

## **MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS**

**155 N. Taylor St., Fallon, NV 89406**

**September 21, 2022**

### **Call to Order:**

The regular meeting of the Board of County Commissioners was called to order at 1:15 PM on September 21, 2022.

### **PRESENT:**

Commissioner H. Peter Olsen, Jr.  
Commissioner Gregory Koenig  
Commissioner Justin Heath  
County Manager Jim R. Barbee  
Comptroller Sherry Wideman  
Deputy District Attorney Joseph Sanford  
Deputy Clerk to the Board Pamela D. Moore  
Clerk/Treasurer Linda Rothery

### **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 Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 15th day of September, 2022, between the hours of 10:00 and 11:00 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 Gregory Koenig made a motion to approve the Agenda as submitted. 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- August 17, 2022.**

The Minutes of the meeting held on August 17, 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 August 17, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

**Appointments:**

**1:15 PM A- Consideration and possible action re: Employee Service Awards for the 3rd Quarter of 2022.**

Employees receive service awards during the Third Quarter of 2022 are:

| <b>NAME OF EMPLOYEE</b> | <b>DEPARTMENT</b>          | <b>YEARS OF SERVICE</b> |
|-------------------------|----------------------------|-------------------------|
| Wendy Bullock           | Court Services             | 5 Years                 |
| Catherine Richardson    | Museum                     | 5 Years                 |
| Tiffany Timmons         | Social Services            | 5 Years                 |
| Autumn Bergreen         | Juvenile Probation         | 10 Years                |
| Lisa Rigney             | District Attorney's Office | 10 Years                |
| Carol Lloyd             | Library                    | 10 Years                |
| Kenneth Jonte           | Road Department            | 20 Years                |

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Employees were recognized for their years of service but no other action was taken.

**A. B- 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 slide presentation as follows:

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## BLM-STILLWATER FIELD OFFICE

### **Diamond Flat Geothermal Project – exploration and testing**

- Internal working preliminary environmental assessment has been completed
- Ethnographic assessment with WRPT has been initiated by ORMAT
- Government-to-Government meeting in Schurz tentatively scheduled for August 25<sup>th</sup> at 2:00 pm

### **Dixie Meadows Geothermal Project**

- District Court briefings to begin in mid-October
- BLM continues Section 7 process and drafting a biological assessment

### **VERO Fiberoptic EA**

- NEPA kickoff meeting scheduled for September 30
- Cooperating Agency invitations have been issued and BLM currently completing the applicable MOUs



### **August FY2022 Geothermal Lease Sales**

- August 30 lease sale
- Majority of parcels sold
- Generated approximately \$3.0 million

### **National Public Lands Day Event**

- Cleanup of public lands around Sand Mtn and adjacent grazing allotments, including some sites in Davie Stix' allotment

### **Kim Dow, New District Manager**

- Kim Dow will be sworn in as new District Manager on October 21

Chairman Olsen asked if there was any public comment but there was none. Commissioner Health said did they stop the construction on Dixie Meadows? Jake Vialpando said, yes, they did. They halted construction 2-3 months ago. Nothing is happening until they get things sorted out. They don't want to put more money into it, which makes a lot of sense.

Chairman Olsen asked if they have any updates on the RMP process? Jake Vialpando said, no, it is the State Director's preference if they do a statewide RMP and that is still his priority. It is still getting vetted through the Washington office level to acquire the funding to support doing it. It is still John Raby's division and the direction is it is going to be statewide. From our perspective, we have something to start with, so we are hoping that the majority of what was already done will be easily used to get us way ahead. A lot of the information is already there, so we don't have to collect a lot of new information. Hopefully, we will be in front of everybody else. I will try to include updates on that.

Chairman Olsen asked if there was any further comment but there was none. This item was presented for informational purposes only and no action was taken.

### **C- Consideration and possible action re: 1-year extension request to submit the first final map for the River Park Planned Unit Development.**

At the October 7, 2021 Commission meeting, the board approved a 1-year extension to file the first final map for the River Park Planned Unit Development. In the extension request, the developer agreed that the 1-year extension would be sufficient time to submit the revised tentative map showing the new Moody Lane alignment. Since the approval of the 1-year extension, the county has not received the revised tentative map nor any updates on the progress. River Homes in Fallon, LLC is up-to-date on all O&M fees.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Deny

Chris Spross, Public Works Director, made this presentation as stated above.

Deputy District Attorney Joseph Sanford said there is quite a history involved with this going back quite a period of time. Since this extension has been discussed, we had a chance to sit down with Mr. Whittemore and the Fallon River Park folks and get a discussion going about concerns that the county has moving forward, which is why you will see the original staff recommendation as a denial. At this time, I spoke with the County Manager and Chris from Planning and I believe we have a recommendation that is slightly different today. In particular, we are recommending that you extend this agreement to November 3, 2022. A couple of things will be expected from the Fallon River Park folks, which is, specifically, to have a written document prepared to be recorded that would grant a public utility easement in favor of the county along the Moody Lane extension from Rice Road to the current Moody Lane. The other concern was that this original plan goes back to 2005 and the development code back then was sort of murky, so the intention would be to have a new agreement that any new plan is going to follow the current county development code with any deviations authorized by the Planning Department. There has been some discussion about some shifts to try and get a water plant space. That is what we would bring in front of you at the November meeting. The long-term plan is that, should everything go as expected, they would have a new revised tentative map prepared by May 3, 2023 that would address the county's concern and be prepared to come into compliance with the code and the first and final map recorded by November 3, 2024. At this time, if your intentions go along with that recommendation, the recommended action would be to approve the extension of the deadline to file the first and final map to November 3, 2022 and, at that meeting, we would enter into a more long-term agreement, assuming that all of these preconditions have been met.

Harvey Whittemore said, with me is Seth Carlson. As the District Attorney said before, we have had many discussions regarding a way forward with respect to the continued development of this property. This map indicates a new orientation of the new alignment of a proposed, and again subject to discussion with Chris and his staff and what the county needs, a potential 80 foot right-of-way in what is shown as a 100 foot right-of-way so that there can be variations, ultimately, to allow for movement within that area so that it can line up from both the 90 degrees necessary for the bridge alignment, as well as the exit point at the northern edge of the property. All of this is being done to further help the development and utility structure necessary to support both Riverstone and the applicant's property. We anticipate that, during the period between now and November 3, 2022, we would be able to prepare an agreement for submittal to the Commissioners for their approval, a document that would attach this exhibit or something similar that shows what the proposed alignment would be like. Again, we can't fix the northern exit point because we are not certain yet where the alignment would actually lie with respect to property that is not owned by the applicant but is owned by the county and there would have to be an adjustment at that northern edge. Multiple lot studies have been done so that the alignment of the road does not impact the long-term development of the property. The latest study shows that we can get the number of lots in with the right-of-way of this significance and would suggest that there is a potential multi-family component. Again, I am happy to report that I think we have come up with a plan that will result in a good project. We can answer any questions you may have with historical references necessary to make a decision if we need to go into that depth. I think that Deputy DA Sanford has properly suggested what we are prepared to agree to,

which is a very short extension between now and November 3, 2022 to allow the parties to develop an agreement consistent with the county's direction.

