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; Marla Zlotek, Chief Deputy District Attorney; Christi Kindel, Deputy District Attorney; Bradley Richardson, Deputy District Attorney

Not Present: Debra Strickland, Vice Chair

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for August 20, 2019 (Non-action item)

Tim Sutton said items 5 and 28-30 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).

Richard Goldstein talked about the speed limit change on Pahrump Valley Boulevard to 25 mph when children were present. He had been pulled over twice and he asked the officers where the children were because there were no children present. There were no children during the day because school was in session and at night most children were home. Mr. Goldstein felt either the sign needed to be taken down or the language “when children present” needed to be removed.

Ammie Nelson advised she attended the CDBG Tri-Partite Board meeting and felt they were doing a great job. Regarding finding public defenders and contact information,
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.

Ms. Nelson said that information was unavailable. She would like to see their names and contact information on the Web site as she had a question to ask one of them.

John Bosta asked that his comments and written statement be included in the minutes [see Attachment 1]. At the August 6, 2019, Commission meeting, Commissioner Koenig said Mr. Bosta was not telling the truth about the State asking the locality for comments on marijuana store licenses. It was Mr. Bosta’s opinion that Commissioner Koenig was incorrect as the voters in the 2016 general election approved Question 2, which was codified as NRS Chapter 453D. In that NRS was the definition of a locality (a city or town or, in reference to a location outside the boundaries of a city or town, a county) as well as the limitations on issuance of licenses to retail marijuana stores.

Tom Waters thanked everyone who supported the Purple Heart Day event. He mentioned the prostate cancer support group would meet on Thursday, August 22, 2019, from 6:00 p.m. to 7:30 p.m. at Desert View Hospital in the training room.

John Pawlak, the chair of the Pahrump Nuclear Waste and Environmental Advisory Committee, thanked the people from Clean Up Pahrump who they assisted with a small section of clean up between the Salvation Army and the Dollar Store.

Diane Southworth said the Nye County Democratic Party would have their Roosevelt Kennedy Dinner on Saturday night at the Pahrump Nugget. She also left a schedule with all of the community outreach events.

Nick Panchev, manager of Nevada Desert Lounge, talked about the speed limit on Dandelion between Highway 160 and Calvada where it went from 25 mph to 45 mph and people drove 70 mph. He felt the only way to slow traffic was to get a sign that stated 35 mph.

Dwight Lilly said the private well owners meeting would be Thursday at 10:00 a.m. at the museum where a guest speaker would explain a program people could use to get low interest funding for well repairs or to drill a new well. As far as water, toward the end of the July 26, 2019, meeting of the Water District Governing Board Oz Wichman brought up the carbonate water drilling project being considered by the district. Mr. Wichman said he had a lot of experience drilling in hard rock and did not paint a rosy picture about that as dry holes could be found. Mr. Lilly pointed out of the 20,000 acre feet of recharge the State Engineer and Water District had settled on 5,000 to 8,000 feet of that were counted in the carbonate layer. There was really 12,000 acre feet of water recharge and around 16,000 acre feet of water being used. He encouraged everyone, including the Commissioners, to read the Shaw Report. More water was being pumped each year and that needed to be solved in some way. Mr. Lilly left a copy of his statement to be included in the minutes [see Attachment 2].
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.

Dave Stevens said he came down early to attend the meeting and had to walk 100 feet because the road was blocked off. He thought the County should do something for people crippled like him.

Pat Minshall said over a year ago someone on Bell Vista abandoned a large trailer which was now sitting in a gravel pit. Over time it had been torn apart and was being torn apart further with the wind. She had contacted the BLM as well as the County and nothing had been done about it. She thought it was wrong that it still sat there putting trash into the desert.

Vern Van Winkle from KPVM television thanked IT for helping to get things together for the folks outside. He then advised KPVM had been licensed to broadcast to the entire Las Vegas market.

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 regular meeting on July 16, 2019.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 4 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.

Commissioner Wichman assumed the Chair of the Board of County Commissioners.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

20. For Possible Action – Discussion and deliberation regarding Town of Pahrump Proclamation P2019-02: A Proclamation Recognizing August 7, 2019 as Purple Heart Day in the Town of Pahrump.
SITTING AS THE BOARD OF COUNTY COMMISSIONERS

PUBLIC PETITIONER

47. For Possible Action – Discussion and deliberation regarding Nye County Proclamation P2019-05: A Proclamation Recognizing August 7, 2019 as Purple Heart Day in Nye County.

Commissioner Koenig made a motion recognizing the Town of Pahrump and Nye County had Purple Heart Day on August 7, 2019; seconded by Commissioner Blundo; 4 yeas.

Commissioner Koenig read the proclamation into the record.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

6. Commissioners'/Manager's Comments

Commissioner Blundo asked about a fireworks item for Area 51 that was supposed to be on today's agenda.

Samantha Tackett explained staff checked with the Sheriff's Office and Planning. The Sheriff's Office reported that the license had been issued and since there were no compliance issues to note they did not feel an item was necessary.

Commissioner Koenig confirmed the issues had been rectified.

Commissioner Blundo asked to have an update on the bond issue for Ishani Ridge as he was still getting complaints about Wilson Road and he was tired of pushing the item off.

Tim Sutton said a phone call with the bond company was scheduled for tomorrow afternoon at 1:30 p.m.

Commissioner Wichman said last night the State of Nevada lost Commissioner Greg Hunewill from Lyon County and she expressed her condolences.

TIMED ITEMS

7. 10:00 – Presentation by Arlene Alvarez of the United States Census Bureau regarding the 2020 Census.

Glen Marsh explained the mission of the 2020 census was to count every one once and in the right place. The census was confidential and protected by Titles 13 and 26 of the United States Code. No information was ever released to any government agency. Mr. Marsh said the census mattered because it had to do with power and money – power
and political representation for reapportionment and redistricting and money in the form of $675 billion distributed to the State based on population. On April 20, 2019, the Governor signed an executive order establishing a complete count committee. An addressing canvas had just started this month and census day was April 1, 2020. He encouraged the County to form a complete count committee like the State did consisting of government people, church-based people, businesses, people in the community, and anyone who would positively influence getting everyone counted.

8. 10:00 — Presentation by Ashley Jeppson of the Nevada Department of Agriculture regarding the state’s requirements for hemp.

Ashley Jeppson from the Nevada Department of Agriculture (NDA) said she oversaw the hemp program. The program started with the 2014 Farm Bill followed by SB305 for growing and SB396 for handling. There were no deadlines in the current statute for when applications came in, but licenses were valid for one calendar year. The 2014 Farm Bill was specific to research and development projects and only allowed by states that adopted programs. A lot had changed with the 2018 Farm Bill which fully legalized hemp and lifted commercial restrictions, but the states had to have an approved program in conjunction with the USDA. It further defined the testing requirements for hemp. Two bills passed this last Legislature, SB347 (revising NRS 557 to remove research and development and the term industrial) and SB209 (processed products of hemp must be labeled CBD or THC to have it listed on the container and there had to be a test verifying the concentration).

Ms. Jeppson said hemp was used in a wide array of products like hemp seed oil, CBD oil, hemp grain, fiber and textiles. She explained CBD was believed to hold a wide array of medicinal benefits and it was extracted from the flower, not the seed. She reviewed the NDA process for hemp from the grower to the seed producer, including testing the THC content to verify it was less than .3%.

Commissioner Koenig asked how long it took to test it.

Ms. Jeppson explained the hemp had to be dried before it could be sampled and that took about 10 days.

