Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioner Chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048.

John Koenig, Chair  
Debra Strickland, Vice-Chair  
Lorinda Wichman, Commissioner  
Donna Cox, Commissioner  
Leo Blundo, Commissioner  
Sandra L. Merlino, Ex-Officio Clerk of the Board  
Chris Arabia, District Attorney  
Sharon Wehrly, Sheriff  
Tim Sutton, County Manager

Also present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Bradley Richardson, Deputy District Attorney

Not Present: Sharon Wehrly, Sheriff

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for June 18, 2019 (Non-action item)

Tim Sutton said items 5 and 31-33 could be removed from the agenda.

3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).

Louis DeCanio commented on recent articles in the Pahrump Valley Times concerning a Pahrump resident who was charged more than $52,000.00 by Mercy Air to be transported by helicopter to Las Vegas. He felt that situation could be stopped by bringing a highly qualified ambulance service to Pahrump to transport to Las Vegas. Mr. DeCanio then talked about the disappearance of millions of dollars from Valley Electric. Questions had not been truthfully answered and had caused residents to pay more on their electric bills resulting in less being spent on local businesses and affecting the entire County. He suggested putting a warrant out for the CEO to get the questions answered.
3. **GENERAL PUBLIC COMMENT (Three-minute time limit per person.)** Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first)-Cont’d.

Diane Southworth provided an outreach update. The Back to School Fair would be on July 20, 2019, from 8:00 a.m. to 11:00 p.m. The Pahrump Valley United Methodist Church craft fair/bake sale would be on July 22, 2019, from 9:00 a.m. to 2:00 p.m. AmeriCorps had full- or part-time positions opening for the period of July 16, 2019 through August 19, 2019. The Hope in Action event would be on Saturday to give out clothing and canned goods. The Affordable Housing Committee would meet today at 3:00 p.m. The Tonopah Social Services Fair would be on July 26, 2019, from 10:00 a.m. to 2:00 p.m. The annual Girls Day event would be on July 13, 2019, from 9:00 a.m. to 1:00 p.m. at Covenant Lighthouse Church. The life skills class started on June 14, 2019.

Richard Goldstein, first junior vice commander of the Pahrump DAV chapter, thanked Commissioner Koenig and Sheriff Wehrly for attending their annual barbecue on June 1, 2019. He also apologized to Karen Jackson of KNYE radio for unintentionally omitting her from his thank you letter. He then advised that today from 9:00 a.m. to 2:00 p.m. Samantha Bivens, the senior aide for U.S. Congressman Steven Horsford, would be at the library to help anyone who had a problem that might need the Congressman’s help. Lastly, Mr. Goldstein said on Friday there was an article in the paper about Yucca Mountain in which Commissioner Blundo spoke in support of it. It sounded to Mr. Goldstein like he was speaking for all of the Commissioners and he asked if all Commissioners supported Yucca Mountain.

Dwight Lilly advised the private well owners’ cooperative continuing education program would be Thursday, June 27, 2019, at 10:00 a.m. at the Pahrump museum. He invited the domestic well owners and the public in general.

Ammie Nelson said she hoped something could be done about the fountain at the entrance to Calvada as it was no longer attractive. She then said the Nye County Republican Central Committee would meet tonight at 7:00 p.m. and have a big party to support President Trump and his bid for re-election.

Trevor Dolby, an Amargosa Town Board member, said he relied on Robin with the Pahrump Valley Times to keep him informed on water issues and he hoped to see more articles from her. He then thanked Savannah Rucker’s boss for sharing her. She attended the last town board meeting and offered to help them out while they were looking for a new person in the office.

Dave Stevens talked about the need for a new animal shelter.

Wade Hinden also said the private well owners meeting would be on June 27, 2019.
John Bosta asked the Commissioners to invite Jim Marchant to speak about Yucca Mountain. Mr. Marchant, who was running for Congress, spoke Saturday at the Republican meeting and brought forth some ideas about Yucca Mountain that Mr. Bosta thought would be a solution. One was that any materials stored would be reprocessed and the money would be put to bringing in water, which would help to solve the water problem. The other one was that each citizen in the State would receive money for the uranium.

Pat Minshall, Amargosa Town Board member, said about ten years ago the Commission put the Amargosa fire department under Nye County Emergency Services. To the citizens of the town it seemed like an overnight happening. In the weeks that followed the fire chief was fired along with several volunteers. The fire department that numbered 18-20 was decimated almost overnight with the numbers dropping to four or five. The ambulance service was already operating under Nye County Emergency Services and continued except several key volunteers were also fired and the numbers dwindled. Most if not all of the current Commissioners were not on the Board at that time so there were various stories about how it all went down. There was a lot of anger at the Amargosa town level and the town voted to go from an advisory board to an elected town board, which was not popular with some of the Commission members at that time. Ms. Minshall said without the help of Frank Carbone and Commissioner Koenig over the last two years, along with Savannah Rucker for the last couple of months, she did not think they would have survived. Over the last ten years the fire department had struggled. A couple of years ago Vance Payne, Director of Emergency Services, came to their rescue. He sent out Rich Flanagan and Matt Clayton to help train and get them up and running. Rich Flanagan became the flagger trainer about a year ago along with Bruce Jensen, the fire administrator. They were now up to 17 with 11 more starting firefighter I and II in July and Amargosa was trying to get the ambulance service up and running again. About July or August, 2017, they were down to two people. The County came out for an inspection and found the ambulance hall in deplorable condition with rat droppings over everything. The ambulances were pulled and it was shut down. Ms. Minshall said the town board needed to take some responsibility for not having better oversight of the buildings and equipment. It appeared to her that the Nye County ambulance services were run under the direction of Nye County Emergency Services, yet Amargosa was told they were on their own. Amargosa was given two stripped ambulances with all equipment to run them gone, including stretchers. In talking with other town board ambulance people Ms. Minshall was told all of the equipment, the medical director, the sterile supplies, billing for services, etc., were supplied by Nye County Emergency Services. The only thing the towns provided was people to run the service. Ms. Minshall stated it appeared that Amargosa had been singled out of this Nye County service.
3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first)-Cont’d.

Tynia Dickson from Sassy Trainer thanked the Board again for helping veterans receive service dogs through the Sassy Trainer’s PTSD program (personally trained service dogs). They had several dogs in training at the moment and would start another cycle in August. Anyone interested could contact her at (513) 417-1334.

Dot Ahrens thanked Commissioners Blundo and Cox for being kind and understanding. She said the Commissioners were elected to help and protect the citizens of the County. When she read and heard all the mess going on with Judge Wanker, Ms. Ahrens thought it was a disgrace for the County. She said she wanted three of the Commissioners to think about being respectful as she felt the judge was disrespected.

Lieutenant Dave Boruchowitz advised retired Deputy Joe Cohen who served primarily in the Amargosa area passed away last week. Services would be tonight at 4:00 p.m. at the Amargosa Community Center.

Lisa Howard said she lived at 7601 Arabian Way, a residential area with a hemp farm that moved six feet away from her hedge. She was upset the residents were not informed of this by the Planning Board.

Commissioner Koenig explained the State controlled hemp and the County could not control it. He told Ms. Howard she should call the State.

Commissioner Wichman said Ms. Howard should call the Nevada Division of Agriculture.

4. For Possible Action – Discussion and deliberation of the minutes of the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District teleconference on May 10, 2019 and regular meeting on May 21, 2019.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.
6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Commissioner Cox said she had also noticed the Calvada Eye mess. She said Buildings and Grounds needed to get on that and if they were too busy then she would like to see the Board put a little money forward and hire a landscaper. She had the same problem with the front of the courthouse and the mobile units sitting out back. She asked for an update on the project for the mobile units.

Commissioner Strickland advised the County was in discussions with the Department of Agriculture about hemp and meetings were being set up. While a formal coalition had not been formed yet for hemp, she advised the general public they were meeting on June 21, 2019, at the museum and the growers would be in attendance.