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

**Commissioner Gregory Koenig made a motion to deny a 1-year extension request but to grant an extension to submit the first final map for the River Park Planned Unit Development until November 3, 2022. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

**D- Consideration and possible action re: Approval to award the 10th Judicial District Courthouse engineering and design contract to Lombard Conrad Architects.**

On June 16, 2022 and June 23, 2022, the county published a Request for Statement of Qualifications (RSOQ) from design firms for the engineering and architectural design of the 10th Judicial District Courthouse in the Lahontan Valley News and the Reno Gazette Journal. Submissions were due on July 1, 2022 and the county received submissions from four architectural firms, Lombard Conrad Architects, TSK, Gensler Las Vegas, and PGAL. The submissions were distributed to members of the Public Works Committee with an evaluation form to rate each firm on criteria outlined in the RSOQ as the key for selecting a qualified firm. Based on the results of the ratings and conversations with references and current customers, the committee shortlisted the applicants to three firms, Lombard Conrad Architects, TSK, and PGAL and for interviews. Three members of the Public Works Committee were present for the interviews and, although LCA did not rank highest on the RSOQ ranking, after the interviews and internal deliberations, it was determined that they were the most qualified for this project. Just a note, LCA was the firm used for the design and construction of the Juvenile Justice Center building. The three firms that were not selected were informed of the committee's decision to recommend approval of Lombard Conrad Architects to the Board of County Commissioners.

Based on the preliminary project information provided in the Request for Qualifications, LCA estimated a design duration of 8-10 months with anticipated design costs of 9.5% of total project costs. They felt that the Construction Manager/General Contractor (CMGC) delivery method would result in the most efficient completion of the project. They are available to begin the design work immediately following contract negotiations. They will be involved in the project from design through completion of construction.

FISCAL IMPACT: Estimated at \$1,500,000.00.

EXPLANATION OF IMPACT: The cost for the design and engineering is based on 9.5% of the total construction cost. The construction cost is estimated to be \$15,000,000.

FUNDING SOURCE: 515 Capital Project Fund.

ACTION REQUESTED: Accept

Chris Spross, Public Works Director, made this presentation as stated above.

Chairman Olsen asked if there was any public comment but there was none. He said that at the time we did the JPO, there were bids to have that built ten years earlier for \$4M and we built it for \$3.5M ten years later. It feels like we are walking into the same situation here. We talked a

few years ago that it may cost around \$12M and now at \$15M I would think, given everything we have experienced in the last few years, that figure might be low. I think it is coming to us, on the price, and this will take a little bit to get there, so we are probably okay that way. Also, I wanted to say I really appreciate the robust process that we obviously went through to pick these folks and to come up with the right one and vet them out thoroughly and get to the right place. This thing has been on the front burner and keeps getting put to the back burner for 5-6 years and I know our judge has been very patient. The need is there, so I am not going to be here when this gets finished. Not sitting here but I am going to be there at the dedication and I am very happy to see the positive steps towards getting it off the ground.

Commissioner Heath asked if there was any fee up front? Director Spross said there will be an up-front fee. That is something we will do our best to negotiate with them to keep that reasonable, but they are looking at doing a Construction Manager/General Contractor type contract. They are going to be actively requesting design concepts and ideas so they can start getting pricing for that. Because there will be time invested by them and with contractors they work with, there will be an up-front fee. That seems to be common amongst contractors. They will then hire the General Contractor to start this process.

Back in 2017, when we started to receive those prices for the courthouse, it was in the neighborhood of \$11M but there was a tiny little note on the bottom that said for every year that this is not done, it will add another \$450,000 to the price. You can look at that and say we are at the point where that is going to be another \$2M just on that alone. We are hoping that we are starting to see costs come down a little bit. Hopefully, we are on the right side of us wanting to do this, at this time.

County Manager Barbee said, if they are to approve this request, that would give, and maybe this is for Joe, that would give you guys the authority to, basically, develop a Contract with the company, a final Contract, was the intent that that would then give these guys the opportunity or the County Manager the opportunity to develop the Contract under these guidelines and then go ahead and move on the Contract and sign it or is the situation that you would want to bring this Contract, after development, back to the County Commission for final approval of the Contract? This is what I am asking Joe. Deputy District Attorney Joseph Sanford said, if we want to have it where it doesn't come back to the board, then we would need to set a number today on what the limit is on it. If we are not going to set a number today, then we would have to come back to the board. If we set a number today and authorize the County Manager to sign up to that number, we can do it that way, as well.

Commissioner Heath said is that fee part of that 9.5% or is that fee going to be something different? Director Spross said I am going to make sure that 9.5% will be part of that final cost in the Contract. That is what we want to be out of pocket is the \$15M. Commissioner Heath said my recommendation would be to bring it back to the board once we get the design and Contract and not set a number to it. Chairman Olsen said I am fine with that. The motion we have here is good just the way it is.

**Commissioner Justin Heath made a motion to approve the Engineering and Design**

**Contract for the 10th Judicial District Courthouse to Lombard Conrad Architects.**  
**Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

**E- Consideration and possible action re: Approval of a class specification and pay range for a newly-created position of Bus Driver for Churchill County Parks & Recreation at a cost of approximately \$10,500 per year.**

With the relocation of the Parks & Recreation after-school and summer day-camp programs to the Cottage Schools, the enrollment in the programs has grown substantially. With the increased enrollment, challenges have arisen in the transportation of the children to the program and to other locations utilized by the program. The vehicles currently used by the programs cannot effectively transport the participants as needed. Larger buses need to be utilized. Additionally, the transportation tasks are being carried out by Recreation Leaders and other camp staff, thus stretching the current staffing levels and impacting the child-staff ratios.

The Parks and Recreation Department is requesting additional staffing for the program, allowing them to hire a bus driver to manage the transportation duties. To that end, a class specification (job description) has been drafted for this position. The job description is based on a typical job description for a school bus driver, with some slight modifications to meet the needs of our programs.

The recommended pay range is 36 starting at \$17.34/hour, which is based on the current rate being paid by school districts in the Class 3 counties and Washoe County, as well as the state of Nevada.

If it is approved, staff requests permission to begin recruiting for the position immediately. This position would be considered part-time, casual, with no holiday pay or leave accruals.

FISCAL IMPACT: Approximately \$10,500/year.

EXPLANATION OF IMPACT: The expected impact is based on hiring one bus driver at the first step of the range 15 hours per week 36 weeks per year. If drivers are not needed for a full 15 hours per week, the impact may be reduced. The impact includes hourly pay, along with Social Security, Medicare, and Workers' Comp.

FUNDING SOURCE:

ACTION REQUESTED: Accept

Jorge Guerrero, Parks and Recreation Director, made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. County Manager Barbee said when we brought this project forward the way that we did, we did not foresee this being an issue. I can appreciate that the school district has staff challenges. We have definitely seen that across the board but I did want to voice frustration, and we have voiced frustration to the school district, so it is not a surprise to them but we are taking care of a significant number of kids within the community. When we went through the COVID difficulties and challenges that we did, this program, specifically, was the only program that remained open and operational for all the folks within the community for the benefit of our county employees and for the benefit of the school district employees, so I just want to put it on the record. It is unfortunate

that we could not come to some kind of agreement with them, in terms of creating a bus route. I know there are other programs that exist that either have a direct bus route or have a bus route that is somewhat close to them and they are not walking students 5 blocks or more to an after-school program. I just wish we could have gotten to a point where we had some kind of agreement to have a better bus stop or a better solution but I do feel like this is the best solution we could come up with. We are going to continue to expand the facilities out there. We have already funded the renovation of the second building and we have grants out there for the third building and we have already received a grant approval for reconditioned and new playground material, so it really is a shining spot in the City of Fallon. It is just going to get that much better and we are going to have that many more folks that will be able to take advantage of the program, so it truly has been a success. I just wanted to have that on the record.

**Commissioner Gregory Koenig made a motion to approve the class specification (job description) for bus driver and assign it to pay grade 36 and authorize the hiring of the position for the Parks & Recreation Department. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

Chairman Olsen said I am thinking, from what I have heard, that we have gone from 60 to 90 kids. Is that about where we are at now? Director Guerrero said actually, truly, when we were over at the fairgrounds, we were running at about 35-40 kids. Chairman Olsen said I know it has grown from there. I am just talking recently. I am just saying for the cost justification of the bus. We have more paying kids that can help justify it. Director Guerrero said, after doing the math, we had to increase fees this last year. That increase will cover the cost. It comes out to be about \$58 a day, so that will just be absorbed into the rest of the staff pay.