Commissioner Koenig said the County received a letter from the Department of Agriculture a few years ago that told the County to keep its hands off of hemp. The County obeyed the letter, but now finds itself behind the ball. He asked for guidance in the form of a letter that said the County could regulate hemp and to what extent.

Commissioner Blundo asked what Ms. Jeppson’s perspective was at this point with the spacing, one mile versus five miles.
8. 10:00 – Presentation by Ashley Jeppson of the Nevada Department of Agriculture regarding the state’s requirements for hemp—Cont’d.

Ms. Jeppson said if it was deemed within their authority to monitor and separate the distance they would like to have language that if there was a proximity issue determined they would be allowed to revoke or deny certification.

Commissioner Cox asked if the NDA was looking at anything to control the odor.

Ms. Jeppson explained it was within the County’s authority to adopt an ordinance to put limitations on where they could be and address the local needs.

PUBLIC PETITIONER

48. For Possible Action – Discussion and deliberation to 1) Consider First Choice Pregnancy Center’s proposal to lease space at the Pahrump Medical Center (PMC) building located at 1501 E. Calvada Blvd., Pahrump, NV for a discounted rate; and 2) Direct to staff to draft a lease and rate for the board to consider at a later date.

Nancy Erwin, Director of the First Choice Pregnancy Center, said they were outgrowing their current space. They served roughly 450 clients per year in a 1,600 square foot suite. They were searching for another building, but they had no funding, either federal or grants. The income they received was from churches, businesses and individuals.

Commissioner Blundo asked what the previous rent was at this building.

Commissioner Cox said it was 85 cents a square foot.

Commissioner Blundo asked how much square footage Ms. Erwin would like.

Ms. Erwin said their current 1,600 square foot facility did not accomplish the goals and visions they had for the center. The clients had been asking to come together as a parent support group to put on classes to assist with things like potty training and they currently had no conference room for that. They also had two ultrasound machines, but they could only use one as they only had one examination room. The goal was to bring on another ultrasound tech to use that second machine.

Commissioner Blundo made a motion to direct staff to draft a lease with the rate to be determined at a later date after the applicant has had a chance to look at the facility and determine how much space they wanted; seconded by Commissioner Wichman; 4 yeas.
TIMED ITEMS

10. 10:00 – For Possible Action:

10a. For Possible Action – Public Hearing, discussion and deliberation on MP-2019-000013: An application for a (Minor) Master Plan Amendment to change an approximately 1.12-acre portion of a 30.0-acre parcel from Rural Density Residential (RDR) to Rural Development Area (RDA), located at 9381 S. Homestead Road, Pahrump, NV, Assessor’s Parcel Number 045-411-03. Agee and Karen Spidle – Property Owner. Paul Thomas/GATA HF, LLC – Applicant.

10b. For Possible Action – Public Hearing, discussion and deliberation on ZC-2019-000036: An application for a Zone Change to change an approximately 1.12-acre portion of a 30.0-acre parcel from Rural Homestead Residential (RH-4.5) to Commercial Manufacturing (CM), located at 9381 S. Homestead Road, Pahrump, NV, Assessor’s Parcel Number 045-411-03. Agee and Karen Spidle – Property Owner. Paul Thomas/GATA HF, LLC – Applicant.

Commissioner Koenig opened the public hearing.

John Bosta said he expressed his opinion at a prior meeting that there were other communities that wanted a dispensary. He felt a monopoly was being created in Pahrump.

Commissioner Koenig pointed out this was for a hemp extraction facility, not a marijuana dispensary.

Robert Thomas was dismayed that there was no discussion in the back-up about water use or water consumption. This morning one of the other members of the public indicated to him that the property owner did not have water rights and Mr. Thomas did not know if that was correct or not. Mr. Thomas asked the Board to institute a policy or procedure with the Planning Department that would comment on the water use required for the project. He also thought the zoning needed to be looked at and hemp and marijuana areas should be zoned downwind from residential areas, not in the middle of them.

Commissioner Koenig closed the public hearing.

Planning Director Brett Waggoner pointed out the RPC and staff recommended going to BO instead of CM which was requested because of the intensive uses that could be applied to a CM zone change.

Commissioner Wichman made a motion to approve 10a and 10b with the change as discussed by the RPC and Planning Director to make it business overlay.

The motion failed for lack of a second.
10. 10:00 – For Possible Action—Cont’d:

10a. For Possible Action – Public Hearing, discussion and deliberation on MP2019-000013—Cont’d.

10b. For Possible Action – Public Hearing, discussion and deliberation on ZC2019-000036—Cont’d.

Commissioner Blundo made a motion to continue this item to the next Pahrump agenda; seconded by Commissioner Wichman.

Commissioner Blundo advised he had some questions for the applicant and would like to afford the applicant a chance to answer.

The motion to continue this item to the next Pahrump agenda passed with 4 yeas.

11. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on ZC-2019-000037: An application for a Zone Change to change 0.85 acres (37,026 square feet) from Neighborhood Commercial (NC) to Commercial Manufacturing (CM), located at 1270 W. Charleston Park Avenue, Pahrump, NV, Assessor’s Parcel Number 036-323-22. Desert Myst, LLC – Property Owner. Thomas and Janice Maher/Desert Myst, LLC – Applicant.

Commissioner Koenig opened the public hearing.

Ammie Nelson thought this was the one close to Charleston Park and Highway 372, but there was another item approved that she thought might be related to this where Bloomingdales used to be. The address for this item was where a sign company used to be, but there were a lot of other businesses there. Ms. Nelson said she was a little confused about the location.

Commissioner Koenig closed the public hearing.

Thomas Maher, the owner of the property, said there were no businesses there at all. He purchased the property in 2016 with the hopes of starting a business there. The master plan showed the property was zoned for what he wanted to do and he felt it would be more advantageous to have it reverted back to what it was.

Commissioner Blundo made a motion to approve the zone change; seconded by Commissioner Wichman; 4 yeas.
9. 10:00 — For Possible Action – Public Hearing, discussion and deliberation to issue an Outdoor Festival License to David Van Der Beek for the Peacestock51 event to be held September 20-21, 2019 at 1266 S. White Road, Amargosa Valley, Nevada.

Commissioner Koenig opened the public hearing.

Dennis Otrambo said he retired out of the exhibit trade show industry and sound and lighting industry. He had worked in big venues and supported the idea of the festival, but between now and September 20, 2019, he did not see the logistics based on his past experience. Mr. Otrambo did not think they would be able to pull it off as there was too much to do in too little time.

John Bosta was concerned because this was not brought to the Amargosa Valley Town Board. He was also concerned about dust in the air from the dirt road into the property. The applicant also had no business license in the town and Mr. Bosta believed the Board should deny this and send him to the town.

Charlotte LeVar said she lived directly across from the location and wanted to know when the environmental impact survey was done since there were tortoises out there. She was also concerned about dust abatement, the potential for wildfire, security for trespassing, fire suppression and safety.

Richard Goldstein felt the back-up was full of inconsistencies. It said the event would be held September 20-21, 2019, but it also said September 19-21, 2019. The hours were indicated in one place as 6:00 p.m. to 1:00 a.m. and 7:00 p.m. to 3:00 a.m. in another place. The security plan indicated 35 armed security guards along with two armed snipers, which Mr. Goldstein did not understand the need for. He also did not believe it was a drug free and alcohol free event as they listed they would have NARCAN on hand.

Joseph LaBossiere stated people were coming anyway and asked what the Board was going to do.

Dwight Lilly supported this event as it was an alternative to siphon people from the Area 51 event. It was also another tourist event for Nye County and he felt the County needed more of those.

