

MINUTES OF THE
REGULAR MEETING OF THE CHURCHILL COUNTY HIGHWAY COMMISSION
January 6, 2022

The Board of County Highway Commissioners met in regular session on the above date at 1:15 p.m. at the Churchill County Commissioners Chambers, 155 N. Taylor St, Fallon, NV, with Chairman Scharmann presiding.

Those present were as follows:

Justin Heath, Chairman
Gary Fowkes, Road Supervisor
Joe Sanford, District Attorney's Office
Sherry Wideman, Comptroller

H. Pete Olsen, Commissioner
Jim Barbee, County Manager
Naomi Steele, Secretary

Those absent were as follows:

Greg Koenig, Vice-Chairman

Call to order – Chairman Heath called the meeting to order at 1:15 p.m.

Verification of the posting of the agenda - Secretary Steele verified the agenda was posted in accordance with NRS 241 on the 29th day of December 2021 between the hours of 1:00 p.m. and 2:00 p.m. at the locations listed on the agenda. Those locations include the Churchill County Road Department, Churchill County Complex Building, Churchill County Web Site, and the State of Nevada Website.

Public Comment – Chairman Heath asked for public comments on issues that were not listed on the agenda, but there were no noted comments.

Agenda – Commissioner Olsen motioned to accept the agenda as submitted. Motion seconded Chairman Heath and carried by unanimous vote.

Minutes – Commissioner Olsen motioned to approve the minutes of December 2, 2021, as submitted. Motion seconded by Chairman Heath and carried by unanimous vote.

Department Reports-

Monthly departmental report - Road Supervisor Gary Fowkes reported on Road Department matters, accomplishments, and projects (A complete report is attached to the original packet).

Future Agenda Items – There were no future agenda items.

Public Comments – Chairman Heath asked for public comments on issues not listed on the agenda. Resident Conrad Lowrey stated his name for the record. He attended today's meeting to speak to the board about the easement on his property. He has talked with the Planning Commission, Assessor's Office, the County Clerk, and Lumos and Associates and they advised him the easement is located on his property and it is up to him to keep it up. He said that for the last 25 years, he has been doing, keeping up his easement.

Lately, however, he said that things have been getting out of control with his neighbor, Ken Garcia. At Mr. Lowrey's request, three different sheriffs, three different times, have been sent out and they cannot seem to quiet Mr. Garcia down. He also went to the planning commission on several occasions and asked them if they have

any paperwork that gives the easement dimensions and what a person is supposed to do with an easement or what it requires. He said that every time he goes in or asks around, nobody has anything on easements except the dictionary, which defines easement as "access to one's property". Recently, he received a letter from the county, which read, "All roads and public road easements in your neighborhood cannot be and shall not be blocked, removed, or intentionally damaged in any way without a formal action by the Churchill County Commissioner's". After reading the letter, Mr. Lowrey said he realized he has been going to the wrong people. He should have been coming to the Commissioners all along and requesting a formal action be made to stop Mr. Garcia from tearing up the road.

Conrad moved to Fallon 25 years ago and bought a house at the end of a dirt street off Benson Lane. He went to the Planning Commission, got a plot plan, and asked what this is? They advised him it was his easement, but it required him to give the corner lot next to him, the ability to access their property. In the picture, he said, you see a perfect rectangle, 60 x 120 feet. Somebody had put in a hog wire, hosh posh, of a fence. The fence was made of two old bob wires, two 2 x 4's, two t posts, and two wood posts that went in a semi-circle from the power pole, making the easement twice as big. The Planning Department told him if he wanted to be a bad person, he could fence off the easement, or be a nice person and leave it as is. He decided to be a nice person and said things went pretty well as far as letting people turn around in his front yard up until a year and a half ago. Ken Garcia is the person who uses Conrad's easement to access his property.