**F- Consideration and possible action re: Application for community support funding in the amount of \$3,000 for the Churchill County Search and Rescue's Trunk or Treat event.**

A copy of the application for funding for the Churchill County Search and Rescue's Trunk or Treat is attached for review. The event will take place on October 29, 2022 at Venturacci Park. The Trunk or Treat is estimated to have between 4,000 – 5,000 participants and is a free Halloween event with the goal of providing a safe environment for local youth. This is an annual event dependent upon donations, which are used to purchase candy, decorations, and glow sticks. Last year, the group requested \$2,500 from the county, which was provided.

FISCAL IMPACT: Within the Miscellaneous Grants line item of the County's Community Support budget, there was \$22,000 budgeted in fiscal year 2022-23. To date, \$6,531 has been committed, leaving a balance of \$15,469 in available funds for the remainder of the fiscal year.

EXPLANATION OF IMPACT: \$3,000 +/-

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

ACTION REQUESTED: Accept

Mr. McCusker made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. He said who else donates for this? Mr. McCusker said I got a call from City Hall that they were going to donate some leftover candy. She said it would not be tootsie roll minis that they gave last year. It will

be a higher quality. We have no idea in what amount they are going to contribute. As far as monetary contributions, there are none. Chairman Olsen said, so this, with the county and the city, the city is in-kind and the county is the one to put the cash up? Most of the money is being used to buy candy to supplement what people are already doing? Mr. McCusker said yes. Chairman Olsen said I'm always the cheap guy. I want to keep it at \$2,500 but I know what these other guys will do.

**Commissioner Justin Heath made a motion to approve funding in the amount of \$3,000 to support the Churchill County Search and Rescue's Trunk or Treat event. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

**G- Consideration and possible action re: Adoption of Resolution 21-2022 to declare items in "Exhibit A" as surplus property to be sold at auction.**

Churchill County currently has items that no longer have value to the operation of the organization. These items are attached to Resolution 21-2022 as Exhibit "A". It is time to declare these items surplus and arrange for these items to be sold at auction. The county currently has an ongoing Contract with Baxtin Auctions and they will carry out the process of adding these items to their next online action.

FISCAL IMPACT: The only fiscal impact at this time to the county is staff time to move this items to the auction yard at Baxtin's.

EXPLANATION OF IMPACT: It is mutually agreed that the auctioneers will deduct their fee of 15% from the gross sales receipts. Buyer is responsible for the payment of any applicable sales tax to the auctioneer, a buyer premium, and any other fee imposed associated with the transfer of property. The county will be receiving 85% of the gross sales receipts of all items auctioned.

FUNDING SOURCE: Staff time and materials associated with our requirements of the agreement will be handled through the department's operations budget.

ACTION REQUESTED: Accept

## **A RESOLUTION DECLARING VARIOUS ITEMS AND EQUIPMENT AS SURPLUS PROPERTY AND OTHER MATTERS PROPERLY RELATING THERETO.**

Jorge Guerrero, Parks and Recreation Director, 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 adopt Resolution 21-2022 to declare items listed in "Exhibit A" as surplus property to be sold at auction. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

### **Appeal of Planning Commission Decision:**

**2:00 PM A- Public Hearing of Appeal - Consideration and possible action re: Appeal of the Planning Commission's decision made on July 13, 2022 to deny issuance of a Temporary Use Permit for Kent Champneys, General Rock - Gem - Mineral Shop, to house a recreational vehicle to be used as temporary quarters for general purposes at 6840 Reno Highway, APN: 008-141-03, proposing that the RV be used for a caretaker to live in to**

**discourage theft and vandalism, similar to a commercial watchmen, without a business, to help clean the property and assist with trying to re-establish the Rock Shop business.**

This matter is an Appeal of the decision by the Planning Commission to deny the application filed by Mr. Champneys for a Temporary Use Permit for temporary quarters for general purposes. The location is 6840 Reno Highway, APN: 008-141-03. The applicant proposed an RV for a caretaker to live on-site to discourage theft and to help clean up the property, being similar to a commercial watchman but without a business. In the long term, the applicant wants to re-establish the Rock Shop business. The staff report and an excerpt of the draft Minutes of the July 13, 2022 Planning Commission meeting are provided for the board's review.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Deputy Clerk to the Board Moore administered the oath to the following individuals: Kent Champneys, Josh Elderton, Loreli LeBaron, and Dean Patterson.

Deputy District Attorney Sanford explained the procedures for the appeal hearing to be conducted.

Loreli LeBaron, Code Compliance Officer, said I have been working this case since 2021 and, over that period of time, there has been some progress toward bringing the property into compliance. There have also been several violations, as well as, at the Planning Commission meeting a month ago, it was determined that substantial progress must be made on the property in consideration of the decision that will be made today. It is my unfortunate response to say that I have not seen substantial progress. There has been minor clean up and the property remains in the same condition that it was at the prior meeting.

Kent Champneys, property owner, said I know there were some pictures taken but they are not very flattering towards that. Pictures can be deceiving. When I got these pictures, I went to my property and I started walking around looking for where they were taken from and there are a couple that, if you just go beyond the angle that they were taking the pictures, there are piles of course, but they are piles of scrap aluminum, scrap steel, wood, different piles that are ready to go to the scrap yard and be recycled. Josh is the one who has been in charge of all of that. My dad had a gold plant and he had a rock shop for 50 years on that land. In the later years, it looked really bad. I have an aerial picture here and, if you look at the pictures today, it is so much tidier. Our neighbors are telling us that it is the best it has looked in 20 years. The neighbor said Josh has been one of the best neighbors they have had. That is not to say my father was not a good neighbor but he was a bit of a hermit and an onery old grouch. My thoughts are that this place has been out of compliance for 30-40 years but my dad was grandfathered in so they couldn't, you know, ever really rectify anything. I have had the property for about 3.5 years and there has been a great improvement. A huge portion of that is having Josh on-site to get the progress done. Like I say, to the blind eye, for somebody who has not seen it before or know what is what, it may look bad but there is a lot of improvement. I think, given the time and the permit and the

bonus of having Josh there, it will get there. How do you turn 40-50 years of non-compliance, basically, there is a lot that has been that way. You can't just flip a switch and make it compliant over night or even, like I say, I looked back at 3 years, granted I live 7 hours away but I have made a lot of trips and I see the progress. A lot of these pictures show the cleanliness and the tidiness. We have had a dumpster on site. We are working towards the goal to get into compliance, it is just that there is 50 years of stuff there that was not just junk. It is valuable materials but, to the naked eye, it looks like junk. What is junk we have been hauling to the dump. We have dump receipts. In some of the pictures, you can see a lot of recyclable materials all organized and separated, which is a huge undertaking when you consider he had a gold plant running on his land. He was a collector and he liked to invent things and build things. Josh and I are kind of a like mind on that. We see value in a lot of things that a lot of people don't see value in. They think it is garbage. If it was, I don't think we would have it there. You know what I mean. There has been a huge transformation. Heck, we got a garden that is growing huge squash. My dad would have freaked out if he saw that there was a garden. Not all the pictures are pretty but they are life. There are some things that need to be dealt with and cleaned up, of course. We are working on it. If you shut us down completely, I know what will happen. The work will stop and there will be no progress and then it is just going to sit there in non-compliance. That doesn't seem like the proper approach. I just ask you to look at it from a different vantage point and see the benefit of having someone there to work on the property and continue to make improvements. To make an omelet, you have to break some eggs. It is going to look kind of bad until it looks really good. Believe me, it looks a whole lot better than when I took it over. I have pictures and Josh has pictures and I would like to explain a few things. I have them on my phone. Chairman Olsen said we have to have all the materials to show the public. Mr. Champneys said there is a picture of firewood for anybody that needs it. There is a pile of wood just to get rid of. There is a picture of my dad's old satellite dish and some of his neon sign stuff. There is a lot of mining equipment. All that stuff is worth scrap. There is an aluminum pile and a steel pile, wood pile. It takes time to do all this stuff. My dad did not have any organization at all but he knew where everything was. He had been there 50 years collecting stuff. There are gas powered motors and different things he used for his mining equipment. There is a lot of stuff that just couldn't be evaluated from a blind eye. Just from somebody's perspective who doesn't have insight to it, it may look like garbage but there is value in most all of this stuff. If there is no value in it, we don't want it there either. We have things there that we can use or salvage try to make a buck, rather than throw it away.