Mrs. White lived in the area and said she was extremely frightened about the fire potential. If there was a fire she would lose everything she had and she asked the Board to consider that more than anything else.

Marilyn Carpenter was concerned about the fire potential as well as her animals being hit by the traffic. Additionally, she advised that although the applicant said they had talked with everyone they did no such thing.
9. 10:00 — For Possible Action — Public Hearing, discussion and deliberation to issue an Outdoor Festival License to David Van Der Beek for the Peacestock51 event to be held September 20-21, 2019 at 1266 S. White Road, Amargosa Valley, Nevada—Cont’d.

Lance Kriegh said he lived about 1,000 feet from where this event would happen. He felt that amount of people could not get down a four mile two-lane road and cars would end up parking in the desert. He was curious about the drainage as well and wondered why they picked a residential area in the first place.

Trevor Dolby, an Amargosa Town Board member, said he was not speaking for the whole board as this had not been discussed in a public meeting. He said he had a lot of sympathy for the people who lived there, but he chose Nye County because there were so many personal freedoms and not very many rules. He said the fire department and the town would do what they could to mitigate what happened.

Pat Minshall, an Amargosa Town Board member, advised this was not brought before the town board. The Area 51 event had been on the books for several months so she felt this could have been brought to the town board long ago.

Commissioner Koenig closed the public hearing.

Commissioner Blundo disclosed Ron Murphy was the landlord for his restaurant, but this item would not impact him in any financial way and he would vote on it.

David Van Der Beek said the hope was that Peacestock51 could become an annual UFO festival, but it did not have to be in that location. He explained the whole point of the festival was to get people out of harm’s way. He could see the negative possibility in this new Storm Area 51 event not only because of the possibility of a bunch of foreigners coming in to the County, but they had expressed violent intent and he did not want to see anyone hurt. His event would be away from Storm Area 51 and the town. It would be alcohol free and 420 friendly. Mr. Van Der Beek said they would need no funding, but they would need help from the government to move permits along to hold the festival to address the surface of the land and temporarily occupy the space. They also needed help with the traffic control. He added that Lincoln County would declare a state of emergency to pull in aid from the State for the impact of Storm Area 51.

Bryan Scott clarified the event was on September 20, 2019. September 19, 2019 was for set-up, and September 21, 2019, was for break down and clean-up. He felt Peacestock51 was a peaceful alternative to the Storm Area 51 movement and the message was to welcome the people and give them safety while visiting the area.

Commissioner Koenig asked Mr. Scott what he thought now that he knew what the neighbors thought.
9. 10:00 — For Possible Action — Public Hearing, discussion and deliberation to issue an Outdoor Festival License to David Van Der Beek for the Peacestock51 event to be held September 20-21, 2019 at 1266 S. White Road, Amargosa Valley, Nevada-Cont’d.

Mr. Scott said their concerns needed to be addressed and he wanted to acknowledge that. He advised they were on the Town of Amargosa Valley’s agenda for its August 27, 2019, meeting.

Mr. Van Der Beek said he did get to some of the neighbors, but obviously not all of them. One of the things they wanted to put in the traffic plan was there would be security around all the houses and there would not be any participants driving down that stretch of road. The only road the visitors would come in on was from the BLM land.

Commissioner Koenig commented the neighbors were concerned with what was going to happen to White Street with 2,000 cars driving back and forth.

Commissioner Blundo referred to Mr. Van Der Beek’s comment about being 420 friendly and asked if he realized public consumption of marijuana was illegal.

Mr. Van Der Beek stated this was on private land.

Commissioner Blundo said that did not matter and it was only legal in a person’s private residence.

Mr. Scott stated they were not offering any kind of marijuana nor were they endorsing it. They would not allow backpacks, bags or unopened bottles, and they would make sure there was nothing illegal or illicit let in.

Commissioner Blundo referred to the letter from the Sheriff’s Office and asked how those issues were being addressed.

Mr. Van Der Beek stated they went down the Sheriff’s checklist and asked if Commissioner Blundo was concerned with any specific issue.

Commissioner Blundo asked Sheriff Wehrly if she felt the issues outlined in her letter had been addressed.

Sheriff Wehrly said yes, on paper. As this progressed she believed Fire Chief Scott Lewis, Brett Waggoner and herself would do a walk through to make sure those things came to fruition.

Commissioner Cox said the location would concern her too if she lived in the area. She was all for freedom and did not believe in everything the federal government did, but for this event she thought they were showing total disrespect for the fact that the people at the Test Site would absolutely push their weight around and cause problems. She
10:00 – For Possible Action – Public Hearing, discussion and deliberation to issue an Outdoor Festival License to David Van Der Beek for the Peacestock51 event to be held September 20-21, 2019 at 1266 S. White Road, Amargosa Valley, Nevada-Cont’d.

suggested cancelling the event stating she had to support people in the town and would not support bringing this event to the County.

Commissioner Wichman asked Mr. Van Der Beek if he had any documentation saying the owners of the property agreed to this, to which he replied he had a lease.

Commissioner Koenig pointed out the paperwork said it was a mile and a half to a gas station, but there was no gas station in that area so people would probably run out of gas, get stuck in the road, and there would be unhappy neighbors. He stated he sat where he did because those people elected him and their safety, convenience and welfare was number one on his list.

Commissioner Blundo said he came to this item with an open mind, but if a couple thousand people showed up in Amargosa that one gas station would get pumped out of gas, it would tax the County services, and it would create the types of problems everyone was trying to get ahead of. After hearing the testimony today he was not sold that this event would help mitigate some of those instances.

Commissioner Blundo made a motion to deny the outdoor festival license for the Peacestock51 event; seconded by Commissioner Cox; 3 yeas; Commissioner Wichman voted nay.

12. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on ZC-2019-000038: A Zone Change application to change approximately 5.0 acres from the Neighborhood Commercial (NC) zone to the Commercial Manufacturing (CM) zone, located at 5041 S. Hafen Ranch Road, Pahrump, NV, further described as a portion of Township 21 South, Range 54 East, Section 15, File #84221, Parcel 1, Assessor’s Parcel Number 045-131-48. R Land Company, LLC – Property Owner. Nevada Natural Medicines, LLC / Scott Sibley, Manager – Applicant.

Commissioner Koenig opened and closed the public hearing.

Brett Waggoner advised they received a letter of opposition today, but it was received too late to make it into the back-up.

Scott Sibley asked that the Board approve the conforming zone change.

Commissioner Blundo made a motion to approve; seconded by Commissioner Wichman; 4 yeas.
13. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on ZC-2019-000039: A request for a Conforming Zone Change of the northern 5-acre portion situated along N. Blosser Ranch Road (660 ft by 330 ft.) of a 19.68-acre parcel from General Commercial (GC) to Light Industrial (LI), to allow the development of a processing facility for hemp on property located at 2461 N. Avenue of the Stars, Pahrump, NV. Assessor’s Parcel Number 027-411-60. Nye Valley LLC – Property Owner. Rene Morales – Applicant.

Commissioner Koenig opened the public hearing.

Bill Publow said he lived on Avenue of the Stars and was concerned about the deterioration of the road due to truck traffic. Avenue of the Stars was not maintained and was not an accepted road for the County. He would also like to see lathing in the fence so no one could see in.

Commissioner Koenig closed the public hearing.

Commissioner Koenig advised the same road issues were discussed at the RPC meeting and the applicant had offered to do something.

Rene Morales said he would chip seal to County standards and he would not have a problem if this was approved with that condition.

Commissioner Blundo made a motion to approve with an additional condition of a double chip seal road; seconded by Commissioner Wichman; 4 yeas.

