recorder's Office	15 Years
Diane Moyle	Public Works, Planning & Zoning	15 Years
Jolie Roat	Sheriff's Office	15 Years
Manuel Lopez	Social Services	15 Years
Karl Zulz	Road Department	20 Years

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

County Manager Barbee made the presentation as outlined above. This item was done to recognize employees only and no action was taken.

C. - Consideration and possible action re: Update of current activities, plans, or actions related to the Bureau of Land Management's Carson City District

Jake Vialpando, Acting Field Manager of the Stillwater Field Office, will provide an update of current activities, plans, or actions related to the Bureau of Land Management's Carson City District.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Jake Vialpando, Field Manager of the Stillwater Field Office, had a PowerPoint presentation as follows:

CHURCHILL COUNTY COMMISSIONER MEETING

Jake Vialpando
Field Manager
(775) 885-6075 jvialpando@blm.gov

BLM-STILLWATER FIELD OFFICE



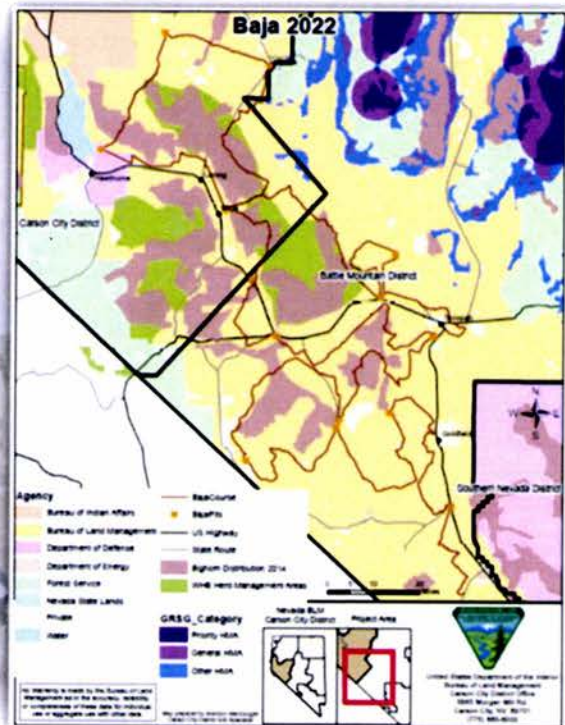
PROJECT AND OTHER UPDATES

- Comstock Geothermal Project
- Dixie Meadows Geothermal Project
- Diamond Flat Geothermal Project
- VERO Fiberoptic Project
- Draw Fire (Camp Creek) Reseeding Project
- FY2022 Geothermal Lease Sales
- 2022 Drought Preparedness
- 2022 WHB Herd Management Area Population Counts
- Black Knight Monument Rededication – March 22
- Navy Expansion – Public Lands Order status

Legacy Racing Association: applications for a June and September 2022 events

Baja 600 – June 24-26

- Stillwater & Tonopah FOs
- 30-day Scoping March 1-30
- Environmental assessment (EA) to be completed by June 15



Chairman Olsen asked if there was any public comment. Commissioner Heath said do you have any information on how bad the Mormon Crickets are going to be this year? Jake Vialpando said not yet. Really, we usually don't get like a pre-heads up that it is going to be bad this year,

projection wise. It is all going to depend on the precipitation we get in the rest of this month and next month and what those temperatures are. I think, along those lines, it could be more predictive of maybe when we could start seeing the hatches versus how much. If I had to bet, I bet it will be equivalent of last year. That would be my guess.

Commissioner Koenig said do we have burros in Churchill County? Jake Vialpando said no, you guys don't have burros. That range is down in Mineral County. Commissioner Koenig said I was kind of hoping that we did.

Chairman Olsen said can you offer your general comments on the general condition of the range. I have heard things like it has been the extremes of the year like wettest October or wettest December or the driest January or February and then we have a few little teasers here. Where does that leave us? Jake Vialpando said I think we are really at the same stage looking very similar to last year. We are starting to activate our early alert steps with the permittees. We are going to be sending out our district letters of the early alert. All of the precipitation information looks very similar to last year, so we are preparing for drought conditions again this year. This item was done for informational purposes only and no action was taken.

D. - Consideration and possible action re: Request for an extension of time for Fifteen Lots Soda Lake, LLC for submittal of a Parcel Map pursuant to a Development Agreement, Bill 2010-A, Ordinance 103, appurtenant to the Amended Tentative Map for Sky Ridge Estates Phase 5

The board approved an Amended Tentative Map for Assessor's Parcel Numbers (APN) 008-176-92 and 008-532-01 (TCID 07-056) for the Skyridge Estates development on July 5, 2007. NRS states that a parcel map must be submitted within two years of a Tentative Map approval, with an additional one-year extension approved by the Board of County Commissioners. This one-year extension for submittal of a Parcel Map was approved until April 2, 2010. Pursuant to the provisions of NRS 278.360(1) and 278.0201(4), a Development Agreement was entered into and was approved by the Board of County Commissioners (Bill 2010-A, Ordinance 103) in March 2010, providing for a further extension of two years for submittal of a Parcel Map. In February 2012, the board granted a further extension of two years for submittal of a Parcel Map.

The undeveloped portions of this development were foreclosed on and have reverted to the investors' names with Fifteen Lots Soda Lake, LLC, owning APN's 008-532-01 and 008-176-92. Due to the continued depressed economy, they requested other extensions with the last one ending on February 28, 2022. The property is located west of Soda Lake Road, then south of Caleb Drive, in Township 19 North, Range 28 East in Section 20.

They are requesting another extension due to the recent death of the primary managing member, Mark Arrighi. A copy of the last approved extension and map of the amended Tentative Parcel Map for Phase 5 is included.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Works Director Chris Spross made the presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. Chairman Olsen said, generally, we have been trying to push people on these extensions. We are thinking this might be the last extension. Director Spross said yes. That is your prerogative but, I would feel if they were to come in next year at this time, that the extension would not be approved. Commissioner Koenig said I think the intent of the extension is to give them time to get things done but with 15 years of extensions, it doesn't take that long to get that done, so I would feel comfortable extending it for one more year to let them get their ducks in a row but, if nothing happens in another year, I don't think we should extend it indefinitely. That is not the intent. Director Spross said I think the developer is in agreement with that. Chairman Olsen asked if there was any further comment but there was none.

Commissioner Justin Heath made a motion to approve the request for an extension of time for submittal of a Parcel Map pursuant to a Development Agreement, Bill 2010-A, Ordinance 103, appurtenant to the Amended Tentative Map for Skyridge Estates Phase 5 for a period of one year. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

E. - Consideration and possible action re: Approval for County Manager Jim Barbee to determine the best location for the new water treatment plant to better service the upcoming future development

At the December 2, 2021 board meeting, the board approved proceeding with the preliminary engineering report for a new water treatment plant at the county-owned property located at 1955 Rice Road. Staff is requesting that the board approve giving the County Manager the authority to place the new water treatment plant in a location other than at 1955 Rice Road to better service the future development within the community.

FISCAL IMPACT: \$0.00.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Works Director Spross made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. Commissioner Koenig said I am not comfortable with the recommended wording of the motion that says to approve giving the County Manager the authority to designate the location of the new water treatment plant. If we go word-for-word with this motion, we have given Jim complete ultimate authority to decide where the new water treatment plant is going to be. I agree with the concept but I think I would like to change the wording of the motion to more accurately describe what we are giving Jim the authority to do and not giving him the whole authority to designate the location of the new water treatment plant. Director Chris Spross said that is understood. I just wanted to make sure that we had that flexibility and, if we have to change to motion to improve the verbiage of the Preliminary Engineering Report to give the Commission some comfort, that that is all we

are trying to do. I would have no problem with that. Chairman Olsen said, Greg, what would you propose that say? Commissioner Koenig said, Ben, can you help us here. Give us a legal one. Civil Deputy District Attorney Ben Shawcroft said if the board is uncomfortable with giving a location to spend the money for the PER, it is not going to be officially decided as being constructed for a water treatment plant. That is going to come back before the board. This is simply just so we can have the flexibility to move that money to the location where we want the PER to be done. If the board is not comfortable with that language, you could simply designate in your motion where the money can be spent. The problem with the last time was that we were specific and then we realized that maybe it was not going to work there and we need to move the PER money to another location. The County Manager's hands are going to be tied still a little bit with that but at least we are broadening the availability of the properties where we can use that money. If you want to just designate what locations you are comfortable with spending that money on, then you can do that in your motion. Commissioner Koenig said if we made a motion to give the County Manager the authority to come up with locations for a preliminary report? Deputy DA Shawcroft said maybe Jim can jump in on this but I believe that our next best location that we were considering was property at the golf course. My guess is that we would prefer to have authorization to use the money at the golf course or with the board's action today. Commissioner Koenig said but instead of narrowing it down to just the golf course, if we give him the authority to designate alternative locations. County Manager Barbee suggested for preliminary engineering of a water treatment plant. Can we do that Ben? In other words, give me the authority, if I am hearing you right, Greg, and correct me if I am not, that would give me the authority to identify locations and implement preliminary engineering for the potential of a water treatment plant. Commissioner Koenig said yes, I am comfortable with that.

County Manager Barbee said what would happen in these next steps, so that you are aware, is basically, once that is identified, we will engage with the preliminary engineering and that report will then, if the area we select meets the needs and requirements to put a water treatment plant in place, then we would basically look at grant applications with some of the infrastructure funds that are coming out to fund said water plant. So, in that process, there will be multiple times we will be coming back to the Commission for the grant application and then, if it were awarded for actual construction and movement. Additionally, I would note that we did get an earmark in the appropriations bill for \$300,000 to cover the cost of that preliminary engineering. In the future, I may be coming back and seeking additional preliminary engineering funds in other locations in alignment with the Master Plan for the water development system that was produced by Shaw Engineering and that was approved by the board 3-4 years ago, whatever it was.

Commissioner Gregory Koenig made a motion to authorize the County Manager to have the authority to identify locations for and to implement a preliminary engineering report for a water treatment plant. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

F. - Consideration and possible action re: Renewal of a Government Services Contract with Strategies 360, Inc. in the amount of \$3,500 per month retroactively from January 1, 2022 through January 31, 2023; increasing to \$4,000 per month from February 1, 2023 through June 30, 2023 during the 2023 Legislative Session; and back to \$3,500 per month for the remainder, from July 1, 2023 through December 31, 2023

Churchill County entered into a Professional Services Contract with Strategies 360, Inc. (S360) on January 1, 2018 to assist the county with the development of a legislative strategy, represent the county during the 2019 Legislative Session, coordinate meetings and opportunities to interact with legislators and provide legislative reporting. The contract was renewed and S360 represented the county during the 2021 Session. Our existing contract with S360 expired on December 31, 2021. Following discussions with S360, recommendation is being made to renew services with S360 by executing the attached contract, with an effective date retroactively to January 1, 2022 through December 31, 2023.