Chairman Olsen said asked if there was anybody else that would like to testify? Josh Elderton said I have been trying to do my best to get rid of things. I am only one person so I can't do everything but I have been trying to get everything up to compliance but some days I can't work as much as I would like to. There are different circumstances and stuff. I have been trying to get everything gathered up in piles so it can be distributed for scrap or whatever. I gathered all the trees and branches to make it less of a fire hazard and stuff. I am trying. Chairman Olsen said I think we have heard all the evidence we are going to hear today. It is time to for us to ask questions.

Commissioner Heath said how many people are living on the property right now? Mr. Champneys said, you know, I only got into town the other day. The last time I was here in July,

for the meeting, there was only Josh there. Commissioner Heath said the pictures that we saw before showed a portable john. Mr. Champneys said we are renting one from Marshall's Septic and then Josh was able to get a port-a-potty so we were able to return the one to Marshall's and they would just come and clean that one. Commissioner Heath said are the teenagers all gone? Mr. Champneys said yes, they are all gone. There is an older woman and her granddaughter that are waiting on repairs for her truck and it is my privilege and honor to help them out with a place to stay until they can get these repairs done. I guess they have plans to go to Georgia. Commissioner Heath said that is where one of the problems lie is because it is not a hotel. Mr. Champneys said I don't mean no disrespect but this is my property and I want to say I answer to a higher authority but Jesus would not turn people away. I mean, am I going to sit on my property and say no, no, everybody stay away? No, I am going to invite them in and say hey, if I can help you brothers and sisters, I want to. I feel like that is why this has been put in my hands. I don't consider I own it. Commissioner Heath said it is still a commercial property. Mr. Champneys said, that is another thing, you guys took away my residential status. Probably because I didn't fill out a proper paper or something and believe me, I am learning a lot through this because it is all new to me. I did have residential status. How do I even address that if anybody stays there. I know it is against code. Commissioner Heath said yes, because you don't want to end up with one person and you have a good heart and then you end up with 12. Mr. Champneys said I would rather go to my grave knowing that I helped or did the best I could because I want to be a part of the better story than just, you know, whatever. Commissioner Heath said there are other ways to have a good heart. Mr. Champneys said I know that and I pray about it and put a lot of it up to God. I say God's will be done and it will be one way or another but I want to feel like I was generous or loving or kind in the process. That is just how I feel. Whether it falls into the guidelines of compliance or not, I just can't say that it's not how I feel. A stronger pull is to help people and to build people up and try to pass on the good news.

Chairman Olsen said, after the last meeting, my comments were specifically focused on the public health hazard that was there and the lack of a septic and so forth. Have any of those problems, because those were one of my biggest concerns, have any of those been rectified? Loreli LeBaron said no, not really. They still have the port-a-potty there, so there is an access to use the restroom. It is not open to the public. There are not any open septic leaks above ground. There is concern with the one building behind the Rock Shop being used for residential purposes, like washing clothes and that sort of thing, because it is commercial property, it is not intended for that. That use has not changed. The other concern is the number of RVs on the property. The intended use for watchman quarters is specifically for one RV. The intent is for commercial property and it seems like it is out of that scope. Instead of just watchman quarters, it has now extended to additional individuals on the property, which they were supposed to have already remedied by this meeting but it is not. Chairman Olsen said so you have witnessed there are other folks on the property? Loreli LeBaron said yes, he did admit to that. Chairman Olsen said that is my biggest concern. You are asking for a Temporary Use Permit (TUP) for a watchman quarters and the biggest problem is that there is no septic. Mr. Champneys said I would like to think there is because I think the Rock Shop and the trailer had separate septic. When I moved the trailer to the back, we buried the septic and cemented over it. The Rock Shop had 2 bathrooms and I put a hose in that for like an hour to see where it would go and it didn't pop up anywhere, so I believe there is a septic coming from the Rock Shop but I don't know

where it is buried. Chairman Olsen said you have been given extra time. You were here in July and have had a couple more months to take a whack at this and I was abundantly clear. I know you were having trouble hearing but the people that were here could hear what I said and I have given you extra grace to get to this point. I specifically focused on this as a public health hazard and said you have to correct it and you didn't. Mr. Champneys said I don't know how to find the septic. Chairman Olsen said you just told me how. You found it. Mr. Champneys said you mean you just locate it underground, because I can't put bathrooms back in the Rock Shop because the Building Inspector shut it down. I don't know how, if I have a tank buried somewhere I can't find it. Chairman Olsen said I can't do that for you. Your temporary permit to have an RV, which by definition is mobile, to get close enough to that so that your septic went into the previously existing septic, but then strike 2 is, you didn't follow our direction to keep people off of the property. I appreciate your generosity to help people but you kind of lost the ability to do that because you got yourself in trouble here with us, unfortunately, so you have the focus and you are not following through on these other things that are really basic for the community and for the public health. You really need to get that fixed first and then come back and ask for another TUP, in my opinion. Mr. Champneys said you are right, I was more focused on the RVs and the people there than thinking about the septic and the public health hazard only because we made a deal with Marshall's Septic to come and just drain right out of his RV. Chairman Olsen said that is not a permanent solution. We don't allow people to use that. That is a very temporary situation. If you are having a festival or a party or something, then you bring that in for extra, but you don't do that for every day. You can't do it every day. Mr. Champneys said that is the thing, like how much do I pursue one thing if I don't get a TUP? I am hoping to get the TUP in place and then we can start worrying about whether his RV is hooked up to the septic. Chairman Olsen said I have driven by there several times in the last week and I have driven by there for the 50 years I have lived here and there is a lot of junk scattered around and it looks unkept and so forth, but that was the only thing that it took to get your attention. There are a lot of other people with the same problem. This, in particular, with regard to the public health and safety and allowing multiple people and RVs to be on the property, you are just violating right down the line and you have taken half measures to get yourself into compliance but you are not there and not even close on this one piece that I consider the most important. You have to have safe drinking water and you have to have a place for the septic to be taken care of. Mr. Champneys said I have excellent well water. Chairman Olsen said those 2 things need to be taken care of, in my opinion, before you can even talk about having a TUP. I will allow Greg to say something if he wants.

Commissioner Koenig said I agree with you. You need to have a solution for your septic. Mr. Champneys said that was our primary thing right now was to get the septic taken care of. You know more about septic than I do. Commissioner Heath said Marshall's Septic can find it for you if you don't know where it is at. Commissioner Koenig said that needs to be taken care of first and then you can come back and ask for the TUP. We are not going to grant that before you get the septic taken care of because we are kind of seeing what has happened in the last 2 months. The people are still there, that has not been taken care of, so we are not going to approve that until after you come back with a septic solution and then the rest of the stuff needs taken care of too, but that is our main concern. Mr. Champneys said, to me, that is a win. I think that is a doable situation. The other stuff, like I said, from afar, it looks bad but when you are in

it you can really see the progress.

Commissioner Heath said I have been here for as long as they have and it is a lot better. You have made progress it is just that we have rules for sanitation and Marshall's Septic has a rod that they poke through the ground to find that thing, so you can call them and they can find it and trace it for you. Any of the septic guys can find it. Mr. Champneys said I guess we gotta get his trailer closer or get it to where it is hooked up to the septic. I am not familiar about how septic run. I am a city boy to some degree and I don't know a lot about it but I do know that the Rock Shop must have its own septic because I had full on water running into the drain for an hour to see if anything would pop up and nothing did. The one that came off of the mobile home, I pulled in one night about 2 AM and my front tire sunk in the ground and I said I guess I am here. The next morning, I looked and my tire had sunk into to septic.