In response to Richard Goldstein regarding Yucca Mountain, Commissioner Wichman said this Board put forth a resolution several years ago that supported hearing the science and continuing the license along with eight other counties that did the same thing. Commissioner Blundo was speaking directly from the County’s historical stance on Yucca Mountain.

Commissioner Blundo said he would also like to see the Calvada Eye get addressed along with the shrubs as they were creating a blind spot. He said the hemp issue was very frustrating and he would like to look at the master plan for an agricultural district. Lastly, Commissioner Blundo said he would hold his quarterly town hall on June 28, 2019, at 6:00 p.m. at the Valley Electric conference center.

Commissioner Koenig stated the Department of Agriculture controlled hemp. They issued the licenses and the County had nothing to say about it. He had been talking with people at the State as the County needed to be able to say where hemp could go. He then advised that AB533 passed, which removed “and towns,” which changed the entire concept of who got the money. He said an item would be on the next agenda to discuss the money that was sitting for different people.

PUBLIC PETITIONER

54. For Possible Action – Discussion and deliberation regarding a Program Funding Application from the Disabled American Veterans (DAV) Chapter 15 requesting $32,000.00 in funding to purchase a van for Veteran transportation.

Commissioner Wichman confirmed with Savannah Rucker the funding was available.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.
For Possible Action – Discussion and deliberation regarding a Program Funding Application from the Disabled American Veterans (DAV) Chapter 15 requesting $4,000.00 to fund the Veteran Service Officer (VSO) office located in the Lobby of the Desert View Hospital.

Commissioner Wichman confirmed with Savannah Rucker the funding was available after approval of item 54.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

For Possible Action – Discussion and deliberation regarding a Program Funding Application from the Nevada Outreach Training Organization (NOTO) in the amount of $15,000.00 to provide aid to qualified veterans and spouses of deceased Veterans, including housing, medical, rehabilitative, educational and employment services.

Commissioner Blundo made a motion to approve; seconded by Commissioner Strickland.

Commissioner Wichman confirmed with Savannah Rucker funding was still available after approval of items 55 and 56.

The motion to approve passed with 5 yeas.

For Possible Action – Presentation, discussion and deliberation regarding a Program Funding Application from the Nye Communities Coalition - Remote Area Medical Pahrump Community Host Group in the amount of $7,500.00 to aid in funding the Pahrump Remote Area Medical Clinic (RAM Clinic).

Commissioner Strickland made a motion to approve and fund from the Donations Department Fund; seconded by Commissioner Cox.

Commissioner Blundo said when he originally discussed this item with Ryan Muccio it was $5,000.00 and asked why the amount changed.

Ryan Muccio, representing Nye Communities Coalition and the Pahrump RAM Committee, explained in moving locations this year they had a substantial increase in the advertising budget to get the word out. The original amount was $7,500.00 and he and Commissioner Blundo discussed $5,000.00, but the committee working with them discussed $7,500.00 for the additional advertising cost. He said last year the Sheriff’s Office brought over detainees who they served with dental and medical care. Those patients actually had upcoming appointments at the dental offices that the County would have been liable for and they saved the County $10,220.00 last year alone. Mr. Muccio anticipated doing that again. He had spoken with Lieutenant Boruchowitz and the plan was to serve 20 inmates which should result in a savings to the County of about
57. For Possible Action – Presentation, discussion and deliberation regarding a Program Funding Application from the Nye Communities Coalition - Remote Area Medical Pahrump Community Host Group in the amount of $7,500.00 to aid in funding the Pahrump Remote Area Medical Clinic (RAM Clinic)-Cont’d.

$20,000.00. In the last three years the RAM clinics had provided over $500,000.00 in free care to the residents of the County and surrounding areas. Mr. Muccio advised the next clinic would be October 4-6, 2019, at the Pathways alternative education building at the high school campus.

The motion to approve and fund from the Donations Department Fund passed with 5 yeas.

Ammie Nelson said she was glad RAM came back to the community and hoped the Commissioners kept supporting it.

PUBLIC ADMINISTRATOR

37. Quarterly report from the Public Administrator.

The report was in the back-up.

TIMED ITEMS

10. 10:15 – For Possible Action – Discussion and deliberation regarding a renewal proposal for Nye County from the Nevada Public Agency Insurance Pool (POOL) for the Fiscal Year 2019-2020.

Jared Rossi from LP Insurance and John DeRicco were present. Mr. Rossi reviewed the renewal proposal. The annual premium was $982,627.00 with a $10,000.00 deductible.

Savannah Rucker explained the deductible was reduced from $50,000.00 to $10,000.00 last fiscal year and while the cost difference was significant between the two deductibles, this would cap the deductible limit at a lower level and enable the County to prepare for future fiscal years when there were insurance claims and the deductibles had to be paid. The difference was $230,000.00, which was less than what five claims at $50,000.00 each would be. Additionally, staff was working on ways to manage the risk better and hopefully be a better insured entity for POOL in future fiscal years.

Commissioner Strickland said she did not see the shooting range for Beatty.

Lorina Dellinger said that was an R&PP lease with BLM so she was not sure it would be included in the schedule.

Mr. Rossi said he would have to check with them to see if it should be included.
10. 10:15 – For Possible Action – Discussion and deliberation regarding a renewal proposal for Nye County from the Nevada Public Agency Insurance Pool (POOL) for the Fiscal Year 2019-2020-Cont’d.

John Bosta asked if the floodplain insurance included other floodplains in the County or just Pahrump as Amargosa Valley was almost entirely in the floodplain.

Mr. Rossi explained the flood insurance was for any structure owned by Nye County on the schedule. It would be limited to $25 million in Zone A, but for any other structure it was $150 million.

Mr. Bosta asked why the unincorporated towns were not on the policy.

Commissioner Wichman explained if the piece of property was owned by the County it was included, but the County could not insure something that it did not own.

Lorina Dellinger added the County owned property for Beatty as trustee for the town. The Towns of Tonopah and Round Mountain were elected boards and had their own policies, so Amargosa Valley certainly had that option.

Dwight Lilly urged the County to develop a program now to reduce claims.

Herman Lewis said as long as there were so many claims against the County his recommendation would be to go with the higher premium and lower deductible until better risk and liability management was in place.

Alan Kalt, the Chief Financial Officer for POOL/PACT, said when they sought coverage they sought the best possible bids and one of the issues was claims. POOL/PACT was working with Tim Sutton, Savannah Rucker and department heads on enhancing loss control measures in the County. Mr. Kalt said they provided a health and wellness program, a law enforcement training fit for retirement program, loss control, e-learning, and cyber security. They were also working on putting on a local government finance class. The hope was that over time there could be a higher deductible.

Ammie Nelson asked if POOL/PACT covered an elected official if they were sued.

Mr. Kalt said if it was in the course and scope of their official duties then it would be covered.

Commissioner Cox said she would like some statistics on how many lawsuits were filed last year against public officials and how much money was paid out, which Mr. Rossi said he would provide to her.

Mr. Kalt said POOL provided loss reports to the entity and he would make sure the County Manager had that information.
10. 10:15 – For Possible Action – Discussion and deliberation regarding a renewal proposal for Nye County from the Nevada Public Agency Insurance Pool (POOL) for the Fiscal Year 2019-2020-Cont’d.

Commissioner Cox made a motion to approve; seconded by Commissioner Wichman; 5 yea.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

17. 10:15 – For Possible Action – Discussion and deliberation regarding a renewal proposal for the Town of Pahrump from the Nevada Public Agency Insurance Pool (POOL) for the Fiscal Year 2019-2020.

Jared Rossi from LP Insurance said the coverages were exactly the same as the County’s.

Commissioner Blundo made a motion to approve; seconded by Commissioner Wichman.

John Bosta asked if the Town of Amargosa Valley was covered in this insurance package.

Commissioner Koenig said the buildings the County owned in Amargosa were covered and buildings owned by the town were not covered.