FISCAL IMPACT: FY22: Total \$21,000 (Jan 1, 2022 to June 30, 2022: 6 x \$3,500 = \$21,000)

FY23: Total \$44,500 (July 1, 2022 to Jan 30, 2023: 7 x \$3,500 = \$24,500) + (Feb 1, 2023 to June 30, 2023: 5 x \$4,000 = \$20,000)

FY24: Total \$21,000 (July 1, 2023 to Dec 31, 2023: 6 x \$3,500 = \$21,000)

EXPLANATION OF IMPACT: Funds were already budgeted for the current fiscal year to continue this contract. During FY23 budget development, continuation of a legislative services contract was taken into account and budgeted for.

FUNDING SOURCE: General Government/Legislative Lobbying Expenses: 100-190-56901

ACTION REQUESTED: Accept

County Manager Barbee made this presentation as outlined above.

John Oceguera, Strategies 360, said the first rule of lobbying is you don't talk your way out of something, so hopefully I am good. Chairman Olsen said I have the longest term here working with you and Marla and it has been a great working relationship. Churchill County has benefited from having you out there advocating for us and keeping us aware of what is going on and I think this is a good relationship that we should continue. We had private discussions about the loss of Marla; we are going to miss her but John has assured us that the same level of service is going to continue. Commissioner Koenig said I have known John since we were kids.

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

Commissioner Justin Heath made a motion to approve renewal of a Professional Services Contract with Strategies 360, Inc. retroactively from January 1, 2022 through December 31, 2023 and authorize the County Manager to sign. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

G. - Consideration and possible action re: Adoption of a Proclamation designating April 2022 as Child Abuse Prevention and Awareness Month

Annually, April is a time to build awareness of child abuse and community response for prevention. The community requests that April 2022 again be proclaimed as Child Abuse Prevention and Awareness month to support increased awareness, to build family unity groups, and further access to services to reduce abuse. Churchill County Social Services shall provide an overview of activities to be held and what the community can do to help support the effort in our area.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Adopt

Social Services Director Ernst said I would like to introduce Cristan Underwood, who is our Project Coordinator for the department and is overseeing this project. Since 2017, when we became the Family Resource Center with the county, we started really engaging in April awareness for child abuse prevention. What we really look at is on the first Friday on the month nationally we join together to proclaim the month Child Abuse Prevention Awareness and really kick off activities. Our goal with our activities that we have is to bring families together, to unite families and help build skills in parenting. This year, April 1st is actually the first Friday of the month and we will come together at Millennium Park at 10:00 AM. We will also be having an awareness block. Parks and Recreation will also be having the scavenger hunt for easter eggs and other things are coming.

Chairman Olsen asked if there was any public comment but there was none. He said child abuse will always be with us but, hopefully, this will help raise awareness.

Commissioner Gregory Koenig made a motion to adopt the Proclamation declaring April 2022 as Child Abuse Prevention and Awareness Month. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

H. - Consideration and possible action re: Approval of Agreement with Apollo Software System for Satellite Nevada State Lab data source implementation in Churchill County in the amount of \$297,505.50 for a 5-year term

Churchill County Social Services proposes to implement the Apollo Lab Software for use in the Nevada State Health Lab in Churchill County. The software has been vetted by Dr. Pandori, Julia Peek, and UNR School of Medicine as the desired software to house, report, and provide billing for the site. The State of Nevada has provided ELC funding to support the activity in the amount of up to \$200,000. The \$200,000 will provide for an initial set-up of \$24,505.50 and 38 months of service fees totaling \$172,900. The contract for software is a 60-month or 5-year agreement. The remaining 22-month obligation and further agreements reached will become the cost of the Central Nevada Health District and users through service billings.

FISCAL IMPACT: \$24,505.50 - Initial one-time set-up cost

\$4,550 per month for 4 users - \$54,600 a month or \$273,000 total contract for utilization

\$297,505.50 total contract

EXPLANATION OF IMPACT: Set-up and 60-month contract

FUNDING SOURCE: Total impact \$297,505.50

\$200,000 Grant (set-up and 38 Months of agreement)

\$97,000 22 months of an agreement to be assessed through Central Nevada Health District and billable services

ACTION REQUESTED: Accept

Social Services Director Ernst made the presentation as outlined above.

Chairman Olsen said can you give us an overview of where we are at with the whole lab deal. It seems like we get it a bite at a time. Director Ernst said the construction of the lab is complete. We have some of the equipment here. Once Julie came on board, it was found that we were missing quite a few items to run the specimens that we desired. We went back to the state and requested the additional funding, which was awarded. Julie has placed all the orders. She has spent a lot of money in the last week but it is covered by grants. It should start arriving by next week. We had a meeting with Dr. Pandori, with the Nevada State Health Lab, yesterday to talk about the certification process. We had hoped to open the lab by April 15th. As of yesterday, we found out that is not possible because we have to have Dr. Pandori come out prior and he cannot come out before then, so our goal is by the beginning of May. Julie Gaos said everything for the lab is looking good. Dr. Pandori has to come here to inspect the lab. We are hopeful that by the beginning of May, we will be able to do the testing. Chairman Olsen said, so we should be up and running from a testing point by the beginning of May? Director Ernst said I would urge you to come by after a 2-week period because all the equipment will be in there and Julie will have that set up. She is going to start on that next week. We are happy to show off the lab and the community will be able to see it once it is certified.

Commissioner Heath said is that license from the state and then we have to get one from the federal government? Director Ernst said this is the state. If we went for accreditation, that is something we are evaluating to determine the best process. There are quite a few other things and equipment we would like to purchase so we can do STDs and those things in the future. We are going back and looking at pricing and seeing if we can reallocate some of our grant funds that were not expended to make those purchases just so we can make this a very robust lab. As Julie gets her different levels of approval, we can start using that equipment.

County Manager Barbee said I just wanted to thank Shannon and Julie for the hard work they have done in terms of putting this together. Shannon, over the last year plus, I wanted to tip a hat to facilities and Jorge's outfit for taking a pretty wide-open space and really changing it multiple times as the needs change from the state according to what we needed to do. It has taken a lot of patience and time and effort on these 3 individuals and I sure appreciate them working hard on that.

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

Commissioner Justin Heath made a motion to approve the contract as presented and authorize the Chair to execute Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

I. - Consideration and possible action re: Ratification of Notice of Funding Award between the State of Nevada, Grants Management Unit and Social Services, in the amount of \$31,550 for Community Services Block Grant Supplementary Funding for FY23-24

Churchill County Social Services received a Community Service Block Grant (CSBG) Supplementary fund to support community action activities. Annually, the funds that are not expended from the regular CSBG funding are allocated for eligible activities under the

supplementary agreement. This year, the funds are being allocated to increase efforts for Community Day, Pinwheels for Prevention, community assessment participation and support team training for leadership development, increase homeless outreach services, data reporting, and Crisis Intervention Certification.

FISCAL IMPACT: \$31,550 - 10/1/2021 through 9/30/2022.

EXPLANATION OF IMPACT: Travel and conference costs, direct costs related to events, and certifications.

FUNDING SOURCE: Federal pass-through Community Services Block Grant funding.

ACTION REQUESTED: Accept

Social Services Director Ernst made the presentation as outlined above.

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

Commissioner Gregory Koenig made a motion for ratification as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

J. - Consideration and possible action re: Approval of a revised Interlocal Agreement between the State of Nevada and Churchill County to provide for the federal Medicaid match for FY22 and FY23

Churchill County entered into an Agreement to provide the federal Medicaid match to the State of Nevada on May 7, 2020. After review, it was determined that language was absent to state "Not to Exceed". This has been revised and it is requested to execute the revised Interlocal Agreement as presented.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Social Services Director Ernst made the presentation as outlined above.

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

Commissioner Justin Heath made a motion to approve the revised Interlocal Agreement as presented and to authorize the Chair to execute the same. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

K. - Consideration and possible action re: Approval to establish an account with International Reagent Resources to obtain necessary laboratory supplies

The International Reagent Resource is the designated reagent depository. It is necessary to obtain an account to obtain the required laboratory supplies for various sample processing.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: No direct impact until orders are placed - funds have been designated through the ELC State Lab Set-up Grant

FUNDING SOURCE: State ELC

ACTION REQUESTED: Accept

Social Services Director Ernst made the presentation as outlined above.

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

Commissioner Gregory Koenig made a motion to authorize the account set-up and the Chair to execute necessary agreements and further authorize Yang "Julie" Gaos and Shannon Ernst as authorized representatives. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

L. - Consideration and possible action re: Rebranding Churchill County Fairgrounds and Regional Park and naming all non-named facilities

With the addition of the new Rafter 3C Arena, staff would like to rebrand the fairgrounds and Regional Park. Through discussions, it was concluded that all facilities that did not have names should be given names. The re-branding of the grounds will enhance the ability for marketing to events and will bring clarity when describing offerings. Our plan is to create an interactive website that will allow folks to click on a list of names that will take them to the desired facility. Many of the new names were pulled from Churchill County's In Focus Millennial Issue, produced by the Churchill County Museum. The grounds were divided, with the fairgrounds becoming the 3C Events Complex and adding Oser to the name for the Regional Park title - Oser Regional Park. Provided with the Agenda Report, you will see a list of names for both locations.

FISCAL IMPACT: There is no fiscal impact at this time, there may be costs associated with placing signage at each location in the future. All other media platforms will be updated by staff.

EXPLANATION OF IMPACT: The impact of making these changes will enhance our market platform to get the word out about the amazing facilities we offer, enticing producers to use our grounds for large regional events. In turn, those events will impact our community economically and will create sustainability.

FUNDING SOURCE: If funding is needed to make changes it will be covered by the department's budget.

ACTION REQUESTED: Accept

Facilities Director Jorge Guerrero made the presentation as outlined above.

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Oser Regional Park

Rafter 3C Arena		Lockwood Tennis Courts	
Buckland Room		Lou Buckmaster Field	
Concourse		Cal Ripken Field	
Concession		Wonder Field	Soccer Field
Fairview Arena	Main Arena	Aqautic Center	
Lee Green Arena	Green Arena	La Plata Disc Golf Course	
The Barrel House	MPB	Pioneer I Picnic Shelter	
The Cottowood building		Pioneer II Challenge Course	
Lonetree Field	Festival Field	Carlson Climbing Wall	
Hay Palace Stage & Pavillion	stage & pavillion	Westgate Concession	
Grease Wood Pavillion	Festival Field	Liberty Courts	
Quarter Horse Cutting Arena	Cutting Arena	Pinyon Office	P&R office
Silver State Office			
Eastgate Concession	Concesssion FG		
Dry Gulch Saloon			
Rawhide Stalls	Barn stalls		
Ragtown RV Park	RV park		
40 Mile Camp	Miners Road		
Sandy Run Pasture	Pasture FG		
Cut Hut Timers Booth	Cutting Arena		
Overland Announcers Booth	Announcers		
Stillwater Timers Booth	Fairview		
Ellsworth Timers Booth	Lee Green		
Riggins-Chisholm Pavillion			

Chairman Olsen asked if there was any public comment but there was none. He said it is great to name these but we need to put a sign up so people know. Director Guerrero said, basically, our plan is to first attack all the media platforms. We are doing a specific website for the 3C Event Complex that will be attached to our current website and then, of course, all of our media platforms, Facebook, Twitter, and all that, and then we are going to work on some signage on all the buildings. It will be a work in progress, as we move forward.