14. 10:00 – For Possible Action:

14a. For Possible Action – Public Hearing, discussion and deliberation on SU-2019-000061: An application for a Special Use Permit to allow a marijuana establishment (cultivation) on 5.0 gross acres (4.29 net acres) located at 6041 S. Hafen Ranch Road, Pahrump, NV, further described as a portion of Township 21 South, Range 54 East, Section 15, File #84221, Parcel 1. Assessor’s Parcel Number 045-131-48. R Land Company, LLC – Property Owner. Nevada Natural Medicines, LLC / Scott Sibley, Manager – Applicant.

14b. For Possible Action – Public Hearing, discussion and deliberation on SU-2019-000062: An application for a Special Use Permit to allow a marijuana establishment (production) on 5.0 gross acres (4.29 net acres) located at 6041 S. Hafen Ranch Road, Pahrump, NV, further described as a portion of Township 21 South, Range 54 East, Section 15, File #84221, Parcel 1. Assessor’s Parcel Number 045-131-48. R Land Company, LLC – Property Owner. Nevada Natural Medicines, LLC / Scott Sibley, Manager – Applicant.

Commissioner Koenig opened the public hearing.
14. 10:00 – For Possible Action-Cont’d:

14a. For Possible Action – Public Hearing, discussion and deliberation on SU-2019-000061-Cont’d.

14b. For Possible Action – Public Hearing, discussion and deliberation on SU-2019-000062-Cont’d.

Robert Thomas said the back-up on this item was insufficient on its face on the environmental impact aspect and the impact on the water. He asked the Board to send it back for an update from Planning and make it an ordinance requirement so the water use could be tracked.

Commissioner Koenig closed the public hearing.

Brett Waggoner thought Mr. Thomas was speaking about the mandatory condition of a water consumption analysis report on an annual basis. He informed Mr. Thomas that had been taken out of the conditions with the latest draft.

Commissioner Blundo said in looking at the previous item there was a Planning Department analysis of the water so it was being addressed. He suggested having it on future items even if it was not relevant.

Scott Sibley said they purchased just under eight acre feet of water from the LDS Church several years ago. They moved it to their property and donated it to the Pahrump Utility Company. He explained at their facility in Las Vegas they used less than 1,000 gallons a day. It was a drip system and the water was captured and recycled. Mr. Sibley then pointed out item 5 in the report said the cultivation was proposed to be a greenhouse, which was not the case. They had the 17,000 square foot building and all growing and production would happen inside of there. He said they would like to have condition 7 removed, which was a block wall six feet high around the entire perimeter of the property. Currently the wall ran down Hafen Ranch Road and a third down Thousandaire.

Commissioner Koenig said he had heard the fencing in the back half was fine, but half was chicken wire and he had a problem with safety.

Mr. Sibley stated there was never chicken wire, but there was now a six foot chain link fence.

Commissioner Blundo made a motion to approve 14a and 14b with the removal of item 7, the block wall, and modification of the greenhouse; seconded by Commissioner Wichman; 4 yeas.
Commissioner Blundo assumed the Chair of the Board of Highway Commissioners.

15. General road report by Public Works Director.

Public Works Director Tim Dahl said he had heard the concerns about speed limits and intersection safety from the last couple of meetings. He said he had enlisted the consultants to do some research and provide recommendations for Pahrump Valley Boulevard from Highway 372 to Calvada and also on Dandelion from Highway 160 to Calvada, including four-way stop warrants at all three intersections that the public had requested (Pahrump Valley/Honeysuckle, Honeysuckle/Dandelion, Dandelion/Calvada). The speed limit changes would be brought to the Board to adopt via an ordinance.

Commissioner Cox asked why there were speed trailers on Dandelion between Unicorn and Calvada and moving around.

Mr. Dahl said he was trying to help the Sheriff’s Office identify locations that may have excessive speed. Those were primarily just to get people’s attention on the speed they were doing. They were moved from school zones to parks to streets to complaint areas.

Commissioner Blundo expressed his frustration with the speed limits.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

PUBLIC WORKS

46. For Possible Action – Discussion and deliberation for staff to describe how speed limits are established in Nye County.

Jack Rydell from Charles Abbott explained speed limits were generally set one of three ways. Primarily the Commission adopted an ordinance establishing speed limits on roads under its purview. Another way was statutory like school zones and school crossings. The third one governed State highways and NDOT had that jurisdiction. Speed limits were set based on information contained in the Manual on Uniform Traffic Control Devices, a federal manual used by all states which gave the criteria. The primary approach to setting a speed limit was to identify how fast people were going with the intent that speed limits were a community tool. To do that Mr. Rydell said they took volume and speed data and found the 85th percentile speed to determine a reasonable speed. The speed limit should be set within five miles of that 85th percentile, but that did not mean it was the final criteria. Also taken into consideration were residential development and density, accident rates, pedestrian and bicycle traffic, and roadway conditions. An engineering study was performed that documented all of that and then recommendations were submitted to the Public Works Department to ultimately be brought to the Commission.
46. For Possible Action – Discussion and deliberation for staff to describe how speed limits are established in Nye County-Cont’d.

Commissioner Koenig asked why the speed limit on Pahrump Valley Boulevard went from 45 mph to 35 mph when it was paved.

Mr. Dahl said the speed limit was changed to 35 mph when a car struck a pedestrian at night who was wearing dark clothes. The Board chose to reduce the speed limit along there without adopting it by any official ordinance. The Public Works Director at the time was directed to reduce it. Mr. Dahl had found no records from Public Works or the Sheriff’s Office suggesting a speed and marking the road appropriately. As to the 25 mph speed limit sign with a flashing yellow light after the improvements were done on Pahrump Valley Boulevard, Mr. Dahl explained he did that based on prior practice, but it would be one of the roads they would focus on to either remove the signs or change the speed limit based on studies.

Commissioner Cox asked what the problem was, the drivers and the speed limit or the kids playing in the roads.

Mr. Dahl explained they were not playing in the roads. They were getting out of cars, crossing the street and going home. He said he hoped to come up with more consistency in the speed limits and after this analysis was done he thought that consistency would be achieved.

Sheriff Wehrly said there were several accidents along that road because of the trees and vehicles. Kids would follow their balls into the street and people would not see them so it was decided they would put signs up when children were present, but the children still could not be seen.

Commissioner Koenig commented he was driving down the road when all children were in school, but two officers had cars pulled over for speeding in a 25 mph zone with no children present. He had seen it everywhere and that was where he had the problem.

Dave Stevens said this was a poor man’s town with a rich man’s ticket.

Nick Panchev felt two more items needed to be addressed. The traffic study should consider who was behind the wheel, so one speed limit could not serve all. The population also needed to be studied to see who the patrons were in certain areas.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

Commissioner Koenig assumed the Chair of the Licensing and Liquor Board.
LIQUOR

16. For Possible Action – Discussion and deliberation to extend the two temporary Retail and Package Liquor 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 explained the request was for an extension to allow the Sheriff’s Office more time to provide the finalized and approved report for the background investigations.

Commissioner Koenig asked if 30 days would be enough.

Detective Chris Sehnert said he would have all reports to Ms. Tackett by September 5, 2019.

Commissioner Blundo asked if the Board could conditionally approve this and once that was completed the applicant had the license, to which Bradley Richardson responded yes.

Commissioner Blundo made a motion to conditionally approve for 30 days granting the permanent license as soon as the Sheriff signed off at which time the permit would be issued; seconded by Commissioner Wichman; 4 yeas.