Herman Lewis asked the Commissioners to negotiate the $60,000.00 commission.

Commissioner Blundo believed Mr. Lewis was talking about the previous item. He clarified the previous item was 7% of $942,000.00 and this commission was 7% of $172,000.00.

The motion to approve passed with 5 yea.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

COUNTY MANAGER

46. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-21: A Resolution of the Board of Commissioners of Nye County, Nevada Providing for the Transfer of the County’s 2019 Private Activity Bond Volume Cap to the Nevada Rural Housing Authority and Other Matters Related Thereto.

Commissioner Wichman made a motion to approve; seconded by Commissioner Strickland.
46. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-21-Cont’d.

Diane Arvizo, Director of Homeownership Programs for Nevada Rural Housing Authority (NRHA), explained the Home At Last program was the homeownership program. The program was launched in 2006 and in 2009 NRHA launched the Mortgage Credit Certificate program, which was directly funded by the private activity bond cap. She said NRHA had come up with the concept of pooling the unused cap from each entity and put it into homeownership programs to put it back into the community. If that cap was not transferred it would revert back to the State, which would be used in Las Vegas or Reno. If there was no use for it at the State level it would revert to the federal government. Ms. Arvizo said this year’s transfer from the County would be used to fund the Mortgage Credit Certificate program.

The motion to approve passed with 5 yea.

ASSESSOR

30. Presentation of projected expenditures of money in the Assessor’s Technology Fund to be used in the 2019-2020 Fiscal Year.

Justin Zimmerman from the Assessor’s Office said the bulk of expenditures would be for software, recurring maintenance agreements, and aerial photography for the entire County next year, along with some equipment purchases due to the migration to the new software. Mr. Zimmerman advised the hope was to establish a program where one new flight would occur every two years. They were working with aerial photography north of Pahrump that was four years old while Pahrump was flown last year.

9. 10:00 – For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-20: A Resolution to Augment and Amend the 2018-2019 Budget of Nye County, State of Nevada.

Commissioner Wichman made a motion to adopt; seconded by Commissioner Blundo; 5 yea.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

15. 10:00 – For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2019-05: A Resolution to Augment and Amend the 2018-2019 Budget of the Town of Pahrump, County of Nye, State of Nevada.

Commissioner Blundo made a motion to adopt; seconded by Commissioner Cox; 5 yea.
SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF
BEATTY, BELMONT, GABBS, MANHATTAN, AND RAILROAD VALLEY

BEATTY

19. For Possible Action – Discussion and deliberation to: 1) approve $14,000.00 for the purchase of fireworks from Lantis Fireworks and Lasers for the 2019 4th of July Fireworks show for the Town of Beatty; and 2) fund $7,000 from Fund 24101 Beatty Town and $7,000.00 from Fund 24220 Beatty Room Tax.

Commissioner Wichman made a motion to approve from Beatty Town funds; seconded by Commissioner Blundo; 5 yeas.

20. For Possible Action – Discussion and deliberation to: 1) approve $4,695.00 for the purchase of an air conditioning unit from Alwaysair for the Beatty Chamber of Commerce building; and 2) fund from Fund 24402 Beatty Special Capital Projects.

Commissioner Wichman made a motion to approve from Beatty Town funds; seconded by Commissioner Blundo; 5 yeas.

GABBS

21. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Gabbs Resolution No. 2019-02: A Resolution to Augment and Amend the 2018-2019 Budget of the Town of Gabbs, County of Nye, State of Nevada.

Commissioner Wichman made a motion to adopt; seconded by Commissioner Blundo; 5 yeas.

MANHATTAN

22. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Manhattan Resolution No. 2019-02: A Resolution to Augment and Amend the 2018-2019 Budget of the Town of Manhattan, County of Nye, State of Nevada.

Commissioner Wichman made a motion to adopt; seconded by Commissioner Blundo; 5 yeas.
38. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to the Town of Amargosa for an Aerial display at their Annual Fourth of July Event on Thursday, July 4, 2019. This event is being held at the Amargosa Community Park, Amargosa Valley, NV Applicant – Pat Minshall.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

39. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to the Beatty Volunteer Fire Department for an Aerial display at their Annual Fourth of July Event on Thursday, July 4, 2019. This event is being held at Cotton Wood Park in Beatty, NV. Applicant – Mike Harmon.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

40. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to Las Vegas Display Fireworks Inc. for an Aerial Display at their Annual Fourth of July Event on Thursday, July 4, 2019. This event is being held at Front Sight located at #1 Front Sight Road in Pahrump, NV. Applicant – William Scott.

Commissioner Blundo made a motion to approve; seconded by Commissioner Wichman; 5 yeas.

41. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks permit for D&T Imports, Inc dba Area 51 Fireworks located at 1381 E. Highway 372, Pahrump, NV. Applicant – Tim McKoy.

Commissioner Blundo made a motion to conditionally approve until the August 20, 2019, Pahrump meeting contingent upon addressing the issues brought up at the RPC, which were the fencing, the containers being removed from the property, and the encroachment permit being obtained; seconded by Commissioner Strickland.

Dan Weeks, representing both MML and Lands of Nevada, who were adjacent property owners to the license holder, asked that his comments be reflected in the minutes. MML, Inc., purchased the multi-family parcel located at 1360 East Arrowhead in 2006 with intent to develop a multi-family structure. In 2011 Area 51 Fireworks began to illegally use a multi-family lot at 1380 East Arrowhead as a fireworks storage facility. Following six years of ignored violations, last week Planning removed Area 51’s conditional use permit (CUP). After Area 51 improperly moved flammable materials to the property there had been at least one fire that consumed an entire container and the fence that touched Mr. Weeks’ clients’ property. Mr. Weeks stated that now no insurance company was willing to issue insurance and no loan company would provide
41. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks permit for D&T Imports, Inc dba Area 51 Fireworks located at 1381 E. Highway 372, Pahrump, NV. Applicant – Tim McCoy-Cont’d.

A construction loan as long as the incendiary products were stored within 100 feet of the proposed residences, which effectively made his clients' properties unbuildable until Area 51 Fireworks was forced into compliance. On March 5, 2019, the company was granted a CUP with additional stipulations, one of which was to have all containers removed within 30 days. They agreed to that, but obviously had no intention of moving the containers as they had put more containers on the lot since that time. Mr. Weeks said if the Board allowed them to continue to operate while blatantly failing to comply with the public safety regulations dictated by the County then it would appear to set a good cause for a case of selective enforcement. He felt Area 51 should have their privilege fireworks retail license revoked until they could prove to the Board they were in full compliance.

Dwight Lilly said he was having a hard time understanding why there would be a motion to approve an operation that had been out of compliance for a long time. A couple at the planning commission meeting had property adjacent to one of the storage units and they were very concerned about it. Mr. Lilly urged the Board to deny the request for a CUP and said at some point the County had to enforce the ordinances, regulations and laws.

Ammie Nelson said there was a place down the street from where she lived with eight or ten containers of ammunition that could blow up that side of the town. She wondered how they were able to get the license to have that kind of business in a residential area.

Herman Lewis said if he was the property owner he would be suing the County. If a property owner had property that could not be developed because the County was not enforcing its Code it was a potential lawsuit.

Commissioner Cox said if it was going to be enforced for one then it had to be enforced for all. There were several companies doing this and more and more containers coming in. She said she had an issue with it for a long time and thought the County was forcing them to move to the industrial side of town, even though no one was leaving. She felt if the County did not enforce it and something happened then the County could be liable.

Commissioner Blundo clarified Area 51 was a fireworks company. They did not sell ammunition so there was no ammunition stored there.

The motion to conditionally approve until the August 20, 2019, Pahrump meeting contingent upon addressing the issues brought up at the RPC, which were the fencing, the containers being removed from the property, and the encroachment permit being obtained, passed with 5 yea's.
42. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks permit for Red Apple Fireworks Company, LTD located at 3640 South Highway 160, Pahrump, NV. Applicant – Douglas Burda.

