

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

May 5, 2022

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on May 5, 2022.

PRESENT:

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

ABSENT:

Pledge of Allegiance:

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

Public Comment:

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

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 29th day of April, 2022, between the hours of 10:00 AM and 12:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

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

Commissioner Gregory Koenig made a motion to approve the Agenda as revised with Appointment A having been withdrawn from the Agenda. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

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

A- March 16, 2022.

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

Appointments:

A. - Consideration and possible action re: Report by the Truckee-Carson Irrigation District relating to extraordinary maintenance to be performed on the Truckee Canal and the need to make permanent the Emergency Weir on the V-Line Canal for use in future flood operations

This item was withdrawn prior to the meeting.

B. - Consideration and possible action re: Request for funding in the amount of \$2,500 for the Fallon Armed Forces Day Event

Fallon Community Events, a non-profit organization which has filed paperwork with the State of Nevada for its 501(C)(3) status, seeks community support funding in the amount of \$2,500 to support the Armed Forces Day event scheduled on May 21, 2022. Event coordinators estimate there will be 2,000 participants and seek to recognize and express gratitude to all military members, current and retired, by providing a free lunch and a family-friendly event. This event will also be used to bring awareness to additional fundraising opportunities to support a tiny home community. Funds and donations are being provided by the City of Fallon and local community organizations and businesses. A copy of the Application for funding is provided.

FISCAL IMPACT: FY22: \$2,500 +/-.

EXPLANATION OF IMPACT: The Miscellaneous Support line item of the Community Support Budget currently has funding available to support this request.

FUNDING SOURCE: Community Support/Miscellaneous Grants: 100-401-70300.

ACTION REQUESTED: Accept

This item was presented as outlined above by Essie Burress.

Chairman Olsen asked if there was any public comment but there was none. Commissioner Koenig said I saw the flyer you had and it had Sam Brown front and center. My one concern is I don't want this to turn into a political rally or an event for his candidacy. I don't think it is proper for Churchill County to fund a political rally for a certain person. As long as he wants to come and talk about his service in the military and all he did for our country, that would be great, but make sure he does not turn that into a political rally to garner votes. We don't want to pay money towards his campaign.

Chairman Olsen said I would echo Greg's comments. When this came up, we had concerns right when we saw the flyer that there would be political candidates there, understanding that those candidates are veterans, so they have something to say there but, as a political entity, just like he said, Churchill County has to be neutral on these matters. We do not want to be involved in

anything where there will be campaigning. Commissioner Heath said, from what I have seen of the flyer it has been changed.

Chairman Olsen said, in regard to the amount, I looked and we only have about \$4,000 left in the account and you requested \$2,500. I feel more comfortable, since this the first time you have asked, maybe we should start at \$1,250. I don't know what you guys think. Commissioner Koenig said I would be willing to go \$2,000. Commissioner Heath said I agree with that.

Commissioner Gregory Koenig made a motion to approve funding in the amount of \$2,000 to support the Fallon Armed Forces Day Event subject to the contingency stated.

Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

County Manager Jim Barbee said I was just informed that the Senior Center is also working with this group, as well, in terms of helping with the meal. The county is providing in other ways.

C. - Consideration and possible action re: Request for funding in the amount of \$1,500 for The Fallon Bowmen

The Fallon Bowmen is a local non-profit 501(C)(3) organization dedicated to growing and promoting recreational archery for people of all ages. The Fallon Bowmen specifically aim to gain the interest of youth and have planned specific events targeted to attract and grow youth involvement in the sport. On May 14 - 15, 2022, the organization is hosting The Fallon Bowmen River Animal Madness 3-D Archery Tournament, which is an annual event. Additional information regarding the Fallon Bowmen is detailed in the Application for funding and the upcoming event flyer, which are provided for the board's consideration.

This is the first request for funding received from The Fallon Bowmen.

FISCAL IMPACT: FY22: \$1,500 +/-.

EXPLANATION OF IMPACT: The Miscellaneous Support line item of the Community Support Budget currently has funding available to support this request.

FUNDING SOURCE: Community Support/Miscellaneous Grants: 100-401-70300.

ACTION REQUESTED: Accept

This item was presented as outlined above by Hunter Mori.

Chairman Olsen asked if there was any public comment but there was none. He said I know we support the sporting clay club up there, mostly trying to support the youth. Maybe you could go into more detail how big that is. Hunter Mori said, in the past, the local archery has kind of been split. You have 4-H who caters to the youth and The Fallon Bowmen, historically, the indoor shooting is catered to the adults, whereas the outdoor shoot is a family friendly event. In recent years, we have transitioned back and have a lot more youth involvement, especially with the indoor shooting at the Dry Gulch in the winter months. Over 60% of our membership is family memberships. They are broken down between individual members and families. We see the family aspect continue to grow in the club. With our outdoor shoot, we have special events for the kids and ways to get them more involved. As we grow, our goal is to get more involvement from youth. County Manager Jim Barbee said, not reflective of this decision, you may want to

look at some of the funding that exists through NDOW for youth educational programs. I know that, in Eureka, they have funded quite a bit of actual building facility stuff that is targeted towards the youth. It has also been used by the rest of the community, as well. I think there are pretty deep pockets that they have for that. I can put you in contact with the guy for that program. Hunter Mori said that would be awesome.