County Manager Barbee said they will be tying in to Google Maps, as well, with those locations, which is a large part of why we are doing this because, basically, is to market the new facility in a more detailed manner. Director Jorge Guerrero as you go to the website, there will be a list of locations and then you click on that and it will take you right to, you know, like on Google Maps and then we will also have pictures and it will be a good opportunity to you know, pinpoint what they want to rent. It is just more of a marketing point to try to market the facilities so that we can attract these large events.

Chairman Olsen said are we going to use our sign shop to put signs on the buildings and others. I appreciate the interactive maps and all that, that is great. Director Jorge Guerrero said, in the past, we used Jim Moore but he moved out of town. I don't know why he did that. I thought he was going to stay here forever. We will be working on putting some signs together, most likely, we will be reaching out to the Road Department to see if they might be able to give us a hand.

Commissioner Justin Heath made a motion to accept recommendations for rebranding the Churchill County Fairgrounds and Regional Park including recommendations for all non-named facilities at those locations. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Nuisance Complaint:

2:00 PM - Consideration and possible action re: Nuisance Complaint by Conrad Lowrey against Ken Garcia related to damage to the easement at 4672 Benson Lane, Fallon, Nevada, APN: 006-631-17 and adoption of Resolution 6-2022 declaring whether there is or is not a nuisance associated with this property.

On February 7, 2022, a Nuisance Complaint was filed by Conrad Lowrey against Ken Garcia related to damages made to the easement at 4672 Benson Lane, APN: 006-631-17, Fallon, Nevada. Mr. Lowrey alleges that Mr. Garcia is deliberately driving off of the traveled way within the easement for Benson Lane and the Benson Lane driveway in order to tear up property belonging to Mr. Lowrey outside of the traveled way. The Code Compliance Official did note there were areas outside of the traveled way within the easement that appeared to be noticeably torn up and uneven near Mr. Lowrey's fences and other areas along Benson Lane.

Churchill County Code 8.12.040 states: (A) The Board of County Commissioners shall proceed to hear the complaint and any opponents and may consider the findings presented by the authorized official. At the hearing, the board shall receive the proofs offered to establish or controvert the facts set forth in the complaint. The board may adjourn the hearing from time to time, not exceeding fourteen (14) days in all. (B) On the final hearing of the complaint, the board shall by resolution entered into the Minutes, determine whether or not a nuisance exists and, if one does exist, order the person or persons responsible for such nuisance to abate the same.

Churchill County Code 8.12.050 ABATEMENT OF NUISANCE: The person or persons responsible for the nuisance shall enter into abatement plan with the County Commissioners or their designated representative within fifteen (15) days after the Board of County Commissioners renders its decision. The abatement plan shall be commenced within thirty (30) days after the board renders its decision and shall be completed at such time as the Board of County Commissioners, or its representative, has set forth in the abatement plan.

Churchill County Code 8.12.060 ABATEMENT BY THE COUNTY: If the order is not obeyed and the person(s) responsible for the nuisance fails or neglects to remove the nuisance within the time limit specified in section 8.12.050 of this chapter, the Board of County Commissioners may:

A. Order that the cost of abating the nuisance be a personal obligation of the property owner(s), and shall direct the District Attorney to collect the costs of abating the nuisance and interest thereon by use of all appropriate remedies.

B. Order that the cost of abating the nuisance be assessed against the property, and shall confirm the assessment and have it filed with the County Recorder. Thereafter, the assessment shall

constitute a lien upon the property.

Based on the recorded Parcel Map (Document No. 173861, Book 7, Page 16) dated 1980, the roadways described and depicted on the parcel map, which include Benson Lane and Benson Lane driveway are public access easements that serve the properties along them, but are not publicly maintained roads. Therefore, Churchill County assumes no responsibility or liability for their maintenance or operation. The County declined to accept this portion of Benson Lane (not paved) as a dedicated street. All easements on the parcel map are granted for utility installation and access. This information on the parcel map indicates the County is not responsible for the condition of Benson Lane driveway nor is the County responsible for repairs or maintenance.

FISCAL IMPACT: \$205.76 - \$175.00 for the legal notice publication; \$14.86 for certified mailing postage; and \$15.90 for regular postage.

EXPLANATION OF IMPACT: Costs are incurred for the publication of the legal notice and the postage for notification letters.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chief Deputy DA Benjamin Shawcroft said if you wish to impose a time restriction on the parties, you may, just as long as we are fair to both sides. We would advise the parties that you are only permitted to speak to the board. There is not to be any talking to each other from the tables. If you have questions or you want to say something, it is directed to the board and not to each other. When it is one party's turn, the other party shall remain silent. Chairman Olsen said a time restriction is usually 3 minutes but I think that anybody that wants to speak on behalf of either party, we will limit them to 3 minutes. To the parties in question, I think up to 10 minutes for them to make their case and then we will move forward from there. Anyone wishing to make comments should come forward and do the oath. The oath was given to Conrad Lowrey, James Kelleher, Jim Shurtliff, Rudy Maynez, Randall Biser, Ken Garcia, Loreli LeBaron, Sherry White, and Sergeant Lofthouse.

Code Compliance Official, Loreli LeBaron, said I conducted the investigation and prepared the report. On February 7th, Mr. Lowrey put in a Nuisance Complaint and, according to Mr. Lowrey, Ken Garcia drives out of his south access gate at a very high speed onto the easement to the driveway to Benson Lane outside the traveled ways just inches from Mr. Lowrey's vinyl fence on his property and proceeds to drive 120 feet in the direction of Mr. Lowrey's property entrance, eventually making a hard 90 degree turn while spinning his wheels and sliding sideways. Mr. Lowrey observes Mr. Garcia continuing to drive in the easement outside the travel ways along Benson Lane. Per Mr. Lowrey, Mr. Garcia could drive 60 feet onto Benson Lane where he could turn and continue to drive north but does not. Mr. Lowrey remarked that Mr. Garcia drives outside the traveled way in the easement alongside Mr. Lowrey's vinyl fence when driving home. Per Mr. Lowrey, this occurs 7 days a week. Mr. Lowrey claims Mr. Garcia has a north access gate to his property but does not use it. In the past, Mr. Lowrey laid black gravel on the Benson Lane driveway and easement in front of his property. Mr. Lowrey reports that Mr. Garcia took issue with it, used a tractor supposedly belonging to his business to remove the black rock out of the easement, and, in doing so, dug into the ground causing damage and an uneven road surface.

There is no record of code compliance involvement prior to this Nuisance Complaint. Mr. Lowry previously filed a formal request to pave Benson Lane. This request was denied at the April 5, 2018 Churchill County Highway Commission meeting. Mr. Lowrey and Mr. Garcia seem to be in a long-term neighbor dispute, which involved law enforcement at times.

Preston Denney and I met with Mr. Lowrey shortly after receipt of the Nuisance Complaint filed on February 7, 2022, and then again on February 16, 2022. At this time, Mr. Lowrey was interviewed by the Code Compliance Official, who took photographs and investigated the matter. Mr. Lowrey explained in detail his frustration of the Benson Lane driveway and easement being damaged by his neighbor, Mr. Garcia. At this time, the easement appeared to be noticeably torn up and uneven along the fence line of Mr. Lowrey's property. I observed other areas within the Benson Lane driveway and easements that are torn up and uneven.

Based on the recorded Parcel Map (Document No. 173861, Book 7, Page 16) dated 1980, the roadways described and depicted on the parcel map, which include Benson Lane and Benson Lane driveway, are public access easements that serve the properties along them, but are not publicly maintained roads. Therefore, Churchill County assumes no responsibility or liability for their maintenance or operation. The county declined to accept roadways as dedicated streets or highways. All easements on the parcel map are granted for utility installation and access. This information on the parcel map indicates the county is not responsible for the condition of Benson Lane driveway nor is the county responsible for repairs or maintenance.

Fallon Fire Marshall, Mitch Young, conducted his own investigation on February 3, 2022 and reviewed photographic images taken on the ground and from the air and found that the areas turnaround spaces are close to 9,500 feet. The area most likely to be used to turn around the largest piece of apparatus measures close to 120 feet by 75 feet. The Fire Departments largest apparatus requires no more than an area of 100 feet by 50 feet in order to complete a multi-point 100-degree turnaround. The area currently fenced is large enough to allow a modified hammer-head turnaround as referenced in the 2018 International Fire Code. The Fire Department would not require the hammer-head turnaround to be utilized since the current accessible areas are less restricted and more efficient. These observations are based on current fencing layouts and assuming that all property lines and easements, as required by the county, are being utilized. As the area sits today, the Fire Department has no issues with the current configurations as it relates to fire apparatus access and egress.

According to the NRS 40.140.1(a) Nuisance Defined

Except as otherwise provided in this section: (a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

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The picture above, which is angle 1, was taken on 2/16/22 and is the easement east of the center roadway showing an area of disturbance and unlevel ground at an angle standing north with the camera facing down. The next picture, which is angle 2, is the easement east of the center roadway showing an area of disturbance and unlevel ground at an angle standing north.



The next picture, which is angle 3, is the easement east of the center roadway showing an area of disturbance and unlevel ground at a ground level angle facing north.



The next picture, which is angle 4, is approximately the center roadway showing an area of disturbance and unlevel ground at an angle facing west. I believe that is actually facing towards Mr. Garcia's property.