Commissioner Blundo made a motion to approve; seconded by Commissioner Strickland.

Commissioner Cox thought the conditions from the previous item should apply to this item.

Commissioner Blundo advised that Mr. Burda and Red Apple were in compliance with the CUP at this time and there were no open complaints.

Emergency Services Director Scott Lewis said they were in compliance with removing the overstocked storage area directly south of the secondary store. They had graded the property, erected a temporary fence, and moved the storage containers to the secondary property. Additionally, there was egress on the east side of the complex as well as the center aisle.

Commissioner Cox asked if they were in the proper zoning for this.

Brett Waggoner said they had CUPs for all of their storage areas with the exception of the two lots to the south. Those were under a temporary use permit and the containers had to be removed by the beginning of August.

Richard Goldstein asked if the containers outside of the fence would be moved. He also pointed out they were still using the back street for access although one of the stipulations was any access to the storage containers had be made from the frontage road off of Highway 160 and he wanted that addressed.

Dwight Lilly believed the public was being put at risk and laws and ordinances were being ignored.

Commissioner Strickland asked Fire Chief Lewis if it had ever posed a risk to the other containers.

Fire Chief Lewis said there had been two fireworks incidents. One was a loading dock issue in the sprinkler building which was quickly contained. The first one was in a container, and was isolated to that container, but it was dramatic in appearance and quickly extinguished. He explained if fireworks were put in a storage building it would need sprinkler systems. While storage containers did not require sprinkler systems, they did require the emergency response.

The motion to approve passed with 5 yeas.
43. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks permit for Outlaw Pyrotechnics Inc. located at 2280 W. Betty Ave., Pahrump, NV. Applicant – David Bernard.

Commissioner Blundo made a motion to approve; seconded by Commissioner Wichman.

Richard Goldstein noted this was on Betty, which was all residential, and asked if fireworks companies were now allowed to store and sell fireworks out of a residential area.

Emergency Services Director Scott Lewis explained they were a seasonal distributor only and had the appropriate storage containers.

The motion to approve passed with 5 yea.

44. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks permit for Phantom Fireworks Showrooms, LLC dba Phantom Fireworks located at 921 S. Hwy 160, Suite 501, Pahrump, NV. Applicant – Robyn Gallitto.

Commissioner Blundo made a motion to approve; seconded by Commissioner Cox; 5 yea.

The Board was in recess until 1:30 p.m.

Commissioner Cox was not present.

TIMED ITEMS

7. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on SU-2019-000059: an application for an Amendment/Modification of an Existing Special Use Permit to allow the expansion of a marijuana establishment (cultivation facility) located at 801 S. Panorama Road, Pahrump, NV, to expand to include Assessor Parcel Numbers 035-271-15, 035-271-16, 035-271-18, 035-271-21, and 035-271-22. Wellness Orchards of Nevada, LLC – Property Owner/Applicant, Andrew Jolley – Agent.

Commissioner Koenig opened and closed the public hearing.

Commissioner Blundo made a motion to amend and approve the existing special use permit to allow expansion of the marijuana establishment (cultivation facility) at 801 South Panorama Road; seconded by Commissioner Strickland.

Commissioner Blundo asked the applicant to be mindful about the odors as he had received a complaint about the smell in that region.
Brandon Weigand said they had been taking measures and would continue to do so. He asked Commissioner Blundo to advise him of any issues so he could address them.

The motion to amend and approve the existing SUP to allow expansion of the marijuana establishment (cultivation facility) at 801 S. Panorama Road passed with 4 yeas.

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

23. For Possible Action – Approval of Elected Official Collection Report.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.

24. For Possible Action – Approval to set the date and location for the second Board of Commissioners meeting in September for Tuesday, September 17, 2019 in Pahrump, Nevada.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.

25. For Possible Action – Approval of Affidavit of Mailing of Delinquent Notices per NRS 361.5648.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.

26. For Possible Action – Approval of Return of Sale and Affidavits of Publication per NRS 361.595 for the Nye County Trust Property Auctions held on May 6, 2019 and May 8, 2019.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.
27. For Possible Action – Approval to: 1) Accept the FY19 Emergency Preparedness Working Group (EPWG) award in the amount of $66,381.00, to fund the purchase of Fire/Rescue and Emergency Medical Services (EMS) equipment; 2) Delegate one-time authority to Director of Emergency Management, Scott Lewis, to execute the grant award; and 3) Fund from 10340 Grant Fund. There is no County match required.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.

28. For Possible Action – Approval to: 1) Accept the FY19 Office of Traffic Safety (OTS) award in the amount of $13,500.00, with a County match of $3,375.00; to fund the purchase of equipment and supplies to create traffic safety outreach messages; 2) Delegate one-time authority to Sheriff, Sharon Wehrly, to execute the grant award; and 3) Fund $13,500.00 from 10340 Grant Fund and $3,375.00 from 10101 General Fund.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.

29. For Possible Action – Approval to accept a Notice of Subaward (NOSA) from Aging and Disability Services Division (ADSD) for the Nutrition Services Incentive Program (NSIP) to provide commodity food funds for the nutrition program at the Beatty and Tonopah Senior Centers in the amount of $1,945.00. This grant will be administered out of Fund 10281 Senior Nutrition and there is no County match required.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Strickland; 4 yeas.

Commissioner Cox was present.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

16. 10:00 – For Possible Action – Presentation, discussion and deliberation of the FY19-20 Lakeview Executive Golf Course Annual Plan.

Tom Bugbee from CourseCo, the golf course management company, and Will Pierce, the local manager, were present. Mr. Bugbee explained the presentation covered the first six months of operations. He reviewed the history of the golf course up to when the Town of Pahrump purchased it in December, 2017. CourseCo took over management in December, 2018. The 2020 annual plan goals were to provide a quality affordable golf experience, improve golf course conditions, improve customer experience, provide golf programming, and provide free non-golf community events such as car shows, Easter egg hunts, food drive events, and community movie nights to draw in those people who did not golf. Mr. Bugbee discussed the budget and expected $286,000.00
in revenue, which he felt was relatively conservative. Total expenses were $459,000.00 for an operating loss of $189,000.00 for the first year.

Commissioner Blundo asked where the $189,000.00 would come from.

Savannah Rucker explained there was a hotel room tax that went into the fund that supported the golf course outside of the operational budget proposed by CourseCo.

Commissioner Blundo made a motion to approve CourseCo's FY19/20 annual plan for the Lakeview Golf Course; seconded by Commissioner Wichman.

Mrs. Rucker said the room tax revenue was budgeted at $120,000.00, which was a conservative estimate. With the conservative operational budget CourseCo had presented she said she would report to the Board quarterly.

Ammie Nelson thought the $25.00 green fee was high for a golf course that would be funded by taxpayer money. She said she drove by it frequently and did not see anything that looked like the presentation. The ground still looked like straw. Ms. Nelson was not for farming out money to anyone to take care of the public's golf course.

Dwight Lilly expressed his concern about the competition with the golf course at Mountain Falls. He was also shocked to see the $189,000.00 operating loss when the course cost $350,000.00 and thought it was a waste of taxpayer money. Mr. Lilly wanted to know if the rates at Lakeview were less than what was being charged at Mountain Falls and what impact this was having on the other courses in town.

Commissioner Koenig pointed out they were two different golf courses, one full size and one half size.

Commissioner Wichman said the money came from the transient lodging taxes, so it was paid by people traveling through and renting hotel rooms, not by the locals.

Walt Turner said the realtors had a charity golf event there last week and he was impressed by the course. The cost was $20.00 before noon and $10.00 after. He understood it was a lot of money out the gate, but said this was long-term sustainable income for the town.

Commissioner Cox said she was never in favor of the golf course and voted against it, but she thought they needed to be given a year to see what they could do with it. If it did not work this year she wanted to see it go up for sale to a private company.