Commissioner Justin Heath made a motion to approve funding in the amount of \$1,500 to support The Fallon Bowmen. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

D. - Consideration and possible action re: A Parcel Map Application filed by Haneva, LLC for property at 1843 & 1955 Moody Lane, Assessor's Parcel Number 008-091-11, consisting of 160.0 acres in the A-10 zoning district, which Parcel Map will create four large parcels to begin implementing the approved villages in the Sky Ranch Planned Unit Development whereby each new parcel corresponds with a village

The subject property is one of the large parcels in the Sky Ranch Planned Unit Development (PUD) that was approved in May 2018. Because the scale of the PUD was roughly equal to the City of Fallon's population, the PUD approval required a variety of additional planning efforts on different subjects relating to the development needs of a small city. It also allowed that these planning efforts would not be required for Village A (being a multi-family development) as long as the number of dwellings did not exceed 300. Either more units or development of other villages would trigger the need for additional planning efforts. The PUD included a number of conditions of approval. Three that come into play with this Parcel Map are: (1) a 100' road easement was required along the east property line, (2) Wade Lane was to be extended through the property and was to be 120' wide, (3) the development was required to provide access to adjacent undeveloped land.

The creation of these 3 villages is important for the county because it also establishes the initial alignment of Wade Lane as it is extended westward into the development. The property is currently used for agriculture but the Wade Lane alignment will disrupt the existing irrigation layout somewhat, so modifications will be needed for continued irrigation. Agricultural activity on the Village A parcel may end in the near future, when development proceeds.

Very little alteration of the neighborhood will result from the proposal. Very little alteration of on-site activity will result from the proposal until the villages are developed - Village A first.

Recommended Conditions:

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Make any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land.
 - b) Make changes to the Owner Certificate to offer improvements for dedication.
 - c) Add a label to describe the gravel road and offer it for dedication.
 - d) Show bridges at or near the Moody-Lane Wade Lane intersection.
 - e) Show the Utility Easement serving the property along the east edge (north of Wade

Lane) and running to the sewer plant.

f) Provide a label on the Basis of Bearing line and provide coordinates for both ends of the Basis of Bearing line, particularly the section corner near the Moody-Lane Wade Lane intersection.

2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:

a) Add origination document numbers for easements south of the Moody Lane-E.

Gummow Dr. intersection.

b) Add origination document numbers for private irrigation easements.

c) Add property ownership document numbers to title block.

d) Provide dimensional information for triangular access easement at SW corner of Parcel

2.

e) Correction of minor typographic and line errors.

3) Water dedication requirements are deferred for this map until future water system development.

4) The south line of Parcel 1 shall be shifted southward to include all of the adjacent road easement within Parcel 1. Appropriate changes in notation and monuments shall be made for the road centerline.

5) The 100' easement along the east edge of the property, the 120' easement for the extension of Wade Lane, and the triangular easement at the SW corner of Parcel 2 shall be for both road and utility purposes.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairman Olsen disclosed that he is renting some farm ground from Haneva but that he does not feel it will affect his judgment in this matter.

Dean Patterson, Associate Planner, presented this item as outlined above.

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

Commissioner Gregory Koenig made a motion to: (A) approve the Parcel Map Application for Haneva, LLC to divide Assessor's Parcel Number 008-091-11 into four parcels, subject to conditions listed in the Staff Report and discussion portion of the Agenda Report; (B) to accept all offers to grant easements identified on the map; and (C) to reject all offers to dedicate land and improvements at this time. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

E. - Consideration and possible action re: A Parcel Map Application filed by Andrew Doty for property located at 3200 Pflum Lane, Assessor's Parcel Number 006-331-70, consisting of 58.28 acres in the A-5 zoning district whereby the Applicant proposes to divide the farming parcel into 3 lots, including 2 home sites

The Applicant is requesting a Parcel Map to split the property into three lots, creating 2

homesites of approximately 5 acres and a remaining 48-acre farm parcel. The map originally did not meet the lot width standards in the Churchill County Code, so the original Planning Commission meeting date was delayed while the lots were reconfigured to meet the Code. The new homesites will be fully water-righted or nearly so, but previous sales and dedications greatly complicate the situation, including the water dedication that will be required with this map. All three new lots will have road frontage along the east property lines on Pflum Lane, which is a county-maintained paved road, though the easement situation is very complicated. However, the condition of the road is questionable. Previous descriptions indicated the road base is substandard and the surfacing material is not true paving. The poor quality of the road means it will probably have to be rebuilt at some point in the future and will probably be reconfigured or moved, but doing so, will be impeded by a complicated easement arrangement that was set up during previous Parcel Maps and by the historic placement of the road within the federal canal easement. This consists of the following – consult the map to see the layout:

- a) The road is located within the west 30' of the 60' canal easement (centered on the property line, with the canal in the east 30'). The road is allowed by BOR Agreement to be in the easement but cannot be greatly expanded or occupy all of the easement.
- b) A 10' wide drainage easement along the west side of the above canal easement. Note that, technically, this easement does not allow a road to cross or occupy the strip.
- c) A 30' wide road easement along the west side of the above drainage easement. Note that this easement is separated from the current road's canal-side easement by the 10' drainage easement.
- d) At the point that the canal easement turns east (away from the road and just south of Parcel 7) the 30' road easement switches to the other side of the 10' drainage easement so that it lies along the property line. Technically, the 10' drainage easement would not allow an actual road to cross over it. See description above.
- e) The power poles parallel the road but the title report shows no records of a NV Energy utility easement for the line. It is unclear where it lies but the previous Parcel Maps and the proposed maps include a 7.5' utility easement along the road easement described in item c) above.

It is recommended that this highly complex easement situation be greatly simplified by supplementing the existing easements with all other functions. Specifically establishing on the north segment of the property (paralleling the canal) a combined easement of 70' (width of existing easements) for road, utility, and drainage purposes and establishing on the south segment of the property (south of where the canal turns east) a combined easement of 40' (width of existing easements) for road, utility, and drainage purposes. This will allow future flexibility in any needed reconfiguration of Pflum Lane, drainage facilities, and utility facilities to correct existing problems, including the possibility of shifting the road out of the canal easement. This will only deal with the segment of Pflum Lane running through this project.

Recommended Conditions:

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) All coordinates shall be corrected.

b) All stated water right acreage shall be checked and corrected in consultation with TCID. The document numbers of all water right sales and dedications that modify the stated numbers shall be listed and the water right acreage adjustments listed on the map shall be checked for accuracy. It is recommended that the overlapping conveyances of water be corrected.

c) The residence, well, and septic on APN 006-331-10 shall be correctly placed; and the missing residence, well, and septic on APN 006-331-28 shall be provided in their correct locations.

d) The county road shall be correctly labeled with reference to the BOR Agreement document.

e) The correct name of the Public Works, Planning, and Zoning Department shall be used in relevant certificates.

2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:

a) The legend shall be supplemented to include all symbols used.

b) An arrow shall be provided between the bridge over Sheckler Deep Drain and its label.

c) In the legend, the R1 and R2 references shall be checked for accuracy against the list of references, probably changing them to R11 and R12.

d) Pflum Lane shall be labeled on the Vicinity Map.

3) The existing areas for canal easements (current Pflum Lane location), drainage easement, and road easements shall be re-offered as a combined road, drainage, and utility easement of 70' width where it parallels the canal and 40' width where it does not parallel the canal. The easements shall be offered for dedication. The final form of these easements shall be subject to coordination between Churchill County, the Bureau of Reclamation, TCID, and the Applicant before recording the map.

4) An application for new addresses shall be submitted prior to recording the map.

5) Water dedication requirements must be met prior to recording the map.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Dean Patterson, Associate Planner, made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. He said, last night, I went out there and, to me, I am fine with approving these 2 lots as they have it written here. I also looked at the Planning Commission Minutes and all of that is fine. What we are doing here though, if we continue to allow 5-acre parcels to be broken off, is creating another Benson Lane. This county took a position over 20 years ago, to say we are no longer going to approve lots like this on a gravel road. I know this one got back to gravel. Somehow, we accepted an inferior road that doesn't have the proper easements and isn't the proper width and had a poorly applied surface that now is back to gravel. Somewhere along the way, before we allow too many more parcels on this road, or any other road like this that is gravel and a county approved road, we should have some sort of process in place to put ourselves on the road towards creating a good

road there, a paved road. When you get that many people up and down that road, I would say we are 1/3 of the way through with the number of lots you can get in there. If you put in 3/4 of those lots, you are going to have a lot of traffic and a torn-up gravel road. We will have people in here griping to us saying why don't you pave my road. I think we have an opportunity here to create some sort of system where, just like we have people dedicate water, that if people come in with onesies and twosies, maybe they dedicate some money towards a road fund to repair that road because they are adding to that problem. I know we can't discuss that conclusion today but this situation shows me we need to have something in place to get that road up to standard, at some point.

Dean Patterson said I understand your point. We have a few gravel roads in the community and this would come into play where the zoning is less than 20, so it might be worthwhile to get with the Road Supervisor and find out where these locations are and think about a possible solution. Chairman Olsen said that might be a future Agenda item.