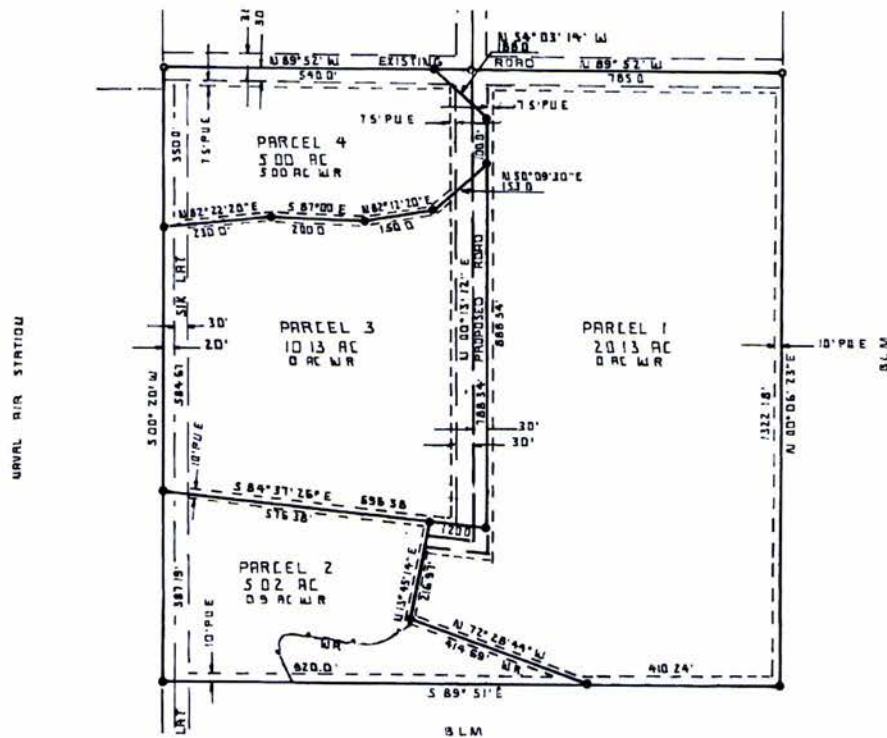
The next picture, which is angle 5, is the easement and roadway showing an area of disturbance and unlevel ground slightly above ground level an angle facing northeast positioned at southwest

corner. That is where my back was located, very close to Mr. Lowrey's fence on the corner that borderlines Mr. Garcia and Mr. Lowrey's property.



The next picture is shows where the utility access and easements are, what utilities are in there. There are power poles and a utility box and you can see the areas of disturbance are noted. They are highlighted in the yellow.





Roadways described and depicted on the parcel map are not public roads and Churchill County assumes no responsibility or liability for their maintenance or operation. Churchill County declined to accept roadways as dedicated streets or highways. All easements on the parcel map dedicated and set apart for utility installation and access to be used forever. There was 1 formal request to pave Benson Lane on record. Churchill County Highway Commission denied that request on April 5, 2018.

Sergeant Lofthouse, Churchill County Sheriff's Office, said as far as what was discussed by Planning, we have nothing further to add.

Conrad Lowrey said I have nothing against Ken except his driving habits. I have been there for 25 years. I have tried to get along with him the best I can for the past 25 years and he doesn't want to be friends and he is always doing things that I have to kind of complain about. It has kind of gotten out of hand.

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In this picture here, there is a dark line right above the red line and I had put black gravel from my driveway all the way out where the telephone pole is on the corner. As you can see, I had to drag gravel all the way from my driveway down here up to the red line and you can see the difference in the white and the gray. The black gravel is all the way out through the red and through the dark line and all the way up to the corner and even with the road. That square part is my easement. This shows my house and Ken lives over here and I had this black gravel all the way out to the end and Ken came out and he said, 'I don't like that black gravel, I am going to tear it up with my tractor' and I had to call the police. Then he came out and he dumped a truckload of concrete in the easement and he said, 'I am going to bury it with my tractor' and I said no you can't and I had to call the police. Then he came out and I was putting the last bit of black gravel over by the telephone pole on the corner where the bushes are and he said 'I don't like that black gravel, it is 2 feet over on my easement' and he has been told several times that it was not his easement. It is an easement for everybody to come down and turn around on. I was putting 4 inches of black gravel and I intended to do the whole easement, eventually, if the black gravel lasted because NDOT gave me permission to get it and I have written permission. Ken said, 'you don't own this easement and you are stealing the gravel' and he took off and he walked across over to where the end of the red line where his driveway comes out and he walked all the way across right where the easement ends at that little black line there, to my fence and he said, 'this is my easement across here and I want my easement fenced.' I didn't think anything about it because I have been there 25 years and I have been, you can see the marks where he has been turning around and you can see where the marks stop at the black gravel because the black gravel is 4 inches thick and it doesn't leave tracks because this is all dirt over here and he goes up the road. Well, then all 25 years he has been turning around, and this is my front yard, this curve here makes the easement twice as big and he wanted it fenced off. I never considered or even thought about fencing that off, but they have been turning around in my yard all that time and I never said anything to anybody.

No one said thank you for letting us turn around in your front yard and you can see where my curved fence was and so, he walked over and he walked across and he said, 'this is my easement and I got proof it is my easement'. Well, I just sloughed it off, but the next day, Mr. Biser, who lives down the road, came down with a scooper and he made 6-inch scoops and picked up the black gravel and he would come back down the road and he would take another scoop and you got pictures of that of him going past us and we had to jump out of the way. I stopped him once and said 'listen, this is private property and you are trespassing.' I don't know what all I told him but I told him you can't do this and he said, 'get out of my way or I will run you over and then said this easement is not yours and you are stealing the black gravel just like Ken told me the day before. I kind of know what happened there. So, the next day I got to thinking, you know, if I fence that off, that would make Ken happy and he already has all the black gravel gone, that made him happy. So, I went to the surveyor and I got with him and he told me just what to do and make it legal and fence off the easement, which I started putting up stakes and Ken comes flying out and he is spinning around and he is mad about something, I don't know what. I did what he wanted. I am putting up fence posts, temporary fence posts. Well, he wouldn't talk to me, he just used that bad language, which I try never to use. You say enough using bad language. I don't believe in bad language. I very seldom use it. I know all the words. But anyway, you would not have to worry about me using it and I don't like arguments either. I just like straight talk; one-on-one we could have ironed it out but he would not talk to me. So, I went to the surveyor and I got with him and he told me just what to do. Keep 6 inches back from the line and make all your measurements, stretch a string. I had Future Fence come out and relocate the curved part of the fence straight across the easement and that cost me \$2,300 and then I bought more fencing from Kents to replace the damaged ones and that cost me \$2,200, which was a total of \$5,500 and Ken is not out nothing and he got his way but he is still mad about something and I kept hollering over 'do you want me to put this fence up', no answer. 'Do you want me to tear it down? No answer. I said what would it do to make you happy? No answer. He would not talk to me so, I went over to Kelleher and I said I need to talk to you and he said I don't want to talk to you and I said but I need to talk to you about Ken and he said, I am not involved, it is between you and Ken. What I wanted was a mediator to go between so I could tell him what to do or how can we settle this and he can talk to Ken but he walked away from me and never talked to me. He was talking and saying in that testimony that he put in that folder you got, that I turned and walked away from him. Yes, because I was furious, I thought, you know, one of these days you are going to ask me something and I am going to say I just haven't got time and that's what I did and that is why I said that in the folder but the reason I didn't want to talk to him, I did want to talk to him but I just wanted to give it back to him once. So, Ken has been tearing up the easement ever since. I think my time is about up, no, not yet. He comes out spinning around sliding. I don't know. They said just let him do it and he will wear down. Well, okay. Two months went by and it did not wear down, it got worse, so I put up t-stakes down the road a foot back from the gravel to keep him off of the dirt going up the side of the road and that worked really good. I put up 44 t-posts a foot back from the gravel on the road and then instead of going up on the dirt, then he had to go up on the gravel, which worked for about 2 weeks and then the Planning Commission said I had to take them down or we will do it and charge you for it and then we will keep your posts. I only stuck them in about 4 inches because I knew that was going to happen and so I just plucked them out the next day. Actually, that was illegal because if they wanted me to take out those t-posts, they should have

went through the same process I just went through and file a nuisance about me to take them out, but that is okay, I didn't want them up there anyway. Thank you.

Chairman Olsen said now is the time for anybody to comment for Conrad Lowrey. I don't see anybody so now it is time for the responding party, so Ken, will you come forward.

Ken Garcia said just a little background on me, I am ex-military, honorably discharged. I have worked several years out at NAS Fallon as an aircraft mechanic. I have served for the U.S. Army doing special operations in several third world countries, including the Horn of Africa launching air raids into Somalia. I have been to 38 different countries in my life and have been a resident of Fallon since 1983. Judge Bill Teurman and I worked together back in 1987 to develop the Benson Lane properties. I have been out there ever since. First of all, I want to say that there are always 2 sides to every story. Now, it is time that the county hears from the residents of Benson Lane. Mr. Lowrey has harassed, not only myself, but several residents of Benson Lane for a long time. He has been a big problem with all the traffic.

Chairman Olsen said you say by evidence that your truck is incapable of doing this. Are you telling us you have never done that? You have never come out of there spinning? Ken Garcia said I have come out of my driveway but I don't come out the way he is describing it. I do have other vehicles but, even still, to make a 90 degree turn spinning my tires, maybe if the road is muddy and there have been several incidences where the road has been muddy and it gets ruts in it and sometimes your wheels spin. That road is not maintained. There is not a proper road base under that road. The pictures that you showed of the sides of the road, it is never had any maintenance done. It is all virgin soil, there is nothing there. It is just nothing but clay. Mr. Solis here used to own that property and there has never been any maintenance, there has never been any gravel added to the sides of the road as it is. We, as a neighborhood, take up donations every so often to buy gravel for the road because it just disappears. There is no proper road base under that road. The cul-de-sac is the worst area. We get garbage trucks coming in, the propane trucks, FedEx trucks, UPS trucks. Today there was a well drilling truck that tried to turn around there with a 30-foot gooseneck on it. I am not responsible for all the damage that all the vehicles do to the cul-de-sac. As it is, now that we've only got a 60-foot turning radius, it makes it hard on everybody to turn around at the end of the road. We used to have 120 feet, and that was there since the 1980s on the blueprint. Chairman Olsen said my direct question was have you ever come out of there. Ken Garcia said not the way Mr. Lowrey says I do. Chairman Olsen said, yes or no, you have or haven't. Ken Garcia said no. Chairman Olsen said okay, thanks. Ken Garcia said and that is a fact because I cannot come out of my driveway at a high rate of speed and make a 90 degree turn. That doesn't happen. Chairman Olsen said so, Ken, are you done? Ken Garcia said I am done.

Chairman Olsen said item 6 is testimony by any person in favor of the responding party. Do we have anybody in favor of the Mr. Garcia that would like to testify?