Commissioner Heath said the people need to go. Mr. Champneys said, from what I heard, talking to her just recently, they are getting really close. I don't know but I have told them I want to try to be here for them as long as I can and do whatever I can for them. If I had a ton of money. Commissioner Koenig said you can blame it on us. Say we told you they have to leave. Mr. Champneys said I don't want to blame you guys. Commissioner Koenig said we have broad shoulders, so if you have to use us to get them out of there, then you have to get them out of there. Mr. Champneys said it is so much easier said than done. It is a struggle of the heart but it will be dealt with. Chairman Olsen said, in the meantime, you don't necessarily come back in front of us, you will go back before the Planning Commission and ask them. I am not to prejudge what they might think but I would suspect that they are going to want to continue to see progress on there and that you have followed the rules. The people want you to have a legit septic and you continue to get the junk off the property. I am guessing what they are going to want to see is progress also. Progress in the right direction. Don't think that you can continue, because Loreli has other arrows and a quiver here if you guys just think you can shine us on and keep going. That is not going to work. You guys have to get in compliance.

Loreli LeBaron said, if it is okay, I would just like to be able to make a couple of statements on record. When I mentioned that they were adding violations to what already existed, I was not referring to the accumulation of junk. We know that has been getting better over time. I had a conversation with Josh admitting that he was working on people's cars coming on and off of the property. I also saw that, as did coworkers and other individuals who brought that to my attention. I need to make it clear that it falls under an illegal repair shop and that cannot take place on the property. It is considered a commercial property and you have to have a business license and meet all the requirements. You have to have everything in place that you need and the property just does not have that, including the fact that the electrical needs to be brought up to code as we have spoken about before. In addition to all of that, for the record, when Commissioner Olsen spoke about if it is denied, then what happens is that automatically brings the property into a non-compliance standard. That doesn't mean that we wait until the next Planning Commission meeting to resolve any of this. It means that Code Compliance process will throttle an event, meaning that we have exhausted the notification process already and have come to the point that the next action that I would have to take is administrative fines, citations, and fees. That is not something that I want to do. That is something we have talked about before

but I can't overlook code violations. Commissioner Heath said are we able to suspend this or delay it before we make a vote, Joe? We just want them to fix the septic. Deputy District Attorney Sanford said, pursuant to the code, we are supposed to make a decision now but you are, obviously, the Commission and the applicant is here, so if you both agree, then you can table it because the people who have a right to object are both here. The standard would be that, if one party doesn't agree to table it, then the decision has to get made today. If you do choose to enter a denial, it would not be going back to the original piece where you have 90 days that you can live on the property in an RV before Code Compliance anymore. That time has already elapsed, so it wouldn't be just the family that moved in recently that would be in violation, it would be Josh, as well. Commissioner Heath said, so we could table it for a month and return and see if it is fixed and then make a decision? Deputy District Attorney Sanford said if both parties agree. Mr. Champneys said I would agree to table the matter for a month, 2 months, 3 months.

County Manager Barbee said just to clarify, if the septic is one piece, if we were to do this, I think we need to articulate on the record, if you are talking there is electrical code compliance issues, all those issues would have to be taken care of to make this eligible to be a watchman quarters. It is not just the septic, correct? Loreli LeBaron said that is correct. County Manager Barbee said we need to articulate, specifically, if this were to be laid on the table or deferred, that time period and what inspections and function requirements would have to be in compliance at the time of return to the Commissioners. Just to be clear.

Commissioner Koenig said my thought is we give you 2 months where you come back and it is done. It is not that you are making progress. This last time we said come and show us you are making progress. This time you come back and it is either done or it is not done. It is not we are trying and we got close but it is too hot and now it rained, so we didn't get it done. When we come back next time, it needs to be done and we say yes or it is not done and we say no. It is not you are closer than you are now, it is you are done. Mr. Champneys said done meaning the septic and electric are taken care of. The electric is going to take a contractor, which I will have to schedule, which who knows how long they are out. Chairman Olsen said you have had months already, sir. Whips and spurs, sir, whips and spurs. This is what you want to do, okay? You want to keep your property and I am tired of listening to this. You are getting more grace from these 2 guys than I would give you. I am over it. You have had 2 months and you knew that this board was going to meet again. You were given grace for that 2 months and I am sick and tired of hearing excuses and you either get it done or it is over. If I am going to go along with these two gentlemen, that is what it is going to take from me. Hard and fast. Either you have it done, just like Greg said, or it is over. No TUP. We will go in there and the county will ultimately remove all that stuff on the property and put a lien against the property for the cost of doing that. I know that is not a place where you want to go. It is sure not what we would like to spend our time doing either but that is where you are headed if you keep doddling. There is no more grace from me. Mr. Champneys said spending money not knowing if you guys are going approve the permit or not, if I spend all this money to try to get you guys to approve it and you deny it anyway, that is money that I have just wasted. I guess that is what is holding me back; throwing good money after bad. Chairman Olsen said if you are going to be like that, then I am ready to deny you right now. Mr. Champneys said the dumpsters are not free to have onsite.

Different things cost money. Commissioner Heath said we said electrical and septic and the tank. We are not talking about junk. If those are not done, let's leave it right there and we will give you 2 months to come back and then, if that is not, then it is done. Mr. Champneys said okay. Chairman Olsen said we are not, at least from my perspective, I am through. You have more excuses than you have answers and I am done listening to excuses. Get the job done. This isn't that hard. There are plenty of electricians out there and plenty of contractors to get the plumbing fixed. You could have had this done already and walked in here and said I am working on the junk and we would have all said thank you very much but that is not what is going to happen here. You are going to get grace you don't deserve, in my opinion. I want you to know, I don't want to hear any excuses because they will not be tolerated on my part.

Pamela Moore said, for purposes of your motion, I just wanted to point out that if you wanted to go the second meeting in November that it would be on the 17<sup>th</sup>. Chairman Olsen said thank you. [NOTE: November 17<sup>th</sup> was the wrong date and it should have been November 16<sup>th</sup> as the correct date for the second meeting in November. Notices and a publication were done with the November 16<sup>th</sup> date.]

**Commissioner Justin Heath said made a motion to table this until 11/17/22 and then the tenants must be gone, except Josh, septic and electric are done and must meet Churchill County Code. Commissioner Greg Koenig seconded the motion, which carried by unanimous vote. [Note: November 16<sup>th</sup> is the correct date of the meeting and notices and a publication were done with the November 16<sup>th</sup> date.]**

Mr. Champneys said can we do the septic ourselves? Commissioner Heath said no, you have to have a permit for it. Loreli LeBaron said because it is a commercial property, it requires that it be done by a professional licensed septic contractor. It is the same with the electrical. Commissioner Heath said he may already meet that, so I would get one of the septic people out there to check it. Mr. Champneys said other than the RV is not near the Rock Shop right now. Commissioner Heath said right, but the septic is. They can tell you how to meet code. Chairman Olsen said you can figure that out. Commissioner Heath said we will state that it has to be within code. Commissioner Koenig said that is the beauty of an RV. You can move it to where it needs to go. Mr. Champneys said and there is room because there has been so much clean up.

Mr. Champneys indicated his acceptance of the tabling of the matter.