The motion to approve CourseCo's FY19/20 annual plan for the Lakeview Golf Course passed with 5 yeas.
FINANCE

49. For Possible Action – Discussion and deliberation to accept or reject any or all bids and provide direction to staff regarding Bid No. 2019-11 Animal Shelter Services.

Gail Clampit, a member of the board of directors of the Desert Haven Animal Society, addressed staff’s comment to reject all bids under NRS 332.075, which stated bids could be rejected if the bidder was not responsive or responsible or that the quality of the services, supplies, materials, equipment or labor offered did not conform to the requirements or if the public interest would be served by such a rejection. Ms. Clampit felt that NRS did not pertain to Desert Haven. She also discussed NRS 332.065, which was the NRS for the lowest bidder, and how the invitation to bid package, specifically page 6, item 17, said lowest responsive and responsible bidder. She stated Desert Haven did its due diligence to adhere to all requests of the 30 page bid package and brought in the lowest bid, but it appeared County staff was hindering this process with an evaluation group which should have taken place months ago. Ms. Clampit felt they were in an impact and disparate treatment situation when similarly situated bidders in the past have had no issues like this.

Commissioner Koenig explained he could change the method he used to solicit bids any time he wanted and the past had nothing to do with today. He could also reject any bid he wanted even if it was the lowest bid.

Bradley Richardson said there had not been a motion made, but the agenda item was very limited. There was a recommendation from staff and a motion needed to be made based on the agenda item. After a second Commissioner Koenig could call for public comment.

Commissioner Cox made a motion to accept and award the bid proposal for Bid 2019-11 for the animal shelter services to Desert Haven Animal Society of Pahrump as the lowest responsive and responsible bidder; seconded by Commissioner Strickland.

Commissioner Wichman asked staff to explain why the recommendation was to reject the bids.

Savannah Rucker said the fault was with her office. This procurement process was not executed properly and she apologized to all bidders. It was not political and there was no malicious intent. It was just a procurement process they were not prepared to handle. She said the insurance was not descript enough, maintenance of the building and facility bid documents did not have clear direction to the bidders that the building was County owned and maintained, and the site walk through was not done per procurement procedures as it was not done with all attendees at one time. Due to those issues staff was recommending to go back out and do this properly to give the bidders a clear bid document to bid on.
Mr. Richardson stated that was the District Attorney’s strong recommendation.

Commissioner Cox disagreed with that recommendation as this was a local issue and bids in the past had been done without all of this. She did not think re-bidding would make a difference and it would be unfair to the bidders as the bids were already on the table. She noted the County had been sued over an issue like this in the past.

Mr. Richardson said his strong opinion was the process was flawed and to award the bid now would invite challenge. The prudent course would be to re-bid it and follow the process as stated under the law. It was the District Attorney’s opinion the award would not stand today.

Regarding the site walk through, Commissioner Strickland said all parties did not have to be present in order for it to be a valid walk through so that was an invalid item as far as she was concerned. Also, this bidder was very familiar with what the site had. As to the maintenance, Desert Haven was well aware the County maintained the facility. The insurance was a minor adjustment to only have trip and fall and Desert Haven understood that. Finally, the specifics outlined in the American Humane Association guidelines were the guidelines the County set forth so Commissioner Strickland disagreed with the District Attorney as the County was inviting a lawsuit either way.

Commissioner Wichman said all bidders should have been at the walk through at the same time to ask and hear answers to questions.

Jane Carbone advised Mark Schwinkendorf was at the walk through with Suzanne Zervantian.

Ms. Clampit said Honey Strozzi was also there and explained if anyone had any questions to come to her. Mrs. Strozzi also had the bidders sign hold harmless agreements and answered the questions she could.

Barbara Gordon from Desert Haven said they were concerned about the pre-bid walk through because everyone came when they were in the middle of cleaning the kennels. It was also the day surrenders came in. An e-mail was sent to Tim Sutton on April 30, 2019, expressing their concerns and their intention to limit the amount of people going on the tour through the kennel telling him they wanted a hold harmless agreement because they felt it was dangerous. Ms. Gordon stated the fact that the bid package was not correct was not something Desert Haven should be penalized for.

John Bosta thought either way would lead to a lawsuit.
49. For Possible Action – Discussion and deliberation to accept or reject any or all bids and provide direction to staff regarding Bid No. 2019-11 Animal Shelter Services-Cont’d.

Glen Roberts, director of Never Forgotten Animal Society, said the way they read the packet was if they were a potential bidder they had to be at the meeting at the shelter signed in and signed out. He pointed out that Jane Carbone was not signed in and signed out. He also did not think it was right that Frank Carbone took people through. Mr. Carbone was answering questions as a volunteer at Desert Haven and Mr. Roberts did not know if the right answers were given to the questions.

Jackie Freeman said she went to the shelter regularly and was impressed with the improvements. She felt the District Attorney skirted the issue as it could be a lawsuit either way and never once did he say it would be illegal.

Herman Lewis thought the District Attorney was saying what staff wanted him to say. He asked the Commissioners if they wanted the animals taken care of or have Jane Carbone and Desert Haven walk away and call in Maddie’s who he believed said they would do it for free. Mr. Lewis also thought the other bidder worked in the facility as well.

Commissioner Koenig said he wanted the bid done legally as well as the walk through done with everyone at the same time, and he wanted County staff to answer questions, not someone associated with one of the bidders.

Frank Carbone explained that because Mr. Schwinkendorf showed up late he took the initiative to walk the people through as Mrs. Strozzi wanted to get it moving. Mr. Schwinkendorf took over when he showed up. Additionally, Mr. Carbone sent an e-mail to Commissioner Koenig which said that was the wrong day to do the walk through and asked for another day as it could be very dangerous. He told the Commissioners to stop using that as an excuse.

Commissioner Wichman stated the District Attorney and the procurement procedures dictated that all bidders had to be present at the same time to hear the interactions between the County representative with the questions and answers. That could not be changed in this meeting because it was State procurement law.

Mr. Carbone said he asked the contracts manager who was there if it would be safe for everyone to walk through. She agreed it was not safe and made that change in the process. Mr. Carbone believed since she made that change that would be bona fide for the contract and he did not understand how it could go out to bid again when everyone knew the bids.

Sandra Chebahtah urged people to follow legal counsel’s advice.
49. For Possible Action – Discussion and deliberation to accept or reject any or all bids and provide direction to staff regarding Bid No. 2019-11 Animal Shelter Services-Cont’d.

Ms. Gordon advised she was the secretary of Desert Haven’s board of directors and she was at the pre-bid meeting, so there was a director present. Secondly, they sent an e-mail to Tim Sutton and told him what their intentions were as far as the walk through. Ms. Gordon said they never heard back and were never told they could not do it that way. She also said for all intents and purposes the bidders did go together.

Dwight Lilly felt the bid process was tainted and the way forward would be to pull the bid completely and go in a different direction. He thought a reasonable solution today would be to award Desert Haven a temporary permit of some type to continue operating the facility while the questions got answered.

Harold Long felt the County did not give Desert Haven enough money, but they were still working hard and taking care of the animals. As far as the bid, Mr. Long said everyone got the same bid package and if they could not read it right that was their tough luck. Desert Haven put in the lowest bid using the same package everyone else got and Mr. Long thought they should be awarded the bid.

Jason Mann said he started an association a year ago called the Pahrump Animal Protection Association and told whoever ran the shelter they were available to help. He was shut out by Desert Haven and slandered, but Mr. Mann said he was still willing to help because it was about the animals, not Desert Haven.

Jessica Suto from Desert Haven said they were working with what was once from her understanding a tarnished past, but things had changed, improved, and were going in the right direction.

Ammie Nelson said she agreed with the District Attorney that the bids should be thrown out and the process started over. She remembered when a bid of $150,000.00 was not enough to run the shelter. She felt since money was found for the golf course money could be found to keep the shelter operating until the new bid process was completed.