James Kelleher, 4656 Benson Lane, said I have actually got 2 statements. The first one is in regards to this particular complaint. The second one is a set of bullets for just kind of a historical timeline and current stuff. If you would allow me time at the end of all of this for that second statement. Chairman Olsen said sir, we are going to try and hold you to 3 minutes. If you can't get

through it in that time, we will see who else wants to testify and if there is a little bit of time, I will grant it. James Kelleher said I just want to give some context if you don't mind. Chairman Olsen said we can't hear you if you move away from the microphone, so if you would. Jim can do it for you and we will facilitate, it is helpful for us. James Kelleher said just for context. This is Mr. Lowrey's property and this is Mr. Garcia's and my property is to the north of that. As you can see, and I will refer to this in my statement, that grounded area that has been graded through was known as the cul-de-sac. This is before Mr. Lowrey moved in. The gentleman that put the house there, he had no problem with people using that. We did that for years and years. Whether he knew it, whether it's his property or not, I don't know. This is in support of Mr. Garcia. Mr. Garcia is the main factor in the maintenance of the road. Even though the general care of the road is a community effort, Mr. Garcia, as needed, mostly by himself, will tend to the road by spreading new gravel and established gravel with his tractor grooming the edges to ensure proper runoff. This helps provide safe driving conditions for the residents, local deliveries, trash collection, and emergency vehicles. He does this on his own time and without compensation except for the cost of diesel fuel. There is an area on the south end of the road that was considered as common property and is referred to as the cul-de-sac. This particular area provided convenient and a safe turnaround with no hazard for any vehicle using the road. However, in recent years, it has slowly been absorbed by Mr. Lowrey and, fittingly, according to the latest parcel maps and as a result a tighter turn is required. Several evolutions are sometimes needed for some larger vehicles, such as garbage collection trucks to exit the area. This particular expanse is directly in front of and to the east of Mr. Garcia's established property and he and his family use it for entry and exit. At no time, at least since Mr. Lowrey has resided on the road, have I witnessed any destruction by Mr. Garcia or any other unnatural damage to the area. It is as subject to the elements and natural runoff as the rest of the road and appears basically unchanged in my 30 plus years of residence. As usual, the next time that Mr. Garcia tends to the condition of the road, all accessible areas will be included. Ironically, because Mr. Lowrey's property is located at the very end of the road, he benefits the most from Mr. Garcia's efforts in maintaining it. Some neighbors use less than 10% of the whole length and never complain about the cost of contribution for gravel or the quality of the job performed. Mr. Lowrey is the exception to this fact. Mr. Garcia has been a good neighbor and a valuable member of the community. This is in regards to the actions of Mr. Conrad Lowrey related to the road maintenance of Benson Lane and neighboring property issues. The residents of Benson Lane contribute to the cost of gravel and delivery in order to maintain the integrity of the road. Not all households contribute every time. Some are renters and some can't afford a change in their budget at the time an order is placed. The entire road is groomed and all households are benefitted regardless of whether a contribution has been made or not. Mr. Lowrey has, on at least one occasion, requested the names of the noncontributors, of which I refused to give him. Gravel is not needed every year and, basically, it depends upon the weather and resulting conditions. Sometimes an occasional grooming is all that is required. Every contributor donates the same amount and, with the exception of Mr. Lowrey, there has never been a complaint of the amount requested or the quality of the job. Last year, I received a call from the office of Hiskett & Sons in regards to Mr. Lowrey's questioning of the cost and upcoming delivery of gravel for the road. Because the invoice is attached to Mr. Garcia's account, I viewed this as an offense to Mr. Garcia as he makes regular purchases from Hiskett as part of his job. My thought at the time was that negative queries may instill some doubt in a vendor's mind regarding the

integrity of a particular client. Inclement weather was forecast for the original delivery date; therefore, a delay was necessary. A delivery was made about 9 days later.

Late last year, Mr. Lowery began erecting metal fence posts along the east side of the road and in front of his property. Unfortunately, according to the latest parcel maps, the posts in place were actually on my property. I tried to talk to him hoping to understand his intentions, but he refused conversation stating he was busy. My objective at the time was to resolve any issue before elevating my concern to county officials. In my opinion, the posts, and I assume subsequent fencing, presented a hazard on the road. A sharper turn was required to enter and exit my property. It eliminated a cushion of extra space needed for passage between two vehicles. My biggest concern was the quality of response to property by emergency vehicles, if needed. Chairman Olsen said I am going to have to ask you to wrap it up. I have given you a lot of extra time. James Kelleher said I just have half of a sentence left. Large fire apparatus and possibly paramedic vehicles would have difficulty maneuvering through the limited space.

Randall Biser, 4640 Benson Lane, said Mr. Lowrey accused me of destroying his property. I was dragging the community road around and through the cul-de-sac that afternoon. He also called the Sheriff's Office on me saying that I threatened him at the end of the property. I have no reason to. My kids ride with me. I had to get my kids out that day because he was down there taking pictures of my children as they are riding with me on my side-by-side dragging the road. He has also swerved at me multiple times driving down the road when I have been driving my side-by-side and he was in his vehicle plenty of times. He has harassed us that way. Mr. Garcia has done nothing but help anybody on that street multiple times. He has watched my house. My house is under contract to sell right now. When I have been out of town after surgery, while I was moving my family to Louisiana, if I had any issues, I had no worries about Mr. Garcia watching my house. My only issue has been Mr. Lowrey causing issues and doing things that you just don't expect in the neighborhood where everybody gets along except for Mr. Lowrey.

Rudy Maynez, 4688 Benson Lane, said I live to the north and the right side of Benson Lane. Just next door to Mr. Lowrey, there is one property that is vacant that is also purchased by Mr. Lowrey. The fence lines are the same fence lines. I just would like to say that I got a call one day from my wife saying that Mr. Lowrey was digging up my fenceposts and he believed it was his. It was a mutual fencepost. It was on the property line and she told him to stop because it was our fencepost. He did stop. I did come home and I had to explain to him that he was digging up my fenceposts. I just wanted to say that he was digging up my fenceposts without being sure that it was his or inquiring. He did cease. We have an understanding that it is my fence line. Also, as far as the road maintenance goes, he encroached on Mr. Kelleher's easement when he moved his fence line from being married up with mine out 15 feet into the easement, which was the main road and that it was a nuisance to the road. Mr. Garcia, as a witness to his character, I have known him for 30 years. I worked with him when I first came to Fallon in 1991 and he is somebody that has a lot of integrity and he would give his shirt off of his back if he felt you needed a shirt. He is just an unbelievable human being and, as far as tearing up the road that Mr. Lowrey is saying that he does at the end of the road, I have never witnessed it. Mr. Garcia is the main person that maintains the road. I have helped him a few times and James Kelleher has helped a few times. Mr. Shurtliff and James Kelleher collect the money. Mr. Garcia orders the gravel, spreads it on his

own time. I don't see how he is being malicious or a nuisance to the neighborhood. That is what I have to say.

Chairman Olsen said is there anybody else that would like to come forward?

Jim Shurtliff said I live up on the northern end of the road since about 1989 and I have known both Mr. Lowrey and Mr. Garcia for years. Up until this notice in the last few months, I have heard of no complaints, no issues. I thought everyone on the other end of the road got along just fine. The cul-de-sac has been there since before I moved there when Mr. Garcia was setting up the original properties when they were first for sale. I didn't buy one at the time because Judge Teurman had one that he had foreclosed on and I was able to buy that one and set it up myself. My wife has collected money because she is home all the time and it is a convenient place to drop off money as it comes in from the neighbors to help maintain the road. I am not here to take sides at all but I just wanted to say that whatever is going on, it is causing a disturbance overall. By shutting off part of the cul-de-sac, it does make it difficult for large vehicles like garbage trucks and other things like that that come around. FedEx and UPS maybe not so bad. My point on this is it just needs to end. We can't have this going on in our neighborhood for the next however many years because 2 neighbors can't get along. That is all I want to say.

Sherry White said I am the new kid on the block. I have been there since August. I have never had any dealings with Mr. Lowrey. When we first got there, we bought a fixer upper. We thought it was going to require a lot of work and it did. When we had electrical issues and Ken dropped by one day and introduced himself and said if we ever needed anything he would help and I had had a couple of issues. I have had a lot of issues and Ken has been more that gracious with us and helping us. He told me about his military service one time and said that when he came back, he said that what came to him the most from all the horrible things that had happened to him when he was over in different countries was that he wanted to have a heart of giving. A heart to give and help other people. I am just curious, why would somebody who is the one who maintains that road want to tear up that road? It makes no sense. It would be hard for him to get in and out of there. Thank you.

Chairman Olsen said so, we are onto item 7 in our Agenda here. It is rebuttal time for the complaining party. That would be you, Conrad. Would you like come forward? Do you have anything else to add? We will give you 3 minutes for rebuttal.

Conrad Lowery said, in your report there, it says that the hammerhead, which is a very large fire engine, the Fire Marshall came down there and measured it and even took pictures from the air like it says in the report and they said it is plenty sufficient. That is his last word on his report, so it is sufficient enough to turn around the biggest truck they have. I see no reason why any other truck would turn around in there or couldn't. The way it reads there that everybody is having trouble and that easement is exactly the way it was designed in 1980, 40 something years ago and all I did was return it off of my front yard over to where it should have been all along. I don't see how they can blame that on me. I was satisfied with the, even with the way it was, it never bothered me any; people coming down there and turning around. It wasn't my idea to move the fence. I am out \$5,500. I didn't want to do that. Well, I thought I would make people happy, but

they were mad. I don't know what it is and I tried to get across to them that I didn't, no complaint. Ken said that I have never paid, he was sitting on his tractor, he came out in the easement and he said you have never paid a red cent. I don't agree with that because it has nothing to do with tearing up the road. He said you have never paid a red cent, you have never paid a red cent, you have never paid a red cent and he just kept going on and on and on about 15 times one right after another. I couldn't believe it. He said you have never paid a red cent and I said well, I give you my money or I give Monica my money and Monica gives Shurtliff the money and Monica has my receipts from all the money I have ever given for the road and I went up to Monica and she said she gave it to Kelleher and Kelleher said yes, I got the money. Apparently, he did not give it to Ken because Ken doesn't know about it. Ken says you have never paid a red cent. Then, a little later on in the same conversation, he said I have nothing to do with the money. If you don't have nothing to do with the money, how do you know I have never paid a red cent? Where is my \$100? Did Kelleher keep the \$100? Did Ken keep it, because my \$100 didn't get used, apparently, because Ken said I never paid it. As far as the fence posts go, the fence post at the end of his property was leaning at about a 45-degree angle and I thought it was on the property line. The wire fence to it was broken off and laying on the ground. The wire fence going the other way was broken off laying on the ground. I took my tractor out there and dug down on one side, put a chain around it and straitened it up and just as I got it straight, his wife came and she gave me some foul language and she said I am calling my husband, that is our property. Well, I thought it was right on the line. Chairman Olsen said you are out of time. That ends the portion of our time for testimony back and forth. We are going to close the evidentiary portion of the hearing and begin with the deliberation of the board. I can start off or if one of my fellow Commissioners would like to start and we can come to some kind of conclusion to what we have.