Commissioner Justin Heath made a motion to: (A) approve the Parcel Map Application for Andrew Doty to divide Assessor's Parcel Number 006-331-70 into three parcels, subject to the conditions listed in the Staff Report and in the discussion portion of the Agenda Report; (B) to accept the offer to grant easements identified on the map; and (C) to reject all offers to dedicate lands and improvements at this time. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

F. - Consideration and possible action re: A request by Jess Reid to waive the water right dedication requirements, as allowed under Churchill County Code, for 6 Parcel Maps that complete the Tentative Cluster Development Map for Stanley D. Johnson near the intersection of Lone Tree Road and Solias Road, Assessor's Parcel Number 006-541-48

Background - A cluster development allows a farm's allotment of lots to be clustered into small lots near the road in exchange for a conservation easement on the remaining farmland. The board approved a Tentative Cluster Development Map for Stanley Johnson on February 16, 2005 to create 20 one-acre lots and a 178-acre Conservation Easement. The first in a series of Parcel Maps was recorded on April 27, 2005, which created the 3 existing small lots along Lone Tree Road. Because of the recession, the deadline for recording the remaining Parcel Maps was extended through Development Agreements, with the most recent expiration date in 2023. Recently, this development was purchased by Jess and Vicki Reid, who are completing it.

Jess Reid is requesting a waiver of the water right dedication requirements for parcel maps, which is allowed under Churchill County Code 16.12.030.5.B.2, stating: "The provisions of this section may not apply to the development of a cluster development where the agricultural reservation or conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity." The decision is at the discretion of the Board, with a recommendation by the Public Works Director.

The Conservation Easement was recorded for the Cluster Development under document number 370272 on April 27, 2005. It protected the farmland in perpetuity on 178 acres of the property, 110 acres of which is irrigated and provides for groundwater recharge, as well as continuing the

need for water to be distributed through the valley in the Truckee Carson Irrigation District facilities.

Staff Assessment - The water dedication requirement has a state law basis and a logical basis. The state law allows the state to step in and require its approval of parcel maps if the county did not have the dedication requirement to take care of the groundwater situation. They would probably require the dedication themselves. Logically, new homes on wells withdraw groundwater from the aquifer. The valley's groundwater aquifer is almost entirely recharged by surface water through irrigation of farmland. Consequently, the county requires that the groundwater withdrawal be compensated by dedication of surface water (or payment-in-lieu). This ensures that the irrigation water remains in the valley and is used for farming. In the future, the surface water could also be transferred to contribute to the county's water system. Staff recommends that waiving the dedication requirement should only be done if there is the benefit of a substantial amount of water being protected in the conservation easement and the easement is in perpetuity (as opposed to a defined term such as 30 years). The normal dedication requirement for 20 lots would be 40 acre-feet of water, which would equal roughly 12 acres of irrigated land. The recorded easement for this project is much larger and in perpetuity. Staff recommends approval of the waiver.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Dean Patterson, Associate Planner, made this presentation as outlined above.

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

Commissioner Gregory Koenig made a motion to approve the request by Jess Reid to waive the water right dedication requirements on the 6 Parcel Maps entitled 2nd through 7th Cluster Development Parcel Maps for Jess and Vicki Reid on Assessor's Parcel Number 006-541-48 near the intersection of Lone Tree Road and Solias Road.

Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

G. - Consideration and possible action re: Approval of a Performance Agreement between Jess Reid and Churchill County, which outlines a one-year period to ensure that the road construction improvements at the Lone Tree Development are completed

The Board of County Commissioners approved the Tentative Cluster Development Map for Stanley Johnson on February 16, 2005. Churchill County approved the improvement plans for this development on June 29, 2021. Churchill County Code 16.12.030.3 allows for a developer wishing to record a Parcel Map(s) to post a security deposit and execute a Performance Agreement to ensure that improvements that will be dedicated to the county will be completed. The developer has requested to post a bond with a completion period of 1 year so that the Parcel Maps can be recorded. The bond is in the amount of 110% (\$146,850) of the cost of the road improvements, which were provided in the form of a proposal from a local contractor. The developer has stated that the road improvements will be completed within the one-year period.

The code requires the Board of County Commissioners to specify this time period.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chris Spross, Public Works Director, made this 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 one-year period as outlined in the Performance Agreement for Jess Reid to complete the construction road improvements for his Lone Tree development. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

H. - Public Hearing - Consideration and possible Action re: Adoption of Bill 2022-B, Ordinance 119, an ordinance authorizing the issuance of the Churchill County Nevada Revenue Bond (CC Communications), Series 2022, in the maximum aggregate principal amount of \$9,000,000 to finance a portion of the cost of a telecommunications project for CC Communications; providing the forms, terms, conditions, and security for the bond and the sale thereof; providing for adoption as if an emergency exists; and providing other matters relating thereto

CC Communications continues to lead rural telecommunications companies throughout Nevada in providing fiber to the home internet service. CC Communications continues to expand its fiber offerings throughout Churchill County and is currently expanding its fiber operations to Elko County. This service is critical to ensuring quality internet access for Churchill County residents and ensuring financial growth for CC Communications in the coming years. In order to finance the capital outlays for the expansion of CC Communications operations, management has determined that financing a portion of the costs will best fit the company's needs. A revenue bond is likely to provide CC Communications with the lowest rate and costs for financing projects and there is sufficient revenue inflows to cover the costs and obligations of the proposed bond. It is expected that the full amount of this bond will be used to fund projects within Churchill County, as such costs can be included in the cost study and improve revenues for CC Communications.