Susan Roberts from Never Forgotten Animal Society also thought it should be re-bid as too many things happened and some of them sounded like they were not above board. She also advised that for the last few months Desert Haven had not been spaying and neutering their animals going out the door and expected the people who adopted them to do it after the fact.

Commissioner Wichman asked if there was something in the way this was structured that required it to be an open bidding process.

Mrs. Rucker said she knew the exemptions for going to bid were for professional services and she did not know if this qualified as that.
49. For Possible Action – Discussion and deliberation to accept or reject any or all bids and provide direction to staff regarding Bid No. 2019-11 Animal Shelter Services-Cont’d.

Mr. Richardson said he could research it, but he believed it was not a professional service that would be exempt.

Commissioner Bluno wanted to hear from the other bidders to give them the same courtesy Desert Haven was given. He asked why the law was not followed by staff to not open the bids.

Mrs. Rucker explained the determination that the bid process was not done properly was made too late to advertise that all bids were going to be rejected so staff was required to open the bids as advertised and put in the bid document.

The motion to accept and award the bid proposal for Bid 2019-11 for the animal shelter services to Desert Haven Animal Society of Pahrump as the lowest responsive and responsible bidder passed with 3 yeas. Commissioners Koenig and Wichman voted nay.

COUNTY MANAGER

45. For Possible Action – Presentation, discussion and deliberation regarding: 1) the monthly progress report for Desert Haven Animal Shelter; and 2) consideration of an amendment to the lease agreement with Desert Haven Animal Society for the existing Pahrump Animal Shelter facility located at 1511 Siri Ln., Pahrump, NV extending the term to June 30, 2020.

Barbara Gordon explained the report was a snap shot. It was hard to do a running balance as months ago they were way behind and had started to catch up some. For reference purposes she offered to carry the amount from the last report to the front of the next one.

Commissioner Wichman made a motion to accept the monthly progress report; seconded by Commissioner Blundo; 5 yeas.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

Commissioner Blundo assumed the Chair of the Board of Highway Commissioners.

11. General road report by Public Works Director.

Commissioner Strickland asked about the new stop signs.

Public Works Director Tim Dahl said he had been asked to consider putting four-way stops at three intersections, Mesquite and Blagg, Lola and Wilson, and Manse and
11. General road report by Public Works Director-Cont’d.

Homestead. All of those intersections had to be advertised to the public for a couple of weeks before putting the signs up. They were also continuing to address potholes while it was not raining as well as doing overlay in areas where the funding was not available to fix permanently. The weeds on the edges of the roads were being addressed as well.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

Commissioner Strickland assumed the Chair of the Licensing and Liquor Board.

LIQUOR

12. For Possible Action – Discussion and deliberation to approve a permanent or 90-day Temporary Retail Liquor License for JEH Investments, Inc. sole owner of Nevada Wine Cellars, Inc., dba Pahrump Valley Winery located at 3810 Winery Road, Pahrump, NV. John Hobbs – Owner/Applicant.

Samantha Tackett said the recommendation was to grant a 30 day temporary retail liquor license. The applicant provided a complete application and the background investigation was returned from the State, but it had not gone through the Sheriff’s Office processes yet.

Commissioner Koenig made a motion to approve a temporary 60 day license; seconded by Commissioner Wichman.

John Hobbs, the applicant, was present.

Kathy Trout explained they were in the process of getting the TTB license and really needed the permanent license issued so they could finalize the TTB license.

Lieutenant David Boruchowitz understood there was nothing in the background of concern at this point. There were a few documents they were waiting on and there was no expectation of concerns with the background. The Sheriff’s Office did not have the final letter to present to the Board and he thought they only needed a week.

Commissioner Koenig withdrew his motion; Commissioner Wichman withdrew her second.

Commissioner Koenig made a motion to approve a permanent liquor license for JEH Investments with the condition that the letter came back acceptable; seconded by Commissioner Wichman.

Ms. Tackett said a temporary could be done until July 2, 2019.
12. For Possible Action – Discussion and deliberation to approve a permanent or 90-day Temporary Retail Liquor License for JEH Investments, Inc. sole owner of Nevada Wine Cellars, Inc., dba Pahrump Valley Winery located at 3810 Winery Road, Pahrump, NV. John Hobbs – Owner/Applicant-Cont’d.

Ms. Trout advised the TTB took about 45 days to finish so she needed to get everything to them as fast possible. She would follow up with the paperwork from the Sheriff if needed.

Commissioner Blundo asked when the applicant purchased Nevada Wine Cellars.

Mr. Hobbs said they acquired 100% of the shares in January, 2019.

Commissioner Blundo asked who held the license currently displayed.

Ms. Tackett advised it was held by the previous owner, Gretchen Loken.

Commissioner Blundo asked if it was correct they had been operating without a liquor license this entire time.

Ms. Trout stated that was not correct. They purchased the assets and the stock, so there were essentially no changes. Ms. Loken was a consultant to the company at this point and allowed for the liquor license to be changed over. Ms. Trout said they were not operating without a liquor license. They fulfilled all requirements, paid all the fees, and were waiting for this hearing to approve the liquor license.

Commissioner Blundo said the ownership changed which would make Ms. Loken not the owner.

Ms. Trout explained the time limit was a year to change the licensing for the federal TTB. They filled out the current business license immediately, but it was sent back to her and she was told it was not necessary to re-do it. She said one issue they encountered was some of the previous taxes that should have been paid and reported by the previous owner did not get done on time and a lot of paperwork had to be done to get that corrected.

Ms. Tackett said she had been in contact with Ms. Trout since on or about January 15, 2019. While there were some quiet periods and maybe some misunderstanding about licenses not being transferrable, Ms. Tackett was also in communication with the Chairman of the Licensing and Liquor Board and the Sheriff’s Office. Since they were working toward compliance and did have the current license holder on staff, although no longer the owner, it was decided that as long as they were trying to fulfill the application process they would be allowed to operate.

Commissioner Strickland said she would like to work on the ordinance to allow the Board to do what it just did.
12. For Possible Action – Discussion and deliberation to approve a permanent or 90-day Temporary Retail Liquor License for JEH Investments, Inc. sole owner of Nevada Wine Cellars, Inc., dba Pahrump Valley Winery located at 3810 Winery Road, Pahrump, NV. John Hobbs – Owner/Applicant-Cont’d.

Commissioner Blundo stressed the importance of displaying the licenses to the public.

Mike Meacher, Vice President of Front Sight, strongly recommended the Board issue the liquor license.

Dwight Lilly commended staff for the 180 degree change in how businesses were approached with their licensing from a year ago. Now people were kept employed and the business was opened while going through the license process.

Herman Lewis asked the Board to treat people fairly.

The motion to approve a permanent liquor license for JEH Investments with the condition that the letter came back acceptable passed with 4 yea. Commissioner Blundo voted nay.

13. For Possible Action – Discussion and deliberation to approve permanent Retail and Package Liquor Licenses or extend the temporary licenses for Nevada Desert Lounge located at 1481 E. Nevada Highway 372, Units B and C, Pahrump, NV. Nicholay Panchev – Manager/Applicant and Peter Panchev – Owner/Applicant.

Samantha Tackett said the recommendation was to approve an extension on the temporary license. The applicant was waiting for their official certificate of occupancy and had either just received or would receive their final fire inspection walk through. She did not have the final Sheriff’s report, but she did have the State’s.

Commissioner Koenig made a motion to extend the temporary license for Nevada Desert Lounge for 60 days; seconded by Commissioner Cox.

Nick Panchev explained the delays were triggered by the Nevada Gaming Control Board decision that retroactive to 2000 every bar/tavern must have a full service bar with enough space to accommodate embedded machines in the top and must have a cocktail lounge. That meant Mr. Panchev had to do an extensive bar rehab which required all the additional inspections.