Commissioner Koenig said can you pull up the aerial view again? So, we have established that the cul-de-sac is Mr. Lowrey's. He has total legal right to block that off. That is his. Is that true? Chief Deputy DA Benjamin Shawcroft said that is true. The new fencing he put up is just set back slightly from the actual property line. Commissioner Koenig said on the side of the road, you have your fence line and you have the road, how far out into the, because Mr. Lowrey says he owns to the middle of the road, which I know that is not correct, but on the side of the road, how much does the property owner own, how much of that is legally theirs from the fence line over, how much of that is actually theirs and how much is the road? Do we know? Mr. Garcia said I have a map. Chairman Olsen said from what I understand, typically, although not always, the property line goes to the center of the road and the easement is the pullback, usually 30 feet, right, Ben? Commissioner Heath said that red line right there, is that the property line? Chief Deputy DA Shawcroft said yes. Commissioner Heath said so we go 30 feet from that line or from what center are we talking about with the easement? Chief Deputy DA Shawcroft said the problem is we are dealing with a curved road but everything in that light tan area, the triangle area, is the easement, along with the darker yellow. Commissioner Koenig said the dark yellow there, is that Conrad's property or is that still part of the easement? Chief Deputy DA Shawcroft said this is the property line up against Mr. Lowrey's property. The red line is where the fence is and the black one right next to it. So, this darker yellow is within the easement. Commissioner Koenig said so that is not Conrad's property? Chief Deputy DA Shawcroft said no, this is the easement. I think what they were trying to show is that this area is where you could see some ruts. Commissioner Koenig said those ruts are not on Conrad's property. Chief Deputy DA Shawcroft said no, they are within the

easement. Commissioner Heath said, so the little horseshoe there, that is behind the fence. Chief Deputy DA Shawcroft said yes, all of that down there is Mr. Lowrey's property. Commissioner Heath said, so that is not the property we are talking about right now at all, right? Chief Deputy DA Shawcroft said that is right. The fence here did not used to be there. It used to be here and everybody got to use that to turn around. Mr. Lowrey put his fence there on the property line to block that off. Chairman Olsen said if we followed the code that was in place then on a parcel map, that didn't happen in this case, but it should have had a cul-de-sac at the end of that road, correct? Chief Deputy DA Shawcroft said yes, you are exactly right, we would require a full cul-de-sac for the easement. Chairman Olsen said that is done for convenience, fire safety, all of that stuff, is normally what we do. Conrad is within his rights because it wasn't drawn that way, we don't know why. The people that were involved, most of them are gone. I know I spoke at, Frank Soares, called me and told me, because he was involved with the subdividing of this property and said that is his recollection and he has some old maps that actually show that but somehow the maps that got recorded by the county don't show it and we don't know why. That is lost to time why that didn't happen. Frank, I am sorry, we are past that time where you could testify, so that to me that is unfortunate but it doesn't really cloud what is going on here. In my opinion, the fences are where they are at now, that is where the property lines are. The easement and the ruts and so forth, I drove out there Monday morning and looked. It is just normal turning around. There are just tire marks on the part that does not have gravel. Based on the testimony and the stuff that you folks have turned in going back years about, it is actually this road, is actually somewhat, working the way it was intended to 40 years ago where people would work collectively together and buy gravel and keep the road scraped and leveled off and run a drag up and down once in a while to knock the bumps out of it and I would say, from that standpoint, you guys are doing exemplary because we have 100 other examples in this county and I am not exaggerating by very much where it doesn't work that way. The roads are essentially destroyed and nobody spends anything on them. It is a source of consternation for us constantly to have people come in here and complain that the road is not maintained but this is the circumstances clear on the maps. This is public access but privately maintained. Having said all of that and seeing these kinds of disputes in the past and being around Conrad for the last 6-7 years and understanding how he can be and I can't turn that off, I know that. I would say he has ears but cannot hear. He has been this way many times with us. We have explained things to him over and over and over again and he does not listen. He pretends to not understand and continues to badger us. I have lost my temper with Conrad in the past and I really try hard in this job not to do that. I am not very proud of myself for doing that but these kinds of disputes, about the only way we can settle them here, I am going to rule that there is no nuisance but you folks have to stay out of each other's way. Apparently, you can't get along. Conrad, you have to stay behind the fence and leave people alone. If you are going to monkey the fence, you might talk to your neighbor before you touch it. I don't care which way it is leaning. You have a hard time hearing. Did you hear that, Conrad? I don't ever want to see you in here again in regards to causing problems with your neighbors. Mr. Garcia, I didn't see any evidence and I asked you a direct question about have you ever done something to deliberately agitate Conrad and you said you hadn't and I just admitted that I have lost my temper with him and I don't like doing that. I don't ever want you to lose your temper with him or ever cause problems. Just stay out of each other's way and never come back here and see us again. Is that clear with you? I ask you all to continue the good work and keep the road up and get along as neighbors. You two and Conrad and several others on your road cannot get along, so you guys all

have to stay apart. You can't interact with each other and that is unfortunate but that is the way it is. I would encourage my fellow Commissioners to have their say.

Commissioner Koenig said my say is when Conrad brought this Nuisance Complaint about tearing up the road, in 15 minutes of talking, you talked about tearing up the road for maybe 1 minute and you talked about all this other stuff, past history, but it had nothing to do with the Nuisance Complaint. The point was not for you to come here and complain about your neighbors for 15 minutes. We are looking for a specific nuisance of a road being torn up. You talked about gravel and fence posts and about whatever else but that is not the nuisance. The nuisance was supposed to be the road getting torn up and that is not what you talked about, so if you ever get in trouble with the law, don't represent yourself. He has the right to knock off that cul-de-sac. It is his property and if he wants to block that off and it looks like he has, he has that right. Along the rest of the side of the road, that is not your property so, I mean if Ken wants to tear it up, he can tear it up. Not as a good guy or anything but he is not causing a nuisance to you by shredding the road along the side of the road that isn't yours. It is not your property. If they were tearing up your cul-de-sac before, that could have been an issue but it sounds like you solved that with a fence. Tearing up the sides of the road along the rest of it, it is not your road, so it is not a nuisance against you.

Commissioner Heath said, looking at the road and looking at the pictures, you can see that that is normal erosion from water and things. I would probably stop calling it a cul-de-sac because that is not what it is. It is a dead-end road and just to get that out of the way, the cul-de-sac belongs to Mr. Lowrey. You can see there he already has his fence, which is why I wanted to know about the property line. As long as we can get the fire truck to turn around in there and the garbage truck, I think it is good how it is. If you continue to maintain the road, you are doing a great job everybody. It is one of the best roads I have seen that people maintain themselves so I am going to rule that this is not a nuisance against Ken Garcia.

Chairman Olsen said we have all 3 spoke and the formal part of making a determination is passing a resolution and I am going to read the resolution into the record.

RESOLUTION 6-2022

A RESOLUTION FINDING THAT A NUISANCE DOES NOT EXIST RELATED TO DAMAGE TO THE EASEMENT AT 4672 BENSON LANE

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

Commissioner Gregory Koenig made a motion to adopt Resolution 6-2022, a Resolution finding that a nuisance does not exist related to damage to the easement at 4672 Benson Lane, APN: 006-631-17. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Chairman Olsen said thank you for your presence here today and for being patient with us and letting us get most of our Agenda out of the way. Folks, please don't hold grudges. Just go home

and try to get along with each other. Stay out of each other's way and keep up the good work on the road. That really is heartening that you guys take care of each other that way. We have these unfortunate circumstances where roads were done that way 30-40 years ago. We don't allow that anymore because we do get into these kinds of disputes and we would rather have them donated to the county in a county approved way, which is paved and we will take over maintenance at that point. For now, you guys are doing a great job. Keep it up please. Thank you. That is the end of our hearing.

Letters Received:

A- Nevada Division of Environmental Protection's notification of an Application from Nevada Gold Mines, LLC, Elko, Nevada, for a Mercury Operating Permit to Construct.

The Nevada Division of Environmental Protection (NDEP), Bureau of Air Pollution Control, has reviewed and made a preliminary determination of a permit issuance for Nevada Gold Mines, LLC. Nevada Gold Mines, LLC, Elko, Nevada, has submitted an Application for revision to Mercury Operating Permit to Construct (MOPTC) AP 1041-2218 pursuant to NAC 4458.3663.1 to the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (BAPC), for two retorts. The BAPC has reviewed the Application and has made a preliminary determination to issue the MOPTC. The draft MOPTC is for two systems, with an emission performance standard and control technologies determined to be NvMACT, pursuant to NAC 4458.3677.3.

The draft MOPTC includes requirements for monitoring, recordkeeping, annual stack testing for mercury emissions, annual emissions reporting, annual mercury co-product reporting, limits of operation, and work practice standards which minimize emissions of mercury to the atmosphere. The permit also includes a mercury emission limit for each system. The draft MOPTC includes revising the amount of carbon in existing mercury controls and adding a larger carbon bed for each retort. The NvMACT Determination remains unchanged, and the mercury emissions limit is also unchanged. The control technology remains unchanged.

The proposed project will not cause or contribute to a violation of any applicable federal or state air quality standards. After review of the Application and independent BAPC analysis, the agency has determined that a permit for Nevada Gold Mines, LLC, MOPTC may be issued and operated. The proposed sources must comply with all state and federal air quality requirements and all conditions established within the draft MOPTC.

Written comments or objections will be retained and considered prior to final action on the MOPTC. Comments or objections must be received by March 26, 2022. Upon a valid written request received prior to the end of the comment period, the Administrator may schedule a public hearing on the application and proposed action.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- Nevada Division of Environmental Protection's notification of an Application from Terra-Gen Dixie Valley LLC for a Class I Air Quality Operating Permit.

Terra-Gen is a geothermal plant that consists of a dual flash power plant with a binary bottoming cycle unit, geothermal production and injection wells, and other associated equipment and facilities. Terra-Gen is proposing to renew their existing Class I (Title V) Air Quality Operating Permit via the administrative renewal route. No changes to any permitting conditions have been proposed since the last renewal.

On the basis of the preliminary review and the requirements of the NRS, the NAC and the Clean Air Act, the Director is hereby announcing his intent to issue the proposed Class I Air Quality Operating Permit based on a review of the information submitted. A copy of this document, the draft operating permit, and the Director's Review will be available for public inspection at <https://ndep.nv.gov/posts>.

Persons wishing to comment regarding this proposed action, or to request a hearing pursuant to NRS 4458 Air Pollution and NAC 4458 Air Controls, should submit their comments or request in writing, either in person or by mail within thirty (30) days.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Bureau of Land Management's solicitation of Scoping Comments to the Environmental Assessment (EA) for Proposed Special Recreation Permits for Legacy Racing Association.

In response to a submitted Application, the Bureau of Land Management (BLM), Stillwater Field Office, is initiating external scoping and is seeking public input in preparation of an Environmental Assessment (EA) DOI-BLM-NV-C010-2022-0005-EA. The proposed Special Recreation Permits (SRP) event were submitted by Legacy Racing Association, LLC. The BLM is requesting public input under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act for the project.