#### **Letters Received:**

##### **A- Nevada Division of Environmental Protection's notification of its concurrence with the Draft Work Plan for the Groundwater Monitoring Report, Installation Restoration Program Sites 1 and 14, Naval Air Station Fallon, Nevada.**

The Nevada Division of Environmental Protection (NDEP), Bureau of Corrective Actions, Department of Defense Branch, has reviewed the Draft Work Plan for Groundwater Monitoring GMR , Installation Restoration Program Sites 1 and 14, Naval Air Station Fallon, Nevada (Work Plan). The Draft Sites 1 & 14 GMR was received by the NDEP on July 14,2022. The Draft Sites 1 & 14 GMR were prepared on behalf of the Department of the Navy.

The purpose of the groundwater monitoring is to determine if contaminants of concern present in groundwater are at concentrations that exceed remediation goals. Previous post-remediation groundwater monitoring events were conducted in November 2019 and October 2020.

Following the first two sampling events, optimization of the monitoring program was performed with the goal of minimizing monitoring costs without compromising program quality or effectiveness. Optimization of the monitoring program reduced the number of wells in the sampling program from 16 to 11. The optimization process focused on collecting relevant data of the appropriate quality to achieve the monitoring program goals. The general rationale for the selected wells is to monitor plume stability at each source area and the leading edge of the plume.

Four groundwater monitoring events will be performed on a semiannual sampling schedule starting in September 2022 and concluding in May 2024. Groundwater monitoring events will consist of gauging water levels and collecting groundwater samples from five existing monitoring wells at Site 1 and six existing monitoring wells at Site 14. Annual monitoring reports will be completed following the second and fourth monitoring events.

The NDEP concurs with the Draft Sites 1 & 14 GMR with the optimization of the monitoring program at Sites 1 and 14 and the semi-annual sampling schedule. The NDEP has minor editorial comments that should be incorporated into the final document. These comments do not impact the content or intent of the Work Plan.

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 notice of its Proposed Amendments to NAC 459 - Regulation of Hazardous Substances and Explosives.**

The Nevada Division of Environmental Protection provides notice of its Proposed Amendments to NAC 459 - Regulation of Highly Hazardous Substances and Explosives. NDEP is proposing a regulation that will amend the Chemical Accident Prevention Program (CAPP) fee schedule and other regulations under NAC 459. The workshop has been scheduled to solicit comments from persons interested in the amendments. The meeting will be held in the Great Basin Conference Room, 4th Floor, 901 S. Stewart Street, Carson City, Nevada on September 6, 2022, from 9:00 AM to 11:00 AM.

Permanent Regulation R103-22: NDEP is proposing to amend the CAPP fee schedule and other regulations under NAC 459. Fee increases will ensure CAPP can continue to perform its statutory requirements in eluding permitting, annual inspections of facilities, and appropriate staffing and staff development. The fees were last increased almost 20 years ago. Without the fee increase, revenue will not balance with program expense projections.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**1:50 PM C- LEAD On provides notice that it was dissolved on July 22, 2022 and the proceeds of its accounts were deposited with the Mayor's Youth Fund.**

LEAD On, a 501(c)(3) organization committed to preparing Churchill County youth for life after high school, dissolves after five years of contributions. "We view dissolving LEAD On as the end of an impactful chapter," said LEAD On Executive Director Monica Davis. The organization has provided connection resources, and positivity to high school students and has impacted over 500 students through its Leadership Fellowship Program, annual leadership summits, community service projects, and scholarship program.

The LEAD On bylaws stated that in the event of dissolving, "assets remaining shall be distributed to the City of Fallon local government for the public purpose of supporting the Mayor's Youth Fund." After LEAD On officially dissolved on July 22, 2022, Davis presented Mayor Tedford with a check for \$6,880.91.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**D- Nevada Division of Environmental Protection notification of its Quarterly Report for NAS Fallon NOU Sites 2-4.**

The Nevada Division of Environmental Protection provides notice of its Quarterly Report for NAS Fallon NOU Sites 2-4. The Quarterly Report 05 describes remedial actions at the Northern Operable Unit (NOU) Sites 2, 3, and 4. During this reporting period, remedial action activities consisted of gauging all monitoring wells at NOU Sites 2 and 4, recovery of LNAPL at NOU Sites 2 and 4, and long-term groundwater monitoring at NOU Site 3.

The recommendation in the Quarterly Report is that LNAPL recovery events should continue, including the automated recovery system, at least on a biweekly basis. Annual site-wide gauging events should continue, but exclude the Hot Pit Area monitoring wells and, semiannual groundwater monitoring events should continue until TCE is reported below the Navy action level. The NDEP concurs with the recommendations presented in the Quarterly Report 05.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**E- USDA notification of the Preliminary Investigation Feasibility Report for the Sheckler Reservoir, Soda Lake-Carson River, and the South Branch-Carson River Watersheds in Churchill County, Nevada.**

The USDA-Natural Resources Conservation Service (NRCS) is providing notification for the initiation of the Preliminary Investigation Feasibility Report (PIFR) for the Sheckler Reservoir, Soda Lake-Carson River, and the South Branch-Carson River Watersheds in Churchill County,

Nevada. The PIFR will be prepared in coordination with the Truckee-Carson Irrigation District (TCID) and the NRCS. The intent of the PIFR is to document if a feasible watershed project plan can be developed in accordance with Public Law 83-566, Watershed Protection and Flood Prevention Act (PL566).

The project purpose and need is to address Agricultural Water Management in a portion of the Truckee Carson Irrigation District system. The project proposes to modernize the system. Modernization generally includes, without limitation, such measures as facility automation, lining of delivery features, replacement of aging or temporary control features such as take-outs to be replaced by new features and the addition of additional measuring devices equipped with satellite telemetry.

Information regarding a Virtual Stakeholder Meeting to be held September 12, 2022, at 9:00 a.m. will be forthcoming. The Stakeholder Meeting will be an opportunity to learn more about the potential project, ask questions, and determine if there are any potential issues or concerns from your organization's perspective.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

#### **F- Bureau of Land Management's notification of the Preliminary Environmental Assessment (EA) for the Roberts Mountain Complex.**

The Bureau of Land Management provides notification of its Preliminary Environmental Assessment (EA) for the Roberts Mountain Complex Gather. The EA analyzes the potential direct, indirect, and cumulative effects to the human environment associated with the implementation of population growth suppression in conjunction with various types of gather methods to successfully treat mares with fertility control and remove excess wild horses from the range. Should a determination be made that implementation of the Proposed Action or alternative actions would not result in "significant environmental impacts", a Finding of No Significant Impact (FONSI) will be prepared to document that determination, and a Decision Record issued providing the rationale for approving the chosen alternative.

The proposed gather area is located northwest of Eureka, Nevada in Eureka County. The Complex includes the Roberts Mountain and Whistler Mountain Herd Management Areas (HMAs) and the portion of the Fish Creek HMA north of U.S. Highway 50. Areas outside of HMA boundaries would also be included in the project area. The Complex is administered by the Mount Lewis Field Office (MLFO). The Appropriate Management Level (AML) for the Roberts Mountain Complex is 110-184 wild horses, with a current estimated population of no less than 1,179 wild horses .

This Preliminary EA is being provided to the interested public for review for 30 days from August 22 through September 20, 2022. Please submit comments, issues, alternatives, recommendations, or other input for inclusion into the Final EA. In order to provide meaningful input, please submit comments that are applicable to the proposed wild horse gather, referencing

the Preliminary EA where possible. All comments received during the public comment period will be fully considered and evaluated for preparation of the Final EA. If you have any questions, please contact Shawna Richardson, Mount Lewis Field Office Wild Horse and Burro Specialist, at (775) 635-4181.