17. For Possible Action – Discussion and deliberation to approve to extend the Temporary Retail Liquor License for Johnny’s Taco Shop, LLC located at 1330 S. Highway 160, Pahrump, NV. Victor A. Zepeda and Juan Ramirez – Owners/Applicants.

Samantha Tackett said it was the same situation here. She would get the report by September 5, 2019, but this applicant was also waiting for his fire inspection and certificate of occupancy issuance.

Commissioner Blundo made a motion to approve conditionally for 30 days to allow the opportunity for the Sheriff to sign off at which point the license became permanent; seconded by Commissioner Wichman; 4 yeas.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

19. Committee Reports

There were none.
21. For Possible Action – Discussion and deliberation to appoint two alternates to the Pahrump Parks and Recreation Advisory Committee due to two resignations.

Commissioner Cox made a motion to approve Vanessa Simmons and Michael Hyde; seconded by Commissioner Blundo; 4 yeas.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY, BELMONT, GABBS, MANHATTAN, AND RAILROAD VALLEY

BEATTY

22. For Possible Action – Discussion and deliberation to: 1) Approve up to $3,000.00 for the purchase of ten grave liners for the Desert Hills Cemetery in Beatty; and 2) Fund from Fund 24101 Beatty Town.

Commissioner Wichman made a motion to approve the purchase of the grave liners and fund from 24101, Beatty Town; seconded by Commissioner Cox; 4 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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 23-25 and 27; seconded by Commissioner Blundo; 4 yeas.
24. For Possible Action — Approval of Assessor’s Office Change Requests to allow the Nye County Treasurer to process and:

1) Issue an amended tax bill in the amount of $1,011.58 to the Wilburn & Madeline Prince Trust, owner of Assessor’s Parcel Number 042-691-04.
2) Issue an amended tax bill in the amount of $1,808.51 to M. Lee & Tona Renegar, owners of Assessor’s Parcel Number 019-121-32.
3) Issue an amended tax bill in the amount of $1,048.02 to Leslie & Barbara Peterson, owners of Assessor’s Parcel Number 039-022-37.
4) Issue an amended tax bill in the amount of $779.93 to the Frank & Joan Snow Trust, owner of Assessor’s Parcel Number 029-912-10.
5) Issue an amended tax bill in the amount of $36.08 to Leonard & Jan Dee Smith, owners of Assessor’s Parcel Number 044-321-03.
6) Issue an amended tax bill in the amount of 394.78 to Marvin Schueller, owner of Assessor’s Parcel Number 027-541-47.
7) Issue an amended tax bill in the amount of $1,093.41 to Gabbs Enterprises, owner of Assessor’s Parcel Number 001-285-04.
8) Issue an amended tax bill in the amount of $1,669.62 to Burton Gigoux, owner of Assessor’s Parcel Number 029-871-29.
10) Issue an amended tax bill in the amount of $1,125.43 to Michael Robert Mathews, Sr., owner of Assessor’s Parcel Number 038-692-20.
11) Issue an amended tax bill in the amount of $4,078.58 to Arthur J. & Charyl A. Madeline, owners of Assessor’s Parcel Number 039-162-08.

Commissioner Wichman made a motion to approve items 23-25 and 27; seconded by Commissioner Blundo; 4 yeas.

25. For Possible Action — Approval to set the date and location for the second Board of Commissioners meeting in November for Tuesday, November 19, 2019 in Pahrump, Nevada.

Commissioner Wichman made a motion to approve items 23-25 and 27; seconded by Commissioner Blundo; 4 yeas.

27. For Possible Action — Approval to: 1) Accept the 2019-2020 State Substance Abuse Primary Prevention (SAPP) Grant; a Sub-Grant from the Nye Communities Coalition, in the amount of $27,310.00; 2) Execute the Grant Award documents; and 3) Fund $27,310.00 from 10340 Grant Fund. There is no match required.

Commissioner Wichman made a motion to approve items 23-25 and 27; seconded by Commissioner Blundo; 4 yeas.
26. For Possible Action – Approval of a No-Cost Grant Extension for the Community Oriented Policing Services (COPS) Grant. Grant Extension #1 grants a twelve-month extension through August 31, 2020, to allow for complete spend down of grant funds.

Savannah Rucker advised the Department of Justice notified the Sheriff’s Office this would be a 13 month extension through September 20, 2010, rather than a 12 month extension.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 4 yeas.

BOARD OF COMMISSIONERS

28. 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.

29. 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.

30. 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.

31. For Possible Action – Discussion and deliberation to approve a letter of support for Aurelia Skipwith being nominated as the Director of U.S. Fish and Wildlife Service.

Commissioner Blundo made a motion to approve the letter of support for Aurelia Skipwith being nominated as the Director of the U.S. Fish and Wildlife Service; seconded by Commissioner Cox.

Commissioner Blundo said when the Commissioners were in Washington, D.C., for NACO they missed a meeting with Fish and Wildlife and ended up meeting with Ms. Skipwith and one of her counterparts. He felt she had the intuition to get on top of what the County was trying to address with the issues with BLM and Fish and Wildlife. Given that tenacity Commissioner Blundo felt compelled to write a letter in support of her nomination and believed it would be positive bridge building.
31. For Possible Action — Discussion and deliberation to approve a letter of support for Aurelia Skipwith being nominated as the Director of U.S. Fish and Wildlife Service—Cont’d.

Commissioner Cox commented Ms. Skipwith was also nominated by President Trump which she thought spoke pretty loudly.

The motion to approve the letter of support for Aurelia Skipwith being nominated as the Director of the U.S. Fish and Wildlife Service passed with 4 yeas.

CLERK

32. For Possible Action — Discussion and deliberation to appoint one member to the Amargosa Valley Town Board due to one resignation.

Commissioner Wichman made a motion to appoint Carolyn Allen; seconded by Commissioner Blundo; 4 yeas.

Joseph LaBossiere said Ms. Allen’s application was not date stamped so he was curious if she sent the application in before the deadline.

Commissioner Koenig said yes and he could confirm that because he was the one who e-mailed it to her.

Sam Merlino added if they came via mail they got stamped, but this came by e-mail and was not stamped. Her office would not include any applications not received by the deadline.

33. For Possible Action — Discussion and deliberation pursuant to NRS 244.360(5) to: 1) direct the District Attorney to notify the person responsible for the nuisance to abate said nuisance as set forth in the complaint received by the County Clerk on August 8, 2019, regarding the high nitrate levels in the water in Belmont, Nevada, and the wells that were drilled there illegally, and a) determine and specify a reasonable time for the person to abate said nuisance and b) direct the District Attorney to bring legal proceedings for abatement of said nuisance if the notice to the person responsible fails to abate said nuisance; or, in the alternative 2) pursuant to NRS 244.360(1) and 244.360(2), direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of the complaint.

Commissioner Wichman made a motion to direct this to the District Attorney to determine if the County had a position it could take in this issue and to go to the Attorney General if they needed to; seconded by Commissioner Blundo.
33. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(6)
to: 1) direct the District Attorney to notify the person responsible for the nuisance to abate said nuisance as set forth in the complaint received by the County Clerk on August 8, 2019, regarding the high nitrate levels in the water in Belmont, Nevada, and the wells that were drilled there illegally, and a) determine and specify a reasonable time for the person to abate said nuisance and b) direct the District Attorney to bring legal proceedings for abatement of said nuisance if the notice to the person responsible fails to abate said nuisance; or, in the alternative
2) pursuant to NRS 244.360(1) and 244.360(2), direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of the complaint-Cont’d.

Neal Jones asked under what section of NRS 244.360 the Board was working with.