FISCAL IMPACT: Obligation of up to \$9,000,000 from revenues of the CC Communications enterprise funds.

EXPLANATION OF IMPACT: As outlined.

FUNDING SOURCE: Revenue generated from the Broadband and Telephone Enterprise Funds.

ACTION REQUESTED: Adopt

Chairman Olsen read the Ordinance summary and title into the record:

Adoption of Bill 2022-B, Ordinance 119, an ordinance authorizing the issuance of the Churchill County Nevada Revenue Bond (CC Communications), Series 2022, in the

maximum aggregate principal amount of \$9,000,000 to finance a portion of the cost of a telecommunications project for CC Communications; providing the forms, terms, conditions, and security for the bond and the sale thereof; providing for adoption as if an emergency exists; and providing other matters relating thereto.

Joseph Sanford, Deputy District Attorney, made this presentation as outlined above.

Marty Johnson, J. & A Consulting Group, said I was the municipal advisor on this transaction. We re looking for \$9,000,000 in financing. We went out and solicited bids from banks versus going into the public markets. We only received 3 proposals. I was hoping to get a few more but, right now, with what has happened in the interest rate market, banks are overwhelmed, so one of our usual bidders was just too busy to bid and another one said this one does not land on their particular type of projects. The best bid that we received was from Truist Bank, formerly known as BB & T, at a 3.39% interest rate. That is a lot higher than the rate we got last year but rates have shot up. To put that rate in context, a much higher rated entity in southern Nevada sold bonds earlier this week and their interest rate was 3.7% out in the public market. Doing this via the bank market worked out quite well for us. The only downside I can see is that we can't pay the bonds off for 10 years. AID stands for any interest dates and that means twice a year. Starting 4/1/2032, we would be able to pay these off with no penalty. When you combine this transaction with last year's deal, the maximum annual debt service (MADS) is about \$1,060,000, which can be covered through the revenues of CC Communications. Those revenues are all that is pledged to repay these bonds. There is no county General Funds pledged, it is solely the telephone and broadband funds that have been pledged to the folks that own this. Just for your information, we sent this to approximately 30 financial institutions and we knew not everybody would bid.

Comptroller Wideman said what is the term for these? Marty Johnson said 20 years.

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

Commissioner Gregory Koenig made a motion to approve Bill 2022-B, Ordinance 119, authorizing the issuance of the Churchill County, Nevada, Revenue Bond, Series 2022, in the maximum aggregate principal amount of \$9,000,000 to finance a portion of the cost a telecommunications project, setting the forms, terms, conditions, and security for the bond; and adopting the same as if an emergency exists. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

I. - Consideration and possible action re: Authorization for a change order with A & K Earth Movers, Inc., in the amount of \$320,338, utilizing Road Impact Fund Fees to upgrade Miners Road due to the traffic impact caused by the Churchill County Civic Center

Staff requests approval of a change order to A & K Earth Movers, Inc., in the amount of \$320,338, utilizing Road Impact Fees to upgrade Miners Road due to the traffic impact caused by the Churchill County Civic Center. Provided for the board's consideration is a copy of the proposal from A & K Earth Movers.

It is proposed that the Road Impact Fee Fund be used for the costs of this project. The Board of County Commissioners are authorized, under the Churchill County Code, to approve the use of this fund. The area that will be most benefited from this project is located with Service Area B as defined in the Churchill County Code. Therefore, Area B funds will be used for this project.

FISCAL IMPACT: \$320,338.

EXPLANATION OF IMPACT: There are available funds within the Road Impact Fund to cover the cost.

FUNDING SOURCE: Road Impact Fee Fund 211-211-7125.

ACTION REQUESTED: Accept

Gary Fowkes, Road Supervisor, made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. Chairman Olsen said are you going all the way from Sheckler all the way down? Gary Fowkes said this money would take us all the way to the end. From the NDOT right-of-way, to NDOT right-of-way, which we will have to deal with the NDOT right-of-way at some other time. We may have to stop short if Shannon gets her grant money to build the health facility on Miners Road and we have a timeline. I will probably stop right around the corner, which will encompass both south and north of the Churchill County property and then we can run the utilities up to the north to the manhole by the tennis courts. If that facility is a go, I will stop short, so this number could be smaller.

County Manager Barbee said I directed Shannon yesterday to reach out to the state and request that they give us a final answer by May 10th. This has been batted around for months. We are hoping that we will get a final decision on that May 10th.

This is not the public entrance; this would be the contestant entrance. A lot of those contestants will have heavy vehicles, including hay trucks, horse trailers and those kind of things. I didn't want folks to think that would be the main entrance to the fairgrounds.