The Preliminary Environmental Assessment (EA) for the Roberts Mountain Complex will be available for your review and comment on August 22, 2022. The document may be viewed online at the link given here. Hard copies are available from the Mount Lewis Field Office (MLFO). <https://eplanning.blm.gov/eplanning-ui/project/2020326/510>.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**G- Bureau of Land Management's notification of a Final Decision for the JD Allotment for the Temporary Change in Season of Use.**

The Bureau of Land Management provides notice of a Final Decision for the proposed action to authorize a grazing agreement with K & N Livestock, LLC for the 2022 grazing year. This Final Decision is the result of an ongoing cooperative effort with Mr. Knudsen to protect natural resources and mitigate impacts from livestock grazing during the current ongoing drought. Under the BLM grazing regulations, this Final Decision will become effective upon issuance. The proposed action includes a shift in grazing to target invasive annual grasses with high fuel loads, while providing relief to native perennial communities. K & N Livestock voluntarily applied for 3,365 non-use AUMs for the grazing year, which equates to approximately 41% of their permitted AUMs.

The JD Allotment contains Priority Habitat Management Area (PHMA), Greater Sage-Grouse General Habitat Management Area (GHMA), and Other Habitat Management Area (OHMA). The JD Allotment contains the eastern portion of the Rocky Hills HMA, which overlaps with the Trail Canyon, Rocky Hills, and Tokin Summit pastures, however, wild horses are found across the allotment.

To provide immediate protection for upland plant communities, wildlife habitat, and other natural resources that have experienced extreme drought conditions for the last two growing seasons, and for the potential for similar conditions to persist into the foreseeable future, temporary changes to the grazing permit terms and conditions are necessary. The MLFO proposes to temporarily modify the season of use within K & N Livestock's Use Areas on the JD Allotment by shifting the grazing season for the Roberts Mountain East Area from 10/15-12/15 to 9/1-10/31 to better target cheatgrass when it is most palatable, which will reduce flashy fuels and provide relief for native vegetation within the Roberts Mountain Pasture.

The decision takes place within the Roberts Mountain Pasture, which contains habitat for LCT. However, the authorized area for grazing would only extend to the north-east portion of the pasture. The north-east portion of the pasture functions as a separate use area due to topographical features and drift fences that prevent cattle movement further west than the

Willow Creek Ridge (See map below). Therefore, cattle will not be able to drift into LCT habitat. For this reason, the MLFO has determined that the proposed action will have no effect on LCT.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receiving the final decision. The appeal and any petition for stay must be filed at the office of the authorized officer, Jon D. Sherve, Field Manager, Mount Lewis Field Office, Bureau of Land Management, 50 Bastian Road, Battle Mountain, NV 89820. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**H- Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting awarded to Churchill County for Fiscal Year Ending June 30, 2021.**

The Government Finance Officers Association has awarded the Certificate of Achievement for Excellence in Financial Reporting to Churchill County for Fiscal Year Ending June 30, 2021. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

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 Request for Release/Spill Information from Ormat Technologies Dixie Valley Power Plant concerning a diesel leak from an above ground storage tank.**

The Nevada Division of Environmental Protection (NDEP) provides notification of its Request for Release/Spill Information from Ormat Technologies Dixie Valley Power Plant concerning a diesel leak from an above ground storage tank. Failure of the piping coming from an above ground storage tank caused about 30 gallons of diesel fuel to leak into the surrounding soil. Because this release appears to have resulted in contamination and exceeds limits or quantities established by Nevada Administrative Code (NAC) 445A.347 or 445A.3473, Ormat Technologies Dixie Valley Power Plant is required to provide an evaluation of the release.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**Old Business:**

**A- Consideration and possible action re: Re-nomination of County Manager Jim Barbee to continue serving as the county's representative on the State Land Use Advisory Council (SLUPAC).**

Following Jim Barbee's appointment as County Manager, the Board of County Commissioners submitted a letter to the Governor and the Nevada Division of State Lands nominating him to serve as Churchill County's representative on the State Land Use Planning Advisory Council (SLUPAC). Mr. Barbee's term ends December 31, 2022, and SLUPAC has reached out requesting that the county provide a nomination letter for the individual selected to serve the term beginning on January 1, 2023. County Manager Barbee has experience serving on this board and is willing and able to continue, should the Board nominate him. County Manager Barbee recommends that Public Works/Planning Director, Chris Spross be nominated as his alternate.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

County Manager Barbee 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 send a letter nominating Jim Barbee as the county's representative and Chris Spross as his alternate for the State Land Use Advisory Council. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

**New Business:**

**A- Consideration and possible action re: Resolution 19-2022 Declaring Churchill County's Management Structure for the Rafter 3C Event Complex and the Rafter 3C Arena.**

Resolution 19-2022 declares the county's management structure for the Rafter 3C Event Complex and the Rafter 3C Arena by providing clarity and a delineation of responsibility by separating the complex and arena from the Oasis Regional Park and the Parks and Recreation Commission. The activities and events at the 3C Event Complex need to be compatible with our rural lifestyle as well as drive economic opportunity. With the construction of the new facility, a Fairgrounds Operations Deputy position was established and filled. Usage and performance of the facilities must be established over the next five (5) years to ensure goals and expectations are being met. This resolution seeks to delegate management authority of these facilities to the County Manager, Director of Facilities, Parks and Recreation, and the Fairgrounds Operation

Deputy, while the Parks and Recreation Commission continues responsibilities with the other facilities as outlined in ordinance 48.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Adopt

**A RESOLUTION DECLARING CHURCHILL COUNTY'S MANAGEMENT STRUCTURE FOR THE 3C EVENT COMPLEX AND THE RAFTER 3C ARENA.**

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 adopt Resolution 19-2022 declaring Churchill County's management structure for the 3C Event Complex and the Rafter 3C Arena. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

**B- Consideration and possible action re: Resolution 20-2022 Declaring Churchill County's Management of the Churchill County Junior Livestock Show and Fair.**

Resolution 20-2022 declares Churchill County as the managing entity of the Churchill County Junior Livestock Show and Fair. This resolution is being brought forth because, following the 2022 Churchill County Junior Livestock Show (CCJLS), the University of Nevada, College of Agriculture, Biotechnology, and Natural Resources (CABNR) notified Cooperative Extension and the county that it would no longer be responsible for management of the event, and requested the county take over, which is the most common practice across the United States.

CABNR is making this change across the State of Nevada. With the county taking on management of the event, it opens up an array of opportunities for CCJLS to grow into a more traditional style county junior livestock show and fair. With the opportunity to expand the event by adding additional events and activities, it will more closely reflect the spirit and traditions of other livestock shows and fairs across the country.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Adopt

**A RESOLUTION DECLARING CHURCHILL COUNTY'S MANAGEMENT OF THE CHURCHILL COUNTY JUNIOR LIVESTOCK SHOW AND FAIR.**

Jim Barbee, County Manager, 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 adopt Resolution 20-2022 declaring Churchill County's management of the Churchill County Junior Livestock Show and Fair. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.**

**C- Consideration and possible action re: Apportionment of the Fiscal Year 2022 CTX revenue in the amount of \$1,021,295.56.**

Churchill County has received a total of \$8,711,295.56 in CTX revenue for Fiscal Year 2022, which resulted in greater-than-anticipated revenues in the sum of \$1,021,295.56. It is recommended to leave apportionments as allocated except for transferring of \$250,000 to the Library Fund, \$200,000 to the Parks & Recreation Fund, and \$550,000 to the Building Reserve Fund from the allocation to the General Fund.

The total augmented budgeted amount was \$7,690,000 which went to the following funds:

| <b>FUND</b>           | <b>TOTAL</b>   | <b>BUDGET AMOUNT</b> | <b>ADDITIONAL APPORTIONMENT</b> |
|-----------------------|----------------|----------------------|---------------------------------|
| General Fund          | \$7,771,299.56 | \$6,500,000.00       | -\$1,000,000.00                 |
| Social Services       | \$129,996.00   | \$130,000.00         |                                 |
| Library               | \$0            | \$0                  | \$250,000.00                    |
| Parks & Recreation *  | \$450,000.00   | \$500,000.00         | \$200,000.00                    |
| Compensated Absences  | \$65,004.00    | \$65,000.00          |                                 |
| Building Reserve*     | \$249,996.00   | \$450,000.00         | \$550,000.00                    |
| Extraordinary Repairs | \$45,000.00    | \$45,000.00          |                                 |

\*Augmented Budget

FISCAL IMPACT: As outlined.