Commissioner Wichman explained she had two options, turn it over to the District Attorney or ask the Clerk to set a public hearing. She personally did not believe the County had a standing in the issue and she asked the District Attorney to look into it.

Mr. Jones asked that his written statement be included in the minutes [see Attachment 3]. He said the purpose of the sanitation laws of the State was to protect the health of the citizens by preventing the occurrence of nuisances by safely disposing of all human and domestic wastes. Those laws forbade the contamination of any drinking water or water sources by illegal actions of property owners. Mr. Jones said the owners of the wells had a legal and personal responsibility to safeguard the water sources in Belmont from contamination and degradation. Due to their failure to do so, their actions had put the health and safety of the entire community at risk, threatened to contaminate the town’s sources of water and created a nuisance. He hoped the Board would allow all people involved to have an open, honest, public and civil discussion about these very important issues.

John Bosta said one of the District Attorney’s present today owned property in Belmont and should recuse himself.

Commissioner Wichman asked Maria Zlotek if she would be the one handling this issue.

Ms. Zlotek said yes. She also confirmed the directive was not for a decision at this moment and that the deputy district attorney that may have an interest would not be working on this issue.

Chris Arabia stated Mr. Richardson would not be involved in this matter and it was insulting to him and everyone in this room that he should get up and walk away. Ms. Zlotek and Mr. Arabia would decide how to handle it, and if they had to go to the Attorney General they would. Mr. Arabia did not accept the insinuation that somehow Mr. Richardson did something wrong.
33. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(5) to: 1) direct the District Attorney to notify the person responsible for the nuisance to abate said nuisance as set forth in the complaint received by the County Clerk on August 8, 2019, regarding the high nitrate levels in the water in Belmont, Nevada, and the wells that were drilled there illegally, and a) determine and specify a reasonable time for the person to abate said nuisance and b) direct the District Attorney to bring legal proceedings for abatement of said nuisance if the notice to the person responsible fails to abate said nuisance; or, in the alternative 2) pursuant to NRS 244.360(1) and 244.360(2), direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of the complaint-Cont’d.

The motion to direct this to the District Attorney to determine if the County had a position it could take in this issue and to go to the Attorney General if they needed to passed with 4 yeas.

DISTRICT ATTORNEY

34. For Possible Action – Discussion and deliberation pursuant to Nye County Code section 17.04.860 (M)(2)(b) to: 1) Determine if the costs and expenses for abating the nuisance at 2650 S. River Plate Drive, Pahrump, Nevada Assessor's Parcel Number 040-252-16 were proper; and 2) Adopt, amend and adopt, or reject Nye County Resolution No. 2019-28: A resolution adopting the verified statement of expenses and cost incurred by Nye County for abating the nuisance at 2650 S. River Plate Drive, Pahrump, NV, Assessor's Parcel No. 040-252-16.

Commissioner Blundo asked if there was an approved vendors list. He believed it was within County resources to lock it up and put a fence around the pool, and that the County was doing that, but now there was a bill for $17,000.00 from Top Rank Builders.

Brett Waggoner did not recall any representation that the County was going to use County personnel to board up the windows. Since the proposal came in at the cost it did the County Manager had the authority to approve or disapprove and sign the contract. The code enforcement manual adopted in 2006 provided the option of recovering any expenses to the County and that was why they were included.

Commissioner Blundo asked if there was a procurement process for outside vendors.

Savannah Rucker said the County did have a procurement policy which her office followed when soliciting quotes for all types of services, including this type. If it was under $50,000.00 three quotes were solicited and three quotes were sought for anything over $5,000.00 if they received them.

Commissioner Blundo made a motion to determine the cost and expenses for abating the nuisance at 2650 S. River Plate Drive, Pahrump, Nevada, were proper and adopt Nye County Resolution No. 2019-28; seconded by Commissioner Wichman; 4 yeas.
COUNTY MANAGER

35. For Possible Action – Discussion and deliberation to ratify a Memorandum of Agreement between Nye County and the Nye County Management Employees Association (NCMEA) allowing modifications to Article 11 (Probation), Article 16 (Retirement Contributions), Article 20 (Sick Leave), Article 22 (Annual Leave) and Article 28 (Layoff Procedure) of the Collective Bargaining Agreement for the purpose of bringing the Town of Pahrump employees into that Agreement.

Commissioner Wichman made a motion to ratify the memorandum of agreement.

Tim Sutton advised small modifications were needed to items 35 and 36.

Commissioner Wichman withdrew her motion.

Mr. Sutton said the change on this item was to section 1.A. where instead of saying “after” September 23 it would say “on” September 23.

Commissioner Wichman made a motion to ratify the memorandum of agreement with the change; seconded by Commissioner Cox.

Commissioner Blundo expressed his concern with merging so much into the County it would be difficult to split back off if and when that happened.

The motion to ratify the memorandum of agreement with the change passed with 4 yeas.

36. For Possible Action – Discussion and deliberation to ratify a Memorandum of Agreement between Nye County and the Nye County Employees Association (NCEA) allowing modifications to Article 14 (Probation), Article 16, paragraph 5 (Sick Leave upon Separation), Article 19, paragraph 5 (Retiree Health Insurance), Article 25 (Layoff), Article 27, paragraph 5 (Annual Leave Accrual Rate) of the Collective Bargaining Agreement for the purpose of bringing the Town of Pahrump employees into that Agreement.

Tim Sutton said section 2.34 needed to be changed to “on” September 23 rather than “after” September 23.

Commissioner Wichman made a motion to ratify the agreement with the change noted by the County Manager; seconded by Commissioner Cox.

Commissioner Koenig said he had a problem with item 9, health insurance. There was quite a disparity between the Town of Pahrump employee health insurance and the County employee health insurance. He understood a person today working for the town with the family benefit paid about $400.00 a month and would pay about $1,100.00 under the County. Rather than the $500.00 indicated he would like to make it even.
36. For Possible Action — Discussion and deliberation to ratify a Memorandum of Agreement between Nye County and the Nye County Employees Association (NCEA)-Cont’d.

While the employees get additional benefits by joining the union, that additional benefit did not put food on the table to feed the kids or gas in the car to go to work.

Commissioner Wichman said she understood the concerns, but some of those job positions were going to be getting an increase matching what the County comparable position paid.

Commissioner Cox suggested allowing the employees to take a vote on it.

Commissioner Wichman believed that was what the negotiations were about before the memorandum of agreement was drafted.

Mr. Sutton said they spoke with all town employees early on and then had several meetings with the union representative, and throughout the process he made it clear if there were any objections to bring them forward. This memorandum of understanding had been on the agenda for several days and Mr. Sutton had not heard of any issues. In response to Commissioner Koenig’s concerns, he agreed it would be a hit for the employees, but he felt the benefits provided more than compensated for that. Mr. Sutton said it was up to the Commissioners if they wanted to extend it to a year and extend the benefit to cover the difference in dependent care coverage.

Commissioner Koenig said instead of the $500.00 a month he would rather have the supplement cover the difference between what they were paying now and what they would pay under the County for one year.

Commissioner Wichman amended her motion to have the supplement cover the difference between what they were paying now and what they would pay under the County for one year; Commissioner Cox amended her second; 4 yeas.

FINANCE

37. For Possible Action — Discussion and deliberation regarding the budget status through June 2019 for Nye County and all sub-entities for Fiscal Year 2019.