Commissioner Justin Heath made a motion to authorize a change order to A & K Earth Movers, Inc., in the amount of \$320,338, utilizing Road Impact Fund Fees to upgrade Miners Road. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Letters Received:

A- Nevada Division of Environmental Protection Comments: Draft Work Plan/Sampling and Analysis Plan, Corrective Action Implementation at Underground Storage Tank Sites 1 and 6, Naval Air Station Fallon, Fallon, Nevada.

The Nevada Division of Environmental Protection (NDEP), Bureau of Corrective Action Department of Defense Branch, has reviewed the Draft Work Plan/Sampling and Analysis Plan, Corrective Action Plan Implementation at Underground Storage Tank Sites 1 and 6, Naval Air Station Fallon, Fallon, Nevada (Draft UST Sites 1 & 6 WP). The Draft UST Sites 1 & 6 WP was

prepared by Insight-ESI, LLC on behalf of the Department of the Navy.

The Draft UST Sites I & 6 WP contains planning rationale and documentation of the approach for implementation of the Corrective Action Plan at Underground Storage Tank (UST) Sites 1 and 6.

The following is the selected remedial approach at UST Site 1:

- Monitored natural attenuation (MNA) via quarterly groundwater monitoring, sampling for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), pentachlorophenol, and standard MNA parameters,
- Installation of a diaphragm pump (skimmer or similar technology) to address the free product at monitoring well MW395F, and
- Monitoring the free product levels in the existing monitoring well network.

The Navy has selected the following as the remedial approach at UST Site 6:

- The removal of free product from groundwater monitoring well MW-14 via a diaphragm pump, skimmer, or similar technology,
- Installation of two permanent groundwater monitoring wells downgradient of MW-14, including soil sampling above the capillary fringe,
- Monitoring free product levels in the monitoring well network,
- Free product fuel characterization- collection and analysis of a free product sample from MW-14 to determine the type of fuel present. If the free product is analyzed as a "light fuel" (i.e., gasoline), then the installation of a third further downgradient well may be warranted,
- MNA via quarterly groundwater monitoring for MNA parameters, petroleum related VOCs and PAHs, and pentachlorophenol at six monitoring wells, and
- Installation of five soil borings in the vicinity of SB-9 to approximately 15 feet bgs with analysis for TPH-extended range and petroleum-related VOCs and PAHs because elevated concentrations of petroleum hydrocarbons may warrant soil excavation in the vicinity of SB-9.

The Navy will request closure of the UST Sites when the following objectives are met:

1. If free product is less than 0.5 inch in all wells for four consecutive quarters.
2. If, after three years of quarterly monitoring, (12 monitoring events) groundwater contaminant concentrations are stable or decreasing and have not rebounded due to water table fluctuations; or, per the 2014 NDEP Groundwater Exemption Guidance, Bureau of Corrective Action, Pathway to Closure Process Checklists (NDEP, 20 14b), contaminant concentrations are found to be less than USEPA MCLs for four consecutive quarters.
3. If soil boring samples show that petroleum hydrocarbon constituents are below default screening levels established by the NDEP to be protective of direct contact exposure and leaching into groundwater (UST Site 6 only).

The NDEP concurs with the scope of work presented in the Draft UST Sites I & 6 WP. The NDEP also has minor comments to the Draft UST Sites 1 & 6 WP that are provided.

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 that it has issued a Reclamation Permit # 0089 for a mine project for EP Minerals.

The Administrator of the Division of Environmental Protection (Division) has decided to issue Reclamation Permit 0089 for a mine project to EP Minerals, LLC (Permittee). This Permit authorizes the Permittee to reclaim the Fernley Mine located in Churchill County, Nevada. The Division has been provided with an Application, in accordance with the Nevada Revised Statutes and Nevada Administrative Code (NAC) 519A, to assure the Division that the Permittee will leave the project site safe, stable, and capable of providing for productive post-mining land use.

This Permit will become effective April 28, 2022. The final determination of the Administrator may be appealed to the State Environmental Commission (Commission) pursuant to NAC 519A.415. All requests for appeals must be filed by 5:00 PM, April 23, 2022, on Form 3, with the Commission at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, and in accordance with the administrative rules of the Commission.

This Permit authorizes 141.8 acres of surface disturbance on private and public lands administered by the Bureau of Land Management as described in the permit modification dated December 17, 2021, Nevada Reclamation Permit No. 0089 Modification.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Consideration and possible action re: Carson Water Subconservancy District's Tentative Budget for Fiscal Year Ending June 30, 2023.

The Carson Water Subconservancy District provides a copy of its Tentative Budget for Fiscal Year Ending June 30, 2023 for public information.

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: Affidavit of Mailing Delinquent Tax Notices from the Churchill County Clerk/Treasurer pursuant to NRS 361.5648(3).