Mr. Lowrey provided the board with a history of circumstances that have taken place between him and his neighbor over the past several years. He said Ken has been an unfriendly neighbor from the very start. When Conrad first moved in, Ken walked over. Thinking it would be a friendly visit, Ken asked Conrad if he owned any dogs, to which Conrad answered no. Ken said the prior owner of the property, a police officer, owned two dogs that came onto his property. Ken told his then neighbor he would kill the dogs if they ever showed up on his property again. He then turned and walked away, leaving Conrad thinking to himself, that was some introduction. The next instance happened a year or so later. Conrad sanded, painted, and placed a 3 x 5 sheet of plywood for his wife and left it on the sawhorses to dry. Although he did not notice, Conrad said the wind came up and blew the wood over his woodpile, and his fence, onto Ken's property. He said that Ken came down the opposite side of his property, cutting across, up to his side of the property. He picked up the piece of plywood he had run over with his tractor's wheels and disk, flung it at Conrad, and left. In 2005, with permission from Mr. Strobe of the Nevada Department of Transportation (NDOT), every time Conrad would go to town, he would take a couple of five-gallon buckets and fill them up with gravel that was leftover from an NDOT project. He would pour them into the potholes or spread it out where needed on their half-mile of dirt road. One day, he said Ken came flying around the corner, telling him that he is not doing any good and that he did not need to do that because it was not helping. Ken told Conrad he was just wasting his time. Conrad continued on, describing a dragger he owns. It is made of steel rods, one-inch square, and covers four feet square, with a weight that holds it down. When he goes to town, he hooks it to his truck, drags one side of the road, and leaves it in the grass at the end of Benson Lane. When he returns, he hooks it back up and pulls it down the other side of the road so they have a nice smooth road, 8 feet wide. One day, when returning home, he could see Ken backing up his tractor on their dirt road. He wondered what Ken was doing. When he got to the road, he noticed his dragger was gone and could see tractor tread marks in the dirt. Conrad said Ken had pushed his dragger through the grass and bushes, down into a ravine. Conrad stated that things like this have been going on for the past 25 years. He said that Ken hates him for some reason but he has never done anything to him. Never once has he raised his voice or screamed at Ken, and lately, it has been bad.

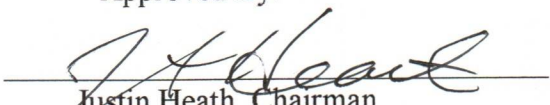
Chairman Heath asked Conrad, what this has to do with the Road Department. Conrad answered the letter states the easement shall not be blocked, removed, or intentionally damaged in any way without formal action by the Churchill County Commissioners, and Ken is damaging the easement. Chairman Heath advised him to take that

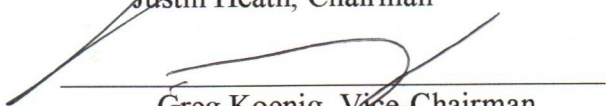
up with the Code Enforcement Officer. Conrad responded by saying, "Oh no, Preston Denney sent the letter to me, and said Ken can tear the road up all he wants because I have no authority to stop him". Preston put it on you; the police put it on you. They said there is nothing they can do. Commissioner Olsen advised that it is a privately held public easement. Conrad said, "Right, it is my easement, and it is on my property". Commissioner Olsen said that they have settled neighbor disputes, not quite like this, but they have settled neighbor disputes. He said if they both wanted to come in, they needed to get agendized, not at this Commission, this is the Highway Commission, but he can file an appeal and put something like this on the Commissioner's agenda. Ken will be there, and you will be there, you can both have your ten minutes to make a presentation, and the Commission will decide what is going to happen. He told Conrad, you are here at the Highway Commission thinking we have some authority, and we really do not. What you are describing is a dispute between two neighbors. We are doing this, and you are way past three minutes on public comment. If you are at the point where you have had it with Ken Garcia, and you want to do that, you can. You can file a formal complaint, and we can hear it at the County Commission meeting. Conrad asked whom he would contact to be on the agenda. Commissioner Olsen said to go to Pam Moore, the secretary of the Commission. She is in the Clerk Treasurer's office, across from Planning. Olsen then asked Deputy District Attorney Ben Shawcroft if he was out of bounds. Ben said you could ask that it be agendized through Pam, yes, but it would not be in the nature of an appeal. An appeal is reserved for when county officials are taking some kind of action. Commissioner Olsen said but we have settled neighbor disputes in the past. Deputy DA Shawcroft said when it involves a nuisance, we have. Commissioner Olsen said he felt what Conrad was describing was a nuisance. He suggested that Ben would be the traffic cop on whether Conrad can or cannot do it that way. Commissioner Olsen told Conrad his only other option would be to get a lawyer and sue his neighbor. Conrad said everybody tells him that. He would have to spend a lot of money and all he would get is the money back. He said he does not want any money; he just wants his neighbor to stop tearing up his easement. He wants to be able to fix it for people to come down the road, turn around and go back up the road like normal human beings. Ken comes out of the slot, full blast, and jams on the brakes. When Conrad comes out, he slides past him, puts it in reverse, backs up, spins out, and is just tearing the hell out of everything.

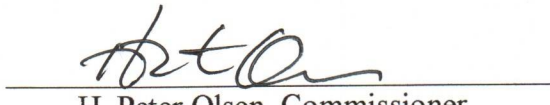
Chairman Heath said Conrad, you are not at the correct committee, and we are going to end the discussion. You can talk with Ben, and he will talk you through the proper process of what you need to do because you are not doing this the right way.

Adjournment - With no further business to come before the Board, Chairman Heath declared the meeting adjourned at 1:41 p.m. The next regularly scheduled meeting will be held on February 3, 2022, at the Churchill County Administrative Complex, 155 N. Taylor Street, Commissioner's Chambers, Fallon, NV at 1:15 p.m.

Approved By:


Justin Heath, Chairman


Greg Koenig, Vice-Chairman


H. Peter Olsen, Commissioner