Savannah Rucker discussed the FY19 closing and audit schedule. The tentative date for the audit was December 3, 2019. She noted the second page showed two CTAX payments missing as well as a couple other year end journal entries. Ending revenue would be right around $39.6 million, which would be a little over the revenue budget. As to the general fund department budget status, Mrs. Rucker did not think there were any over budget. The Sheriff’s Office was close, but she was keeping an eye on that and would bring any issues forward as quickly as possible. None of the other Nye County
37. For Possible Action – Discussion and deliberation regarding the budget status through June 2019 for Nye County and all sub-entities for Fiscal Year 2019-Cont’d.

funds had expenditures in excess except the grants fund. The goal was to have zero audit findings for the budget.

Commissioner Blundo asked if the County was in line with the increases approved for the final FY19 budget, to which Mrs. Rucker replied yes.

38. For Possible Action – Discussion and deliberation regarding segregation of District Court FY20 budget by department.

Savannah Rucker explained all departments in the Nye County general fund as well as the special revenue funds were separated out by separate department heads. The district court had two elected officials managing the department and it was one of the only departments that did not have separate budgets for each department. She said the goal was to figure out the Board’s direction as to whether or not those should be reported separately and segregated.

Judge Kim Wanker said she and Judge Lane sent a memo and she spoke with him this morning. They both agreed that they did not want the budget split and did not understand since it was their budget what purpose the County splitting it would serve. If the Board voted to split it she would ask for a legal opinion as the judges had inherent authority over the budget. She mentioned the Pahrump Justice Court was not split and wondered why the district court was on the radar all of a sudden since item 40 concerned the district court as well.

Mrs. Rucker stated it was very difficult to determine if the district court was over spent, the reasoning for it and who approved it. She was trying to clarify responsibility of department budgets, but Judge Wanker brought up a valid point about the Pahrump Justice Court and that would need to be discussed at a later date.

Commissioner Blundo thought things were working fine and did not understand why the County was getting involved in this.

Commissioner Cox thought the judges got along and as long as they agreed on it and did what they always did with no significant changes they should be able to control their budget.

Commissioner Wichman asked if it was possible to track the invoices when they came through by judge.

Mrs. Rucker said that could be done if accounting was set up in that manner. Right now there was a district court budget in both Tonopah and Pahrump with both judges using
38. For Possible Action – Discussion and deliberation regarding segregation of District Court FY20 budget by department-Cont’d.

funds from both locations. She was trying to clarify which positions resided with which department and who had authority over the expenditures.

Judge Wanker said she was the only one with an employee in Tonopah who covered everything, so that employee would have to step out and the other department would have to hire someone for that location. She said the judges had it worked out and she did not understand why Finance needed to get involved with it.

Commissioner Koenig asked what the downside of not doing this was.

Mrs. Rucker said if there was a budget violation it would be hard to determine who generated it and what the expense was. Outside of that it was just identifying employees and responsibilities within the district court.

Judge Wanker said the judges would be held responsible via the voters. She felt there were ulterior motives for this item which started with the missing $40,000.00 cash from drug court being found in the incorrect account. Ever since then everything the drug court had asked for had been denied.

Commissioner Wichman felt some people needed to sit down and have a discussion and asked Tim Sutton to arrange that.

Mr. Sutton said he did not want to give the impression that there had not been any communication. He had no problem chatting with Judge Wanker, but he asked that Commissioner Koenig attend also.

Judge Wanker felt Judge Lane should also be at the table.

Commissioner Wichman made a motion to continue this item until the Tonopah meeting; seconded by Commissioner Cox.

Commissioner Blundo said he would like to be included in the meeting with Commissioner Koenig. He asked Mrs. Rucker if there had been any issues out of the district court department.

Mrs. Rucker said not since Judge Wanker had been with the department, but prior to her there were a couple issues with some funds.

The motion to continue this item until the Tonopah meeting passed with 4 yees.
40. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between departments within Nye County General Fund (10101), Judicial Function.

Savannah Rucker explained when bailiff positions were vacant the Sheriff's Office stepped in and provided coverage for district court. That posed a challenge because if the Sheriff's Office filled a vacancy it incurred overtime that could not be back charged to the district court budget as that was not appropriate. By moving the budget for the bailiff positions into other judicial, when there was a vacancy the Sheriff's Office could provide that coverage and then back charge to other judicial without affecting the district court's budget.

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

Judge Kim Wanker pointed out the statute stated either the sheriff of the county was the bailiff for the district court or the district court may have a bailiff. She spoke with then County Manager Pam Webster who said there were no funds for a bailiff. Judge Wanker worked without a bailiff for five years and within the purview to use the Sheriff's Office. The Sheriff's Office posted the position as overtime so the deputies came over. She said one of the reasons she had not filled the bailiff position was every time she hired one the County spent money training the person and then they moved on.

The motion to approve passed with 3 yeas. Commissioner Cox voted nay.

39. For Possible Action – Discussion and deliberation regarding a funding source for the Animal Shelter Contract.

Savannah Rucker said the funding source recommended was $50,000.00 from 25101 and $200,000.00 from County general fund contingency, which would require a budget transfer between functions.

Commissioner Blundo said there were a lot of comments about how this was a Nye County shelter. He wondered if it would be prudent to get funds from Amargosa and Beatty as those animals ended up in Pahrump as well.

Commissioner Cox commented she had been saying for a long time that some funding should come from the town as most of the animals were from Pahrump.

Commissioner Blundo made a motion to approve funding on Bid 2019-11 of $50,000.00 from the Town of Pahrump general fund, 25101 and $200,000.00 from Nye County general fund contingency, 10101; seconded by Commissioner Cox; 4 yeas.
H/R AND RISK MANAGEMENT

41. For Possible Action – Discussion and deliberation to approve filling a vacant Sergeant position assigned to Mercury prior to realizing the accrual payouts and six-week waiting period.

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

Commissioner Blundo felt the time needed to run out to save the money.

Commissioner Wichman noted per the memorandum of understanding they paid the money back.

The motion to approve passed with 4 yeas.

PLANNING/BUILDING/CODE COMPLIANCE

42. For Possible Action:

42a. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Renewal Application RM-2019-000053: A request to approve the annual renewal of a Recreational Marijuana Establishment License (production) located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor's Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

42b. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2019-000080: A request to approve the annual renewal of a Medical Marijuana Establishment License (production) located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor's Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

42c. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2019-000081: A request to approve the annual renewal of a Medical Marijuana Establishment License (distributor) located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor’s Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

Commissioner Blundo made a motion to continue this item to the next Pahrump meeting.

The motion failed for lack of a second.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox.
42. For Possible Action-Cont’d:

42a. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Renewal Application RM-2019-000053-Cont’d.

42b. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2019-000080-Cont’d.

42c. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2019-000081-Cont’d.

Commissioner Koenig thought it was just marijuana now, not medical marijuana.

Brett Waggoner said that was correct, but he thought since the application was late it was assigned that way.

Commissioner Blundo said he was frustrated that this particular operator sat on his license, did bare minimum if anything, and they were using a third party to do what they were proposing to do. He asked for the continuance since the applicant was not present.

Commissioner Cox said this could be approved and Commissioner Blundo could ask for that investigation to be done.

Commissioner Blundo said he also wanted to give him six months to see if he actually did what he said he would do.

The motion to approve failed with a tie vote. Commissioners Koenig and Wichman voted yea; Commissioners Cox and Blundo voted nay.

Commissioner Koenig stated per NRS 244.060 this item would be automatically continued to the August 28, 2019, meeting.

43. For Possible Action – Discussion and deliberation pursuant to Nye County Code 17.06.040.A.4 and 5.32.095 to set a date, time and location for a Show Cause Hearing to determine if there is sufficient cause to 1) revoke the Special Use Permits granted to Green Cross of America, Inc., for medical and recreational marijuana cultivation, and 2) revoke the Marijuana Licenses granted to Green Cross of America, Inc., for medical and recreational marijuana cultivation, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump. Assessor’s Parcel Number 044-521-41. Grantee - Green Cross of America, Inc. / Peter Gnecco, CEO.