Churchill County Clerk/Treasurer Linda Rothery submits her Affidavit of Mailing Delinquent Tax Notices pursuant to NRS 361.5648(3). On April 1, 2022, a total of Eight Hundred Seventy Five (875) 1st year Delinquent Tax Notices were mailed. As of April 30, 2022, 40 were returned, with a total of 25 determined to be undeliverable. On April 1, 2022, a total of Eighty One (81) 2nd year Delinquent Tax Notices were mailed. As of April 30, 2022, 7 were returned, with a total of 6 determined to be undeliverable. On April 1, 2022, a total of Thirty Nine (39) 3rd

year Delinquent Tax Notices were mailed. As of April 30, 2022, 5 were returned, with a total of 5 determined to be undeliverable.

NRS 361.5648 Mailing of notice of delinquent taxes: Duties of tax receiver; contents of notice; second notice; costs; limitation of liability for failure to provide.

1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

- (a) The owner or owners of the property;
- (b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known;
- (c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189; and
- (d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

- (a) The name of the owner of the property, if known.
- (b) The description of the property on which the taxes are a lien.
- (c) The amount of the taxes due on the property and the penalties and costs as provided by law.
- (d) That if the amount is not paid by or on behalf of the taxpayer or his or her successor in interest, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the Board of County Commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable.

Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

FISCAL IMPACT: Postage costs.

EXPLANATION OF IMPACT: There was postage costs affiliated with the mailing of these delinquent tax notices.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Linda Rothery, Clerk/Treasurer, made this presentation as outlined above.

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

Commissioner Gregory Koenig made a motion to approve the Affidavit of Mailing Delinquent Tax Notices and to note such in the Minutes of the meeting. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Adoption of Resolution 12-2022, a resolution declaring certain equipment of the Churchill County District Attorney's Office as surplus property and authorizing the disposal of said property in any manner.

Per NRS 332.185, a local government may dispose of personal property if the disposal is authorized by its governing body. The DA's Office has submitted a list of equipment that is broken or otherwise unusable and requests a resolution be approved authorizing the destruction of the property.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: NA

FUNDING SOURCE: NA

ACTION REQUESTED: Adopt

Benjamin Shawcroft, Chief Civil Deputy District Attorney, made this presentation as outlined above.

Chairman Olsen read the Resolution into the record, as follows:

RESOLUTION 12-2022

A RESOLUTION DECLARING CERTAIN EQUIPMENT OF THE DISTRICT ATTORNEY'S OFFICE AS SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY IN ANY MANNER.

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

Commissioner Justin Heath made a motion to adopt Resolution 12-2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Approval of an Agreement for Professional Services with Sue Chambers to serve as Interim Director of the Churchill County Museum retroactive to May 1, 2022 at a rate of \$2,000 per month.

The county's Museum Director accepted another employment opportunity and her last day of work was Friday, April 29, 2022. The Director position was posted on April 28, 2022 and is open until filled. The County Manager and Human Resources Director met with the Museum Association's current President, Sue Chambers, and approached her about serving as the Interim Museum Director via an Agreement for Professional Services until a new Director is hired. The Agreement would be effective retroactively to May 1, 2022 and is for a flat-rate amount of \$2,000 per month.

FISCAL IMPACT: \$2,000 per month until a new Museum Director is hired.

EXPLANATION OF IMPACT: The Museum Director position has been posted. During the time the agreement is in effect, the county will not be paying salary and benefits for a full-time Museum Director, thus there will be an overall cost savings.

FUNDING SOURCE: Museum Budget.

ACTION REQUESTED: Accept

Jim Barbee, County Manager, made this presentation as outlined above.

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

Commissioner Gregory Koenig made a motion to approve the Agreement for Professional Services with Sue Chambers retroactively to May 1, 2022 for \$2,000 per month.

Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

8:45 AM A- Closed Personnel Session Pursuant to NRS 288.220 re: Discussion of negotiations with the Churchill County Sheriff's Deputies Association (CCSDA), Deputies' and Sergeants' Units, and with Operating Engineers Local No. 3 (representing Dispatchers)

A closed session will be held to discuss the progress of negotiations with the Churchill County Sheriff's Deputies Association (CCSDA), Deputies' and Sergeants' Unit, and with Operating Engineers Local No. 3 (representing the Dispatchers). No action will be taken as this is for informational purposes only.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

The regular meeting of the Board of County Commissioners was recessed at 9:06 AM.

Commissioner Justin Heath made a motion to recess the meeting to go into closed session pursuant to NRS 288.220. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

The regular meeting reconvened at 9:55 AM.

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

2:10 PM B- Consideration and possible action re: Renewal of the Transportation Agreement to lease a bus from the Churchill County School District (CCSD) for the 2022 SUMFUN Program.

The Parks and Recreation Department is requesting permission to renew the bus Lease for one (1) bus with the Churchill County School District to be used for transporting campers to designated field trips for the 2022 SUMFUN Program. The term of the Lease Agreement will be for three (3) months from June 9, 2022 - August 11, 2022.

FISCAL IMPACT: \$3,375.00.

EXPLANATION OF IMPACT: \$2.50 per mile x 1,350 miles = \$3,375.00 for 10 trips. Fees for the SUMFUN Program are based on the listed lease terms of \$2.50 per mile, so there is no adverse impact.