Legacy Racing has submitted a race proposal, which would occur in locations under the Stillwater Field Office in the Carson City District, the Tonopah Field Office, and in the Battle Mountain District. The Proposed Action to be included in the EA will cover the Baja Race route proposed to take place in the summer (map provided). This is proposed to be a 600-mile point-to-point competitive race on BLM lands, with approximately 150-200 participants. The EA will include site specific analysis of pit stop locations with all but one identified pit located on BLM-managed lands. The event would include utility-terrain vehicles, all-terrain vehicles, motorbikes, cars, and trucks. A project map is provided and is available on-line at <https://go.usa.gov/xteRN>.

The Stillwater Field Manager encourages the public to participate during external scoping by submitting additional information and comments to better inform the NEPA and decision processes for this project. Comments will be accepted starting February 22, 2022 through March 24, 2022. Comments can be mailed to BLM, Attn: Stillwater Field Manager, 5665 Morgan Mill Rd, Carson City, Nevada 89701, emailed to blm.nv.ccdowebmail@blm.gov, or submitted on the project web page <https://go.usa.gov/xteRN>. Comments must be postmarked or received by 4:30 PM on or before March 20, 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

D- Nevada Division of Environmental Protection's notification of its concurrence with the Draft 2021 Annual Groundwater Monitoring Report, Installation Restoration Program Sites 1 and 14, Naval Air Station Fallon, Fallon, Nevada.

The Nevada Division of Environmental Protection (NDEP), Bureau of Corrective Actions, Department of Defense Branch, has reviewed the Draft 2021 Annual Groundwater Monitoring Report, Installation Restoration Program Sites 1 and 14, Naval Air Station Fallon, Fallon, Nevada (Draft Sites 1 & 14 GMR). The Draft Sites 1 & 14 GMR was received by the NDEP on May 28, 2021. The Draft Sites 1 & 14 GMR were prepared by the MMEC Group on behalf of the Department of the Navy.

The Draft Sites 1 & 14 GMR summarizes the results of the 2021 annual groundwater monitoring event conducted in August 2021. This is the third annual groundwater monitoring event following the remedial action of excavation of impacted soil. The groundwater monitoring was conducted to comply with the selected remedy described in the final Record of Decision (ROD) for IRP Sites 1, 14, and 16 (Navy, 2015). The in-situ chemical oxidation and monitored natural attenuation, ongoing at Site 16, is not relevant to this groundwater monitoring report.

The 2021 annual groundwater monitoring event consisted of gauging water levels and collecting groundwater samples from 16 of the 17 existing groundwater monitoring wells (eight each at Sites 1 and 14). MW-19, associated with Site 14, is damaged and considered not repairable. Monitoring wells were inspected and any necessary repairs were catalogued. Groundwater flows to the south-southeast, which is consistent with the historic groundwater flow throughout the facility.

Based on the results of the 2021 Annual Groundwater Monitoring Event, the following recommendations are made:

- Continue groundwater monitoring as planned with the potential for optimization after the third annual groundwater monitoring event once trends can be established.
- MW -19 will be removed from the monitoring program. Monitoring well MW -19 was inspected and could not be repaired. Data from remaining wells is considered sufficient to establish trends and assess the migration of contamination at IRP Site 14. If, at a future date, the well network requires further delineation and monitoring in this area, a replacement well should be considered.
- Perform basic maintenance or repairs on 10 monitoring wells (AE1-MW-03, MW-15L, MW-16U, MW-17, MW-69, AE14-MW-03, CW-14-1-1, MW-22, MW-71, and MW-75) to remedy issues described in the Draft Sites 1 & 14 GMR.

The NDEP concurs with the Draft Sites 1 & 14 GMR. The Navy may finalize the document at its convenience. The notes that the recommendations numbered 2 and 3 are the same

recommendations that were in the 2020 monitoring report. The NDEP concurred with these recommendations previously.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

E- Bureau of Land Management's notification of its Public Consultation for the Stone Cabin Allotment proposed Temporary Range Improvements.

On November 4, 2021, the Bureau of Land Management (BLM), Tonopah Field Office (TFO) consulted, coordinated, and cooperated by means of a Public Consultation Letter with Colvin & Son, LLC, and the interested public on proposed temporary water hauls on the Stone Cabin Allotment. A Proposed Decision was issued on December 8, 2021. This project originally consisted of four water haul locations, though one candidate site was eliminated as a result of public consultation. This drought response action was developed cooperatively to help address the exceptional ongoing drought conditions in the use area. This letter serves as a Final Decision to authorize these temporary range improvements.

The final project location in the Stone Cabin Allotment is located approximately 45 miles east of Tonopah, Nevada. The allotments comprise approximately 396,292 total acres in the Stone Cabin Valley, bounded by the Monitor Range to the west and the Hot Creek Range to the east and characterized by steep mountains, sagebrush shrubland, and salt-desert shrub/perennial grass foothills, as well as alkali valley bottoms. Grazing in the Stone Cabin Allotment occurs in accordance with the Area Manager's Final Decision issued May 1992. Colvin & Son, LLC is permitted principally winter and spring grazing of 11,973 Animal Unit Months (AUMs) of cattle in Stone Cabin Allotment.

The Stone Cabin Allotment has been subjected to exceptional drought conditions throughout 2021. In addition to Drought Response Actions (ORA) taken by both permittees authorized to graze on the allotment, the BLM performed an emergency gather of wild horses from the portion of the Stone Cabin Herd Management Area north of US Highway 6 in late summer. The wild horse population south of U.S. Highway 6 did not meet emergency gather criteria.

This DRA authorizes the permittee to temporarily haul water to three separate sites for the purpose of improving distribution of livestock. The water hauls under this Final Decision provide accessibility to forage from prior growing seasons not otherwise accessible due to distance from existing water sources. This action is complementary to voluntary actions taken by the permittee in response to the ongoing drought. This DRA is authorized for the duration of the drought, plus one growing season but may be terminated sooner by written notice signed by the authorized officer.

The Tonopah Field Office sent a Consultation, Cooperation and Coordination (CCC) letter to the interested public on November 4, 2021, asking for input on this temporary water haul decision. The Tonopah Field Office received timely comments from Wild Horse Education, the Nevada Department of Wildlife, and the Nevada Division of Water Resources. Among the comments

received, the BLM was asked to consider not including additional waters on the portion of the allotment where an emergency wild horse gather recently took place in the Stone Cabin Herd Management Area north of U.S. Highway 6. In response, one candidate site was eliminated from further consideration under the Proposed Decision.

A Proposed Decision was issued on December 8, 2021 for a 15-day Protest Period. One timely protest was received from Wildlands Defense and was given due consideration. The reasons given for the protest of this DRA were determined to be out of scope for this federal action. This DRA was analyzed in the 2012 Battle Mountain District Drought Management EA (Drought EA) and a Determination of NEPA Adequacy (DNA) has been completed for this project. The locations of the temporary water troughs have undergone the cultural inventory process and are clear of any cultural resources.

After consideration of the information received from Colvin & Son, LLC, and the interested public, it is the Final Decision to authorize the following three temporary water hauls (see map) for the duration of the drought, plus one growing season. Water developments on public lands are designed to meet the needs of livestock, wildlife, and wild horses and burros. This project will be implemented in accordance with 43 CFR 4120.3-4, 4160.1-3, and BLM Handbook 1741-2, which describes the regulatory process to approve temporary range improvements.

Utilization in the use areas associated with this temporary range improvement will not exceed 30% utilization as provided for in the 2012 Battle Mountain Drought EA. Upon meeting or exceeding 30% utilization, the permittee will have 7 days to remove livestock from the use area. Wildlife escape ladders will be installed on each water trough.

In accordance with 43 CFR 4.470, 4160.3(d), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the decision of the authorized officer is wrong.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response to the petition, the person must serve copies on the appellant, the Office of the Solicitor, and any other person named in the decision (43 CFR 4.472(b)).

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

F- Nevada Department of Environmental Protection's notification that it has reviewed the Groundwater Monitoring Report for the 4th Quarter 2021 for the former Smedley's Chevron, Spill # 131024-02, and the Golden Gate Petroleum Facility, Spill # 160222-03, 1755 West Williams Avenue, Fallon, Nevada.

The Nevada Division of Environmental Protection (NDEP) has reviewed the 4th Quarter Groundwater Monitoring Report for the above listed facilities. The report is dated February 10, 2022 and was received via electronic mail on November 18, 2021. The report was submitted by McGinley and Associates (McGinley).

Nine monitoring wells, MW-4 and MW-6 through MW-13, were gauged and monitored on October 14, 2021. Monitoring well MW-1 was removed during impacted soil removal activities. MW-2, MW-3, and MW-5 could not be located during the sampling event. It appears that these wells may have been paved or landscaped over. Groundwater levels ranged from 3960.56 feet above mean sea level to 3960.90 feet above mean sea level and have decreased between 0.33 and 0.38 feet since the previous sampling event. Groundwater levels have fluctuated approximately 1.5 overall feet since the start of site groundwater monitoring. Groundwater flow direction is to the south with a hydraulic gradient between 0.008 and 0.0021 feet per foot. This is generally consistent with previous monitoring events.

Groundwater samples were collected from nine monitoring wells (MW-4 and MW-6 through MW-13). Chemicals of concern (COCs) include benzene, toluene, ethylbenzene, and xylene. The state and federal maximum contaminant levels (MCL) for these COC are 5 micrograms per liter (ug/L), 1,000 ug/L, 700 ug/L, and 10,000 ug/L respectively.

- Benzene exceeded the MCL in two samples and ranged from 27 ug/L (MW-11) to 52 ug/L (MW-4).
- Toluene did not exceed the MCL during this sampling event.
- Ethylbenzene did not the MCL during this sampling event.
- Total xylenes did not exceed the MCL during this sampling event.

A Mann-Kendall trend analysis evaluated for all data shows that benzene concentrations are decreasing in MW-3, MW-4, MW-5, MW-6, MW-7, and MW-11 with confidence factors at 95.5% or greater. A stable trend is observed at MW-9 at 65% confidence. There is not enough post-remediation data to complete a Mann-Kendall evaluation as a minimum of four quarters of post-remediation data is required. MW-6, -8, -10, -12, and -13 continue to have no detectable benzene concentrations.

The NDEP has one comment to the Report:

- Trend analysis used for closure evaluation is typically done using post-remediation data only. Therefore, the Mann-Kendall analysis will need to be re-evaluated following the fourth post remediation sampling event in the first quarter of 2022. Post-remediation data will be used by the NDEP to evaluate whether additional post-remediation data will need to be collected.

The recommendation in this report includes continuing quarterly groundwater monitoring through the first quarter of 2022. Following the first quarter 2022 sampling, groundwater closure options will be evaluated. The NDEP concurs with the recommendations to discuss the path to closure following the first quarter 2022 monitoring event. Please submit the first quarter 2021 Report no later than Friday, April 29, 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

G- Bureau of Land Management Notification of Pre-Scoping Comments on a Road Re-route within Soldier Meadows in Humboldt County.