Dwight Lilly felt the Board should just give the license instead of having another hearing.

The motion to extend the temporary license for Nevada Desert Lounge for 60 days passed with 5 yea.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.
14. Committee Reports

Commissioner Strickland gave a report on the Pahrump Public Lands Advisory Committee. The reality specialist from the field office of the BLM attended the meeting on June 11, 2019, where the shooting range was discussed. Commissioner Strickland said it would help if the Sheriff's Office would participate in the desire to build a range. Discussions were also held on the resource management plan, the fairgrounds, and the Southern Nevada Public Lands Act which Clark County used to build its shooting range. The reality specialist was not sure why Nye had opted out of that act and was going to check on that. Lastly, James Groff advised he had approved the Pahrump 250 race, and there would be a Nye County clean up day on September 28, 2019, and October 12, 2019, with BLM providing all tools.

18. For Possible Action – Discussion and deliberation to appoint one (1) alternate member to the Pahrump Tourism Advisory Committee due to one (1) resignation.

Commissioner Koenig made a motion to appoint Kelly Graham as the alternate committee member; seconded by Commissioner Blundo; 5 yeas.

31. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.

This item was removed from the agenda.

32. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.

This item was removed from the agenda.

33. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

This item was removed from the agenda.
34. For Possible Action – Discussion and deliberation to move the first Nye County Board of County Commissioners meeting in September to September 4, 2019.

Commissioner Wichman made a motion to approve; seconded by Commissioner Strickland; 5 yeas.

35. For Possible Action – Discussion and deliberation regarding approval of five (5) contracts for Public Defender Services.

Commissioner Wichman made a motion to appoint Daniel Martinez, Nathan Gent, Brent Percival, Ronni Boskovich, and Jason Earnest with the stipulation that Jason Earnest continued his work north of Pahrump; seconded by Commissioner Strickland.

Carl Joerger stated he had the contract last year. He had lived in Nye County for 16 years and had been practicing law for over 25 years. He was not sure why his name was left out and noted Ms. Boskovich only had three or four months of experience and had never done a criminal jury trial.

Commissioner Wichman said in her ten years on the Board she had received complaints against two public defenders. One was because Mr. Earnest failed to return his phone calls and the other complaints were all against Mr. Joerger simply for being hard to work with. She said that was the only reason his name was left off.

Mr. Joerger stated he asked to have an e-mail included in the back-up showing over 100 meetings with clients at the jail, including on weekends. He said he told his clients what they needed to hear, not what they wanted to hear, and the results were important. He had over 20 not guilty verdicts in this County and no other criminal defense attorney had that.

Commissioner Wichman clarified the complaints did not come from anyone he represented.

Mr. Joerger felt he was more qualified to get the contract and asked the Commissioners to vote that way.

Commissioner Wichman said her motion stood.

The motion to appoint Daniel Martinez, Nathan Gent, Brent Percival, Ronni Boskovich, and Jason Earnest with the stipulation that Jason Earnest continued his work north of Pahrump passed with 4 yeas. Commissioner Blundo voted nay.
CLERK

36. For Possible Action – Discussion and deliberation to appoint three members to the Pahrump Regional Planning Commission due to one resignation and two expiring terms.

Commissioner Koenig said he would like to continue this to the first meeting in July. Initially three positions were advertised and two applications were received so it was re-advertised with a final date of yesterday. Five more applications were received and there had not been time to look at them.

Commissioner Wichman made a motion to continue this item to July 2, 2019; seconded by Commissioner Cox.

Commissioner Cox said since it was advertised at one point and two people did apply it really had nothing to do with putting it out again for one more application. She thought the Board should consider these three and get it out of the way.

Commissioner Koenig said he understood, but since so many people applied the second time the Board may be able to do better than what had been done in the past.

The motion to continue this item to July 2, 2019, failed with 2 yeas. Commissioners Cox, Blundo and Strickland voted nay.

Commissioner Cox made a motion to approve the two applicants, Walter Turner and Pamela Tyler, and then proceed to bring it back for the third applicant at the next meeting; seconded by Commissioner Strickland.

Samantha Tackett asked the Board to designate the terms.

Commissioner Cox amended her motion to approve the two applicants, Walter Turner for 2020 and Pamela Tyler for 2023; Commissioner Strickland amended her second.

Sam Merlino pointed out there were three positions open, two for four year terms and one for an unexpired term.

Commissioner Blundo asked how the positions were advertised.

Mrs. Merlino explained they were advertised the first time and two applications were received for the three positions. They were re-advertised with a closing date of yesterday and five more were received. One of those was from a member currently on the board who had lost his application so he missed the first deadline.

The motion to approve the two applicants, Walter Turner for 2020 and Pamela Tyler for 2023, failed with two yeas. Commissioners Koenig, Wichman and Blundo voted nay.
36. For Possible Action – Discussion and deliberation to appoint three members to the Pahrump Regional Planning Commission due to one resignation and two expiring terms-Cont’d.

Commissioner Wichman made a motion reconsider the first motion made and continue this until the next meeting and appoint three from all applicants; seconded by Commissioner Cox; 4 yeas. Commissioner Strickland voted nay.

EMERGENCY MANAGEMENT

47. For Possible Action – Discussion and deliberation to: 1) determine that excess Nye County vehicles and/or equipment are no longer required for public use; and 2) determine it is in the best interest of Nye County to dispose of excess vehicles and/or equipment through public auction with any resulting proceeds deposited into Fund 10401 or 10402 Capital Projects.

Commissioner Wichman asked if there were ambulances in service to replace these ambulances before they were pulled out of Tonopah.

Emergency Services Director Scott Lewis said he had had been reassured by his logistics officer that was the case.

Commissioner Wichman made a motion to approve and that it was in the best interest of Nye County to dispose of those excess vehicles through public auction and to deposit the proceeds into Fund 10401 or 10402, Capital Projects, depending on where the new vehicles were funded from; seconded by Commissioner Bludo; 5 yeas.

FINANCE

48. For Possible Action – Discussion and deliberation regarding the budget status through May 2019 for Nye County and all sub-entities for Fiscal Year 2019.

Savannah Rucker advised the augment the Board approved took care of any funds projected to be over budget by the end of the fiscal year as well as the general fund departments.
PLANNING/BUILDING/CODE COMPLIANCE

50. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2019-09: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Section 17.04.750 relating to Lighting; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Wichman made a motion to schedule the hearing on July 16, 2019, at 10:00 a.m.; seconded by Commissioner Strickland; 5 yeas.

Commissioner Wichman read the title of the bill into the record.

51. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2019-10: A Bill proposing to amend Nye County Code Section 17.04.407 relating to the Airport Overlay (AO) Zone; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Wichman made a motion to set the time and date as July 16, 2019, at 10:00 a.m.; seconded by Commissioner Strickland; 5 yeas.

Commissioner Wichman read the title of the bill into the record.

52. For Possible Action – Discussion and deliberation on TM-2019-000017: A Tentative Subdivision Map (Residential) application containing 52 residential lots and no Common Element lots on approximately 13.93 gross acres, on property zoned Specific Plan (SP) and located within the Mountain Falls Master Planned Community, aka: Planning Area 3-3B, Assessor Parcel Numbers 046-161-28 and 046-161-32. WF Development, LLC – Property Owner. Taney Engineering – Applicant.

Ed Taney, appearing on behalf of the property owner, said this was a tentative map to reactivate a second unit of a residential subdivision. The initial subdivision was recorded with five homes built approximately 12 years ago, but the project went stagnant because of the economy. One condition was added that Mr. Taney was hoping he could get re-written. Staff had a concern about adding a second entry into the subdivision. He said he would discuss that with staff over the next couple of weeks and have it changed to if a second entry was necessary through a traffic study it would be provided. Right now that second access point was mandated.

Brett Waggoner said that was a comment received from Public Works, but he thought Mr. Taney’s request was fair.
52. For Possible Action – Discussion and deliberation on TM-2019-000017-Cont’d.