EXPLANATION OF IMPACT: As outlined.

FUNDING SOURCE: Funds as outlined above.

ACTION REQUESTED: Accept

Comptroller Sherry Wideman 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 apportionment of the CTX revenue as recommended by the Comptroller. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

**D- Consideration and possible action re: Apportionment of the Fiscal Year 2022 greater-than-anticipated geothermal revenue in the amount of \$358,342.13.**

Churchill County has received a total of \$1,273,342.13 in geothermal revenues for fiscal year 2022, which resulted in greater-than-anticipated budgeted revenues in the sum of \$358,342.13. The recommendation is to leave the greater-than-anticipated revenue in the original funds,

except for transferring the above budget amounts of -\$116,000 from the Social Services Fund and -\$180,000 from the General Fund to increase the Building Reserve Fund by \$296,000.

| <b>FUND</b>              | <b>%</b> | <b>BALANCE</b> | <b>BUDGET<br/>AMOUNT</b> | <b>ADDITIONAL<br/>APPORTIONMENT</b> |
|--------------------------|----------|----------------|--------------------------|-------------------------------------|
| General Fund             | 26%      | \$331,068.94   | \$150,000.00             | \$-180,000.00                       |
| Social Services*         | 26%      | \$331,068.94   | \$215,000.00             | \$-116,000.00                       |
| Debt Service             | 15%      | \$191,000.33   | \$200,000.00             |                                     |
| Building<br>Reserve*     | 18%      | \$229,201.59   | \$300,000.00             | \$296,000.00                        |
| Extraordinary<br>Repairs | 15%      | \$191,001.33   | \$50,000.00              |                                     |
| Total                    |          | \$1,273,342.13 | \$915,000.00             | \$0                                 |

\*Augmented Budget

FISCAL IMPACT: As outlined.

EXPLANATION OF IMPACT: As outlined.

FUNDING SOURCE: Funds as outlined above.

ACTION REQUESTED: Accept

Comptroller Wideman 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 apportionment of the greater-than-anticipated FY22 geothermal revenue as recommended by the Comptroller.**

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

**Recess to Conduct the Liquor Board Meeting:**

The meeting was recessed at 2:52 PM to conduct the Liquor Board meeting.

The meeting reconvened at 3:00 PM.

**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 Permit Activity Report for August 2022.**

Provided for the board's review is the report showing 38 permits issued in the month of August 2022. Included in the 38 permits are 4 single-family-dwellings, 2 commercial permits, 0 industrial permits, 3 manufactured home permits and 10 septic permits.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

**C- Consideration and possible action re: Building Department's Revenue Report for August 2022 totaling \$37,129.07**

The Building Department provides its Revenue Report for August 2022 for the board's consideration and acceptance. A total of \$37,129.07 was received for the month

FISCAL IMPACT: \$37,129.07

EXPLANATION OF IMPACT: Fees collected to help offset services provided

FUNDING SOURCE: General Fund

ACTION REQUESTED: Accept

**D- Consideration and possible action re: Public Works, Planning & Zoning Department's Revenue Report for August 2022 showing a total of \$28,702.62 in revenue for the month.**

The Public Works, Planning & Zoning Department submits its Revenue Report for the month of July 2022, showing a total of \$28,702.62 in revenue. This report is provided for the Commissioners' review and acceptance.

FISCAL IMPACT: \$28,702.62 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: Sheriff's Civil Report for August 2022 showing a total of \$4,739 in revenue for the month.**

Sheriff Richard Hickox provides his Civil Report for the month of August 2022 showing a total of \$4,739 collected as revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$4,739

EXPLANATION OF IMPACT: Fees collected help to off-set the costs for providing the services.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

**F- Consideration and possible action re: Recorder's Monthly Apportionment Report for August 2022 totaling \$24,182.70 in revenue for the month.**

Churchill County Recorder, Tasha Hessey, provides her Recorder's Monthly Apportionment Report for August 2022 totaling \$24,182.70 in revenue for the month.

FISCAL IMPACT: \$24,182.70 in revenue

EXPLANATION OF IMPACT: Fees to help off-set services provides

FUNDING SOURCE: General Fund

ACTION REQUESTED: Accept

**G- Consideration and possible action re: Treasurer's Report for August 2022 showing a balance of \$52,052,916.92 in the account.**

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for August 2022 showing a balance of \$52,052,916.92 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

**H- Consideration and possible action re: CC Communications' Annual State Certification of Support for Eligible Telecommunications Carriers pursuant to 47 C.F.R. § 54.314.**

Pursuant to the requirements of 47 C.F.R. § 54.314, the Churchill County Board of Commissioners, the "state commission" in and for Churchill County, Nevada, must certify to the Federal Communications Commission and the Universal Service Administrative Company that CC Communications is eligible to receive federal high-cost support for the program years cited.

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:**

There were no future Agenda items suggested.

**Commissioner and Management Staff Reports:**

**Chairman Olsen** reported on the following topics:

- I want to thank the other two Commissioners for handling the meeting on September 1<sup>st</sup>.
- Jim and I had the tour with Tommy Bedrove, Secretary of the Interior. I think that went really well. We ended up on top of Fairview Peak, which is a pretty rough drive to the

top. We had good discussions.

- I had the City/County meeting where we have many common interests.
- We had a Zoom meeting with Senator Rosen and talked about the Navy Expansion. There could be some news one way or the other soon.

**Commissioner Koenig** reported on the following topics:

- I have been busy getting ready for the Fallon Youth Club Dinner. We had the dinner and had a great turnout and food was good.

**Commissioner Heath** reported on the following topics:

- I had the Lahontan Conservation District meeting.

**County Manager Barbee** reported on the following topics:

- The Navy has the full intent of the expansion. We have been trying to get the public to understand that. The public will be really surprised if something happens and it won't be in a good way. Every chance we get, we should let folks know that is still in play.
- I have been working heavily in developing the Health District. We have met with other counties on that component, as well as the engagement on the 3C Event Center and the continued infrastructure to get ready for the event.
- There will be a significant number of folks here in Fallon that we don't normally have for the events that are happening there.

**Sheriff Hickox** reported on the following topics:

- We have had 4 deputies start recently. We have a few more waiting for background checks. There is a big holdup on the specialty health part for the final part of physicals.
- We postponed our testing due to the smoke.
- We did dispatch interviews today. We had 3 good ones and one not so good.
- We attended a summit put on by the Attorney General via Zoom.
- Due to the Rafter 3C's popularity, we have been busy with special events.
- We attended the SAR meeting. They have old stuff donated to them that we have been going through.
- We had the first use of the new Text and Picture for 911 Dispatch this week. We had a great trial run and it worked great. It is called Prepared 911. It is part of our Rapid SOS.
- We asked the DA to put together some training on the AB116, which will come in January because it will change everything we have ever done on citations and traffic stops.

**Comptroller Wideman** reported on the following topics:

- We are getting ready for the auditors in October.

**Civil Deputy DA Sanford** had nothing to report.

**Deputy Clerk to the Board Moore** reported on the following topics:

- We have been busy with elections. Sample ballots will go out in October.
- Second installments are coming in now. They are due October third.
- The Jim Regan Golf Tournament was a huge success.

**Claims and Payroll Transmittals:**

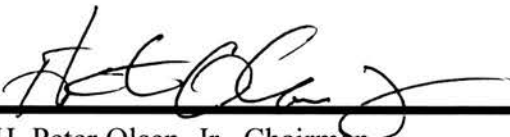
The Claims and Payroll Transmittals were submitted for the board's consideration and approval.

**Public Comment:**

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

**Adjournment:**

The meeting was adjourned at 3:31 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