



**NYE COUNTY
BOARD OF COMMISSIONERS MEETING
2100 E. Walt Williams Drive, Pahrump, NV 89048
TUESDAY, October 16, 2012
10:00 AM**

**Lorinda Wichman, Chair
Dan Schinhofen, Vice-Chair
Joni Eastley, Commissioner
Gary Hollis, Commissioner
Butch Borasky, Commissioner
Sandra "Sam" L. Merlino, Ex-officio Clerk of the Board**

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on October 16, 2012 will be fully completed on those dates. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on October 16, 2012 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Commission reserves the right to reduce the time or limit the total time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougher Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; The Ian Deutch Government Complex, 1520 East Basin Road, Pahrump, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV; Beatty Justice Court, 426 C Avenue South Beatty, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website.

WEBSITE: www.nyecounty.net
The Nye County Board of Commissioners may take a short break every 1 ½ hours.

In accordance with Federal law and U.S. Department of Agriculture policy, Nye County is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider, employer, and lender

"Communication for Hearing Impaired: Dial Nevada Relay Service 711 or for Voice to TTY (800) 326-6888 or TTY to Voice (800) 326-6868"

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

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Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8191 prior to the meeting.

Please note: Blue text that is underlined indicates items are linked to supporting documentation

NYE COUNTY BOARD OF COMMISSIONERS

- 1 Pledge of Allegiance**
- 2 For Possible Action - Approval of the Agenda for the Board of County Commissioners' meeting of October 16, 2012.**
- 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).**

NOTICE OF TIMED AGENDA ITEMS

- 10:00 a.m. Presentation Items:**
- a. [Presentation](#) of certificate and/or plaques to fifteen (15) employees honored for their years of service.
 - b. [Presentation](#) from NV Energy on construction status of ON Line Transmission Line
- 10:15 a.m.** Recess to the Nye County Board of Road Commissioners (Agenda Attached)
- 10:30 a.m.** Recess to the Nye County Licensing and Liquor Board (Agenda Attached)
- 10:45 a.m.** [For Possible Action](#) – Public hearing, discussion, and deliberation pursuant to NRS 244.360 on a complaint alleging the existence of a nuisance located at 4080 W. Medicine Man Road, Pahrump, Nevada
- 11:00 a.m.** Planning, Zoning, and Building Items (Agenda Attached)
- 1:30 p.m.** [For Possible Action](#) – Presentation on Bill Draft Request seeking to obtain power by local governments to use tax incentives for the financing of economic development projects; and discussion and possible decision on funding efforts to support development of BDR and any necessary legislative activities.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

NYE COUNTY BOARD OF COMMISSIONERS

- 4 For Possible Action - Approval of Minutes of the