The Bureau of Land Management (BLM), Winnemucca District, Black Rock Field Office (BRFO), is accepting pre-scoping comments on a proposed road re-route within the Soldier Meadows Area of Critical Environmental Concern (ACEC). The BLM will use the pre-scoping comments to identify preliminary issues and concerns to be addressed and to help determine the appropriate scope of the forthcoming National Environmental Policy Act (NEPA) analysis. The 60-day pre-scoping period will end April 29, 2022. The Soldier Meadows ACEC is located approximately 50 miles north of Gerlach in Humboldt County, Nevada. This is a popular location for recreationists due to hot springs, a designated campground, and the Soldier Meadows public cabin.

Route 2054 "High Rock Lake Road" is part of the road system in the Soldier Meadows ACEC, which connects the Soldier Meadows area to High Rock Lake and the southern entrance of High Rock Canyon. Route 2054 crosses critical habitat for the Desert Dace (*Eremichthys across*), a federally protected fish species only found within the Soldier Meadows area. This route has flooded in the past with water connected to Desert Dace critical habitat. Motorists traveling through the area have created new, unauthorized routes to avoid the flooded sections. The unauthorized routes have damaged habitat for the Desert Dace, sensitive springs, and sensitive plants.

In August 2021, the BRFO conducted road maintenance on the High Rock Lake Road to harden the water crossings to allow motorists to travel through the area without damaging sensitive habitat. However, the road hardening measures are temporary and BRFO is considering longer term solutions to address the concerns of future road flooding, public safety, and damage to Desert Dace critical habitat.

The road re-route is being proposed to address the risk of motorists getting stuck in the flooded areas and to prevent future damage to sensitive resources. The proposal includes re-routing Route 2054 to go around the Soldier Meadows campground and avoid crossing critical Desert Dace habitat, see map provided. The proposed re-route would still allow recreationists to travel through the Soldier Meadows ACEC and access the hot spring bathing pools and designated campground. As part of the project, the Desert Dace critical habitat would be restored in the areas where unauthorized routes were created.

Desert Dace habitat restoration is supported by the U.S. Fish and Wildlife Service (USFWS) and would be a major conservation success for the Desert Dace and other sensitive species that occur with the Soldier Meadows ACEC. The road re-route project would also help achieve recovery criteria identified in the 1997 Recovery Plan for the Rare Species of Soldier Meadows (USFWS).

The BLM is also using this pre-scoping comment period to fulfill its obligations under the National Historic Preservation Act. Should you have any concerns about potential impacts on historic properties, please reach out to the BLM. The BLM is requesting comments be submitted to blm_nv_wdo_soldier_meadows@blm.gov.

by April 29, 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

H- Nevada Division of Environmental Protection's notification of its review of the Draft Removal Action Completion Report filed related to Installation Restoration Program Site 29 at Naval Air Station Fallon, Nevada.

The Nevada Division of Environmental Protection (NDEP) provides notice it has reviewed the Draft Removal Action Completion Report, Asbestos Removal Action at Installation Restoration Program Site 29 at NAS Fallon, Nevada. The removal action was completed between June 14 and July 12, 2021. Visible surface ACM was collected and removed prior to subsurface excavation. A total of 1,368 cubic yards of ACM and soil were excavated and transported to Waste Management Lockwood Landfill in Sparks, Nevada. A total of 648 cubing yards of ACM and petroleum-contaminated soil were excavated and transported to US Ecology Landfill in Beatty, Nevada. Upon completion a visual inspection was performed to confirm the removal of the visible ACM located in the surface and sidewalls of the excavation area. Six four-point composite confirmation samples were collected. The project screen level for confirmation samples is less than 1% asbestos. All results were below the action level 1% asbestos.

NDEP's comments to the report were that several pages in Appendix A have sections highlighted that are not readable and an attempt should be made to make these highlighted scans readable in both the electronic copy and potential printed copies. The recommendation is that a request for site closure be prepared with a designation of no further action and NDEP concurs with that request.

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 issuance of a Draft Reclamation Permit to EP Minerals, LLC for a major modification to a Reclamation permit for a mining project for the Fernley Mine.

The Nevada Division of Environmental Protection (NDEP) provides notification of its issuance of a Draft Reclamation Permit to EP Minerals, LLC for a major modification to a Reclamation permit for a mining project for the Fernley Mine. This project is located within Churchill County, approximately 23 miles northeast from Fernley, Nevada. This modification includes the reclassification of surface disturbance to reflect the true configurations of project facilities ore accurately including the active pit, waste rock dumps (WRDs), reclamation material (growth

media) stockpiles, roads, yards, borrow pit area, an exploration disturbance, as well as proposing new disturbance associated with exploration, expansion of WRD 2, and adjustment to an existing access/haul road.

Persons wishing to comment upon the proposed permit, to recommend terms and conditions for consideration of incorporation in the permit, or who request a public hearing pursuant to Nevada Administrative Code (NAC) 519A.190 must submit their written comments, objections, or requests no later than 5:00 PM on April 7, 2022 to NDEP as outlined in the letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

New Business:

A- Consideration and possible action re: Approval of a revised water and sewer service area map to extend the service area from its end point on Coleman Road to the northeast, ending at Venturacci Lane.

Churchill County has in place a water and sewer service area map that identifies those areas that are eligible in the future to connect to water and sewer utilities. The purpose of the map is to encourage growth in areas identified in the Master Plan for higher growth and development. When developers purchase the right to connect to the water and sewer systems, they are limited to being able to use those rights only within the service area.

Currently, the service area ends west of the county's proposed development on Coleman Road. In order to service this development and other potential developments nearby, the board needs to approve the revised map to add those properties to the service area. This map does not create a requirement for property owners to hook up to these utilities, it only makes those properties eligible to connect. See map provided.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Justin Heath made a motion to approve the revised water and sewer service area map as presented. 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 NRS 354.290.

A Fund Balance Report is attached indicating 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: Building Department's Revenue Report for February 2022 totaling \$41,898.60.

The Building Department provides its Revenue Report for February 2022 for the board's consideration and acceptance. A total of \$41,898.60 was received for the month.

FISCAL IMPACT: \$41,898.60

EXPLANATION OF IMPACT: Fees collected to help offset services provided

FUNDING SOURCE: General Fund

ACTION REQUESTED: Accept

C- Consideration and possible action re: Building Permit Activity Report for February 2022

Provided for the board's review is the report showing 52 permits issued in the month of February 2022. Included in the 52 permits are 4 single-family-dwellings, 3 commercial permits, 0 industrial permits, 1 manufactured home permit, 15 set permits for commercial manufactured buildings, and 6 septic permits.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

D- Consideration and possible action re: Public Works, Planning & Zoning Department's Revenue Report for February 2022 showing a total of \$175,478.29 in revenue for the month.

The Public Works, Planning & Zoning Department submits its Revenue Report for the month of February 2022 showing a total of \$175,478.29 in revenue. This report is provided for the Commissioners' review and acceptance.

FISCAL IMPACT: \$175,478.29 in revenue for the month.

EXPLANATION OF IMPACT: Fees to off-set services provided by the department.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

E- Consideration and possible action re: Recorder's Monthly Apportionment Report for February 2022 totaling \$21,393.55 in revenue for the month.

Churchill County Recorder, Tasha Hessey, provides her Recorder's Monthly Apportionment Report for February 2022 totaling \$21,393.55 in revenue for the month. Further details can be found in the report. This report is provided for the board's consideration & approval.

FISCAL IMPACT: \$21,393.55 in revenue.

EXPLANATION OF IMPACT: Fees help to off-set services provided.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

F- Consideration and possible action re: Sheriff's Civil Report for the month of February 2022 showing a total of \$4,019.20 collected in revenue for the month.

Sheriff Richard Hickox provides his monthly Civil Report for February 2022, which shows a total of \$4,019.20 collected in revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$4,019.20.

EXPLANATION OF IMPACT: Fees collected help to offset the costs of providing the services.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

G- Consideration and possible action re: Treasurer's Report for February 2022 showing a balance of \$50,471,622.01 in the account.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for February 2022, which shows a balance of \$50,471,622.01 in the account. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Consider Future Agenda Items:

Commissioner Koenig said let's take a tour of the new lab after our next meeting. Chairman Olsen said I think that is good. It should be pretty close to ready by then, I would think.

Commissioner and Management Staff Reports:

Commissioner Olsen reported on the following topics:

- We went out north of town to that Envirosafe Demil tour that will provide decent paying jobs for our community.
- I attended my last Churchill County Fire Department retirement ceremony. They put on a nice event.
- I attended the Carson Truckee Water District meeting. Chad Blanchard, the Federal Water Master, gave us a report. This year the snowpack is at about the same place as it was last year. The difference is that we have had a lot of soaking into the ground. Truckee is

running strong, so we are pulling water off of that. TCID set the water at 70%, which they pulled a conservative number. Hopefully, we will get that runoff and do a little better than that.

- I had Fire Board meeting on the 8th and we agreed to discuss retirement of fire trucks. The new fire trucks are being delayed. They expect them towards the end of the summer.

Commissioner Koenig reported on the following topics:

- I had a Fallon Youth Club meeting.

Commissioner Heath had nothing to report.

County Manager Barbee reported on the following topics:

- On March 31st we will be doing the Cottage Schools opening for the CARES Program.
- We have been working with developers and appreciate your flexibility on the water plant. We are seeing a lot of federal money for the infrastructure on that.
- I talked to Jorge and it was not an oversight that the Barbee Sani hut was not listed as it is mobile.

Sheriff Hickox reported on the following topics:

- My Captain and I attended the Western Sheriff's Association meeting in Reno. It was focused on detention center administration. We will be implementing training to bolster our training for that.
- We held a number of trainings online.
- We had two retirements of human staff and one canine.
- I attended a Search and Rescue meeting and they will be coordinating with Douglas County for some boating training for our agency.

Comptroller Wideman was not present.

Civil Deputy DA Shawcroft had nothing to report.

Clerk/Treasurer Rothery reported on the following topics:

- We are still collecting taxes.
- We are in 2nd week of candidate filing.

Claims and Payroll Transmittals:

The Claims and Payroll Transmittals were submitted for the board's consideration and approval.

Public Comment:

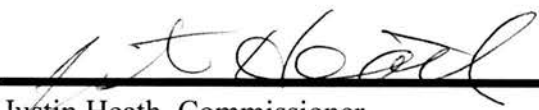
Chairman Olsen asked if there was any public comment but there was none.

Adjournment:

The meeting was adjourned at 3:34 PM.

Approved: 
H. Peter Olsen, Jr., Chairman

Approved: 
Greg Koenig, Vice-Chairman

Approved: 
Justin Heath, Commissioner

ATTEST:
Linda Rothery, Clerk/Treasurer


Renae Paholke, Deputy Clerk