Commissioner Strickland asked if there were any concerns from emergency management staff when it came to access to the back end of the subdivision.

Mr. Taney advised they had the ability on a couple of side streets to provide secondary emergency access through a gate mechanism or removable walls and he would be willing to discuss that.

Commissioner Strickland said this development agreement expired in 2023, not 2030 as stated on page 3 of 6 of the back-up.

Mr. Waggoner confirmed it expired in 2030.

Commissioner Wichman asked if water had been relinquished to the utility.

Mr. Taney stated his understanding that the water rights were basically vested in accordance with Nye County Codes and the Bureau of Water Reclamation.

Commissioner Wichman asked if they had will serve agreements from the utility.

Mr. Waggoner said yes and it was all done in 2006.

Commissioner Wichman made a motion to approve tentative subdivision map TM-2019-000017; seconded by Commissioner Blundo.

Commissioner Blundo asked how much water per acre was dedicated for this project.

Mr. Waggoner did not know the exact number, but he thought based on his knowledge it was 1.13 acre feet per lot back then where today anything new was .64, so they dedicated more at that time than they would be today.

Dwight Lilly, speaking on behalf of the private well owners’ cooperative, said Basin 162 was running out of water. According to the Water District 16,000 acre feet of water was being used, but the perennial yield was 20,000 acre feet. He stated the County could not continue to approve developments going forward with the current master plan and be responsible at the same time. The private well owners were being threatened by the State Engineer with critical management and Mr. Lilly wanted the Commissioners to know they were affecting the livelihood and character of the town.

Commissioner Strickland advised she called the Division of Water Resources to check on the pumpage inventory and it had gone down to 15,000 acre feet through conservancy. She hoped it kept moving in that direction.
52. For Possible Action – Discussion and deliberation on TM-2019-000017-Cont’d.

Herman Lewis pointed out the static levels in wells kept declining and as long as that continued everyone had to be concerned about development. He advocated educating people.

John Bosta thought the Board should ask if there were enough buildable lots without this subdivision. Since they were trying to conserve the groundwater, Amargosa Valley decided there were sufficient lots so any new property that was subdivided could be subdivided down to 2.5 acres and parceled down to five acres, which stopped parceling into small lots. He felt the Commissioners should deny this request.

Commissioner Wichman said in her mind the development agreement was a contract and regardless of whether the decision was right or wrong the County entered into it. She told Mr. Taney if his client was so inclined to make the lots bigger it would be very helpful with the concerns everyone had about water in the basin.

Mr. Taney said he would approach the client about the bigger lots, but he was hopeful for a motion for approval and clarification of condition 26 to state a secondary access would be required if mandated by the approved traffic study.

Commissioner Wichman said the Planning Director had it.

Commissioner Blundo asked if the water that was dedicated to the project was included in the 15,000 pumpage figure.

Commissioner Strickland said no as the pumpage inventory was done by the Division of Water Resources by reading meters and doing the counts on domestic wells.

Commissioner Koenig said it would add about 26 acre feet to the pumpage inventory.

Commissioner Wichman withdrew her motion stating that while she represented all of Nye County the other four Commissioners lived in Pahrump and she would rather have them make the motion; Commissioner Blundo withdrew his second.

Commissioner Strickland suggested tabling this item as well item 53 until discussions with the applicant could be held.

Commissioner Strickland made a motion to table this item until July 16, 2019, to allow time to get more information from the applicant; seconded by Commissioner Blundo; 5 yeas.

Commissioner Strickland made a motion to table this item until the July 16, 2019, meeting; seconded by Commissioner Wichman; 5 yeas.

TIMED ITEMS

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation regarding a request to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-08: a Bill proposing to amend Title 9 of the Nye County Code, titled Public Peace Morals and Welfare by adding a new Chapter 9.05 titled Panhandling, Vagrancy and Disorderly Conduct; providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

Commissioner Koenig opened and closed the public hearing.

Commissioner Blundo made a motion to adopt Nye County Bill No. 2019-08; seconded by Commissioner Strickland.

Commissioner Blundo knew some of the history behind this ordinance. He appreciated all the social services the County provided as well as the churches and organizations that tried to help individuals. However, he did get frustrated with the public behavior that was seen time and time again such as defecation in public or just blatant vagrancy. He said this was just one of those tough social situations that needed to be addressed.

Commissioner Cox saw this as one more law that would cost more money to enforce. She thought everything that was in this bill was actually covered in one way or another by laws already on the books and wanted to see the bill voted down.

Commissioner Blundo amended his motion to adopt Nye County Bill No. 2019-08 with an effective date of July 8, 2019; Commissioner Strickland amended her second.

Tim Sutton advised staff tried not to do work that they did not have to do and vetted issues to be sure laws were not already on the books. He told Commissioner Cox if she was aware of a duplicative law to just let Administration know and they could pull this back.

Bradley Richardson stated the District Attorney’s Office did not view this as creating any more enforcement or expense to the public but as a way to deal with specific acts that were offensive to the public.
8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation regarding a request to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-08-Cont’d.

Commissioner Koenig said he found a town of Pahrump ordinance that people could not sleep in the park. The Sheriff said she could not enforce it so Commissioner Koenig asked the District Attorney at the time to change it so it could be enforced. He said a lot of ordinances in the Town of Pahrump could not be enforced.

Commissioner Cox wanted to see this come back showing what was being removed and what this was replacing.

The motion to adopt Nye County Bill No. 2019-08 with an effective date of July 8, 2019, passed with 4 yea. Commissioner Cox voted nay.

58. GENERAL PUBLIC COMMENT (second)

Pat Minshall said there was a hemp farm in Amargosa Valley that was probably as large as the enclosed marijuana farm and that hemp had moved into Amargosa Valley big time. She talked to the Nevada Department of Agriculture and asked them specifically if the people they gave certificates to had water rights, agricultural wells, or industrial electrical and they did not have a good answer. Ms. Minshall believed those things were mandatory.

Commissioner Koenig explained the application had a place to check if they had enough water and he wanted the water permit number on that so the County knew they had it.

Ms. Minshall also wondered if they were doing their due diligence as far as investigating the THC content, which could not be over 3% in the hemp. She thought the Board needed to look at the situation.

Herman Lewis said during the last break he was approached by Tim Sutton, who confirmed a couple of things that Mr. Lewis found fascinating. He said he would e-mail Mr. Sutton when he had questions

John Bosta stated when the hemp was growing a sample had to be sent to State, WHICH then sent a letter stating it was below 3% making it legal for them to sell. Additionally, Mr. Bosta talked to one of the growers last week who made the statement that there were only two growers, which made Mr. Bosta question the legality of other hemp growers in the valley.
59. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Emergency Services Director Scott Lewis talked about the Amargosa ambulance issues and said when he became director Amargosa was a top priority. The fire chief in Amargosa had kept Mr. Lewis informed of his progress, including training. Those training classes were occurring in Beatty and Tonopah so a wide band of personnel was involved. Pahrump was also acting as a pre-setter program so all individuals currently in training had the ability to ride with them and then intern at Desert View Hospital. As to the ambulances themselves, Mr. Lewis said Amargosa was provided two ambulances when they were ready to take them, which were empty of equipment because they were not licensed to operate. He talked to the fire chief last week who reinforced they were on target with their budget and autonomous approach, had the medical director lined up, all insurances, and funding was not an issue as it was a non-budgeted expense for Nye County. Mr. Lewis said he was not sure where the disconnect was as they were on target with what was agreed to eleven months ago. When the fire chief told Mr. Lewis the license was in place and the medical director had signed the equipment would be placed back into the ambulances.

Commissioner Blundo commented Carl Joerger was a good man, a good attorney, and he appreciated all of the applicants for the public defender contracts.

60. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this __________ day

Of __________, 2019.

[Signature]

Chair

[Signature]

Nye County Clerk / Deputy