FUNDING SOURCE: Recreation Budget - 303-5717 - Cost Built into program fees required of participants.

ACTION REQUESTED: Accept

C- Consideration and possible action re: Treasurer's Report for March 2022 showing a balance of \$51,180,558.82 in the account.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for March 2022, which shows a balance of \$51,180,558.82 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

D- Consideration and possible action re: Transfer of funds to the City of Fallon in the amount of \$311,279.55 for the Front Street Reconstruction Project.

The City of Fallon is requesting a transfer of funds for final payment in the amount of \$311,279.55 for the Front Street Reconstruction Project out of Public Transit Fund 395. These funds were previously encumbered and approved by the Regional Transportation Commission.

FISCAL IMPACT: \$311,279.55 from Public Transit Fund 395-881-70700

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: \$311,279.55 from Public Transit Fund 395-881-70700

ACTION REQUESTED: Accept

E- Consideration and possible action re: Court Services' Third Quarter Revenue Report for the period of January to March, 2022, reflecting \$10,170 in revenue for the quarter.

Court Services submits its Third Quarter Revenue Report in the amount of \$10,170 for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

F- Consideration and possible action re: Quarterly Report of Churchill County's Economic Condition to the Department of Taxation for the Third Quarter ending March 31, 2022.

Provided for the board's review and consideration is the revised quarterly report that is prepared in accordance with the Nevada Administrative Code (NAC). This report has been revised by the Committee on Local Government Finance. The report must be submitted to the Department of Taxation within 45 days of completion of the prior quarter. A signed copy will be forwarded to the department in a timely basis.

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.
Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

Consider Future Agenda Items:

Chairman Olsen said I had my little discussion about the roads and those things, would the proper thing be to let the Planning Commission chew on that first and then have them send something to us for approval? Commissioner Heath said I think so, but I agree with what you were saying on that. I think we are going to have a problem on that road. That is why I even asked how far it goes. With the amount of traffic we are going to put on there we are going to have a problem. Chairman Olsen said and there is no cul-de-sac at the end. Just all the same problems we have out on Benson Lane. I managed to turn around but I was in a Jeep Wrangler. I am not hearing from Jim about sending it to Planning first. County Manager Barbee said I would agree with that. Let's make that happen please.

Commissioner and Management Staff Reports:

Chairman Olsen reported on the following topics:

- I went to the Junior Livestock Show in the new facility. I heard nothing but good things. Not a cross word about it. People were happy to be there. People were amazed at what an awesome place it was. Thank you to all the staff that worked so hard for that to happen.
- I went to the Arts Council CONCERT and it is the first time I have been there in a couple of years. It was so great to be back there and see people. They had a great band although they could have sung a song or two that was not in French.
- This week we had our city/county breakfast. There were some things that came out of there about the fairgrounds. The city is really supporting the PRCA event that we have booked. They are trying to make that a blowout event and it should launch that facility. We are very appreciative of what the city is doing there.

Commissioner Koenig reported on the following topics:

- I went to the Library Board meeting last week.
- Today at noon is the National Day of Prayer.

Commissioner Heath reported on the following topics:

- I had the Senior Coalition meeting.

County Manager Barbee reported on the following topics:

- The PRCA event, from what they are telling me, is going to be the largest single day PRCA payoff event in the nation. The Reno Rodeo has pushed back and has been concerned with us doing that and the timing of that. They actually spoke out against it. I am hoping that, with that in mind, they will get a bump in the amount of contestants on the bronc side that they will get. We are going to see a couple of other associated events with that in association with the Reno Rodeo. We are going probably have a lot of folks staying there with their horses and trailers and all that kind of stuff. We need to work on some infrastructure stuff. I don't know if we will get it done by June 15th. Recognizing

that some of these things are coming just by the volume of people that we are going to see interacting there. It will be great for sales tax and all those kind of things. We can't fail miserably in one area that creates a negative for us, so we are working on it.

Sheriff Hickox was not present.

Comptroller Wideman reported on the following topics:

- Sales tax was up 4.67 % from the same period last year.

Deputy DA Shawcroft had nothing to report.

Clerk/Treasurer Rothery was not present at this point in the meeting.

Claims and Payroll Transmittals:

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

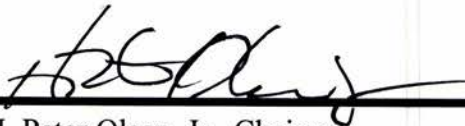
Public Comment:

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

Adjournment:

The meeting was adjourned at 10:02 AM.

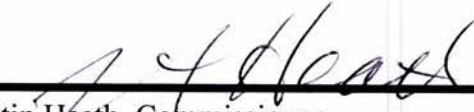
Approved: _____


H. Peter Olsen, Jr., Chairman

Approved: _____

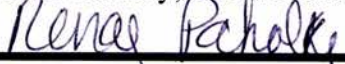

Greg Koenig, Vice-Chairman

Approved: _____


Justin Heath, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer


Renae Paholke, Deputy Clerk