Commissioner Blundo made a motion to schedule the show cause hearing for September 17, 2019, at 10:00 a.m. in Pahrump; seconded by Commissioner Wichman; 4 yeas.
44. 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. 2019-12: A Bill proposing to amend Nye County Code Section 17.04.770 relating to Signage Requirements; 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 Blundo made a motion to set the public hearing for September 17, 2019, at 10:00 a.m. in Pahrump; seconded by Commissioner Wichman; 4 yeas.

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

45. 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. 2019-13: A Bill proposing to repeal and replace in its entirety Nye County Code Chapter 15.17.010, the Building and Construction Codes Effective within Nye County, and amend Nye County Code Chapter 15.16 the Building and Construction Codes Effective within the Pahrump Regional Planning District by repealing the previously adopted building and construction codes, listed appendices, and related amendments thereto and sections therein, and adopting new international and uniform building and construction codes, listed appendices, and amendments thereto, to be applicable and effective within all of Nye County, as specifically noted herein; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Blundo made a motion to set a public hearing for September 4, 2019, at 10:00 a.m.; seconded by Commissioner Wichman; 4 yeas.

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

SITTING AS THE NYE COUNTY BOARD OF HEALTH

18. For Possible Action – Presentation by Nye County Public Health Officer, Henry Melton.

Henry Melton provided the Commissioners with cans of NARCAN nasal spray explaining it was the hero drug when someone overdosed. He then gave a presentation on the opioid use in the County touching on product distribution, the Good Samaritan Law, access to treatment, and the incinerator in the Sheriff’s Office. Mr. Melton then discussed his meeting with the Nye County School Board about the measles outbreak. The State had recommended enforcement guidelines which included reports by the schools as well as superintendents and public health officers. Lastly, Mr. Melton discussed the recommendations which included continuous oversight of prescription drug use and encouraging households to turn in unused medicine.
49. GENERAL PUBLIC COMMENT (second)

Pat Minshall referred to Commissioner Blundo’s comment about Amargosa and Beatty helping with paying for the animal shelter. She said Amargosa in particular and probably Beatty were dumping points for animals. She was the feral cat catcher for Amargosa and brought in 15 last week. They trap and release, which Ms. Minshall understood did not occur in Pahrump. No one would adopt a feral cat, but if the kittens were gotten early they could be spayed/neutered and put into loving homes.

50. Commissioners'/Manager's Comments

Commissioner Blundo said since a discussion was going to be held with the judge he would also like to consider providing the law clerk during that discussion.

51. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this ___th day of September, 2019.

Chair

ATTEST:

Nye County Clerk / Deputy
During the Aug. 6th, 2019 meeting Item No. 10 the Chairman John Koenig said I was incorrect about the State asking the locality for comments on Marijuana Store licenses. **Mr. Koenig stated I was not telling the truth. It is my opinion that John is incorrect.** The Voters at the 2016 General Election of the State of Nevada approved Question 2, which is codified as Chapter 453D. The following regulations for Marijuana Stores are attached hereto. You can read the NRS’s yourself.

**NRS 453D.03 Definitions.** [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

7. **“Locality” means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.**

**NRS 453D.210 Acceptance of applications for licensing; priority in licensing; conditions for approval of application; limitations on issuance of licenses to retail marijuana stores; competing applications.** [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

5. The Department shall approve a license application if:
   (e) The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality;

**When has the Locality (Town of Pahrump) affirmed the Marijuana Stores in Pahrump?**

Respectfully,
John F. Bosta

ATTACHMENT 1
Public comment by Dwight Lilly to be placed in the minutes of this meeting:

Commissioners:

Please Read the Shaw Report

Drilling into the carbonate aquifer project by the Nye county water dist.

At the July 29th meeting of the Nye county water district, the manager Oz Wichman gave the board an overview of what would be entailed in drilling four test wells into the carbonate layer beneath water basin 162.

A) He said the estimated cost would be south of $5 mil and that this proposal could raise the parcel fee between $4-5 for parcel owners only in basin 162, Pahrump. This would fund a loan payable over 20 years to pay for the drilling.

B) He gave the board a not so rosy picture of this drilling operation, and based on his experience in hard rock drilling he said that success is a hit and miss proposition. There might be no success and all that happened was the parcel owners would be left with a 20 year bill which over that period, would amount to approximates $80 - 100 for each parcel.

C) It's important to note that of the 20,000 Ac ft of
available recharge water available in basin 162, that 5-8,000 of the figure is this carbonate water, that might never be economical or geological practical to capture and use. Oz and his staff will be bringing this item back to the board in Pahrump in December, when the water district board next meets in Pahrump. Oz noted that there might not be a will of the county commissioners to allow for this parcel fee increase, especially with the iffy nature of it. This board can reverse on appeal in 30 days time a decision by the water distruct.

D) We have a 16,000 to 17,000 pumpage figure that we are dealing with at present, and I'm seeing new agricultural operations springing up. Having access to only 12,000 ac. ft of water from the Spring Mountains recharge each year, puts us at a 4-5,000 ac ft. deficit each year. And that drawdown of the aquifer will cause domestic well failures for the shallow wells, beginning with areas of the basin that are now experiencing increasing drawdown. Some areas are experiencing 2+ ft per year in a lowering of their static water level.

E. I have brought up the fact that domestic well owners have a gun to their heads as the state engineer could very well declare critical management and thus decrease the
amount allowed domestic wells each year.

F. It's time to stop kicking this elephant down the road for future decision makers to deal with. You need to address growth and the threat it brings to the available water supply, the economic impact on well owners who would need to redrill wells is unconscionable. And this is a known fact not a out of the blue natural disaster. Losing the right to 2 ac ft. of water would destroy the rural lifestyle of thousands of residents and radically change the nature of this valley for the worse, in my opinion.

Thank you,

Dwight Lilly

Pahrump resident
I ask that this statement be included in the minutes of this meeting.

Per NAC 444.778 (1), the purpose of the sanitation laws of the State of Nevada is to protect the health of the individual family and the community and to prevent the occurrence of nuisances by safely disposing of all human and domestic wastes. These laws forbid the contaminating of any drinking water or water sources at all from illegal actions by property owners.

Our water is an extremely valuable resource that must be protected from contamination and degradation.

If people do not agree with a law, they can attempt to have the law changed.

If people do not agree with a law or think it is overly restrictive to their particular situation, they can apply for waivers, variances or exemptions to those particular laws.

If people do not agree with a law, they cannot just ignore the laws. This creates anarchy and chaos. People cannot decide that it is easier to ask for forgiveness than it is to ask for permission. The people in Belmont did not ask for either.

To allow these actions to go on, without the property and well owners being held responsible for their actions, will only embolden these law breakers to possibly do something even worse or more damaging next time.

The owners of these parcels and wells had a legal and personal responsibility to safeguard the water sources in Belmont from contamination and degradation. Due to their failure to abide by the existing sanitation and water laws of the State of Nevada, the actions of these people have put the health and safety of the entire community at risk, threaten to contaminate the town’s sources of water and have created nuisances.

These are some of the issues that we need to work through and answer at a public hearing. This will allow all sides to present evidence to support their opinions and actions with facts and documentation. I would hope that this Board allows all people involved to have an open, honest, public and civil discussion of these very important issues and can see fit to right the wrongs that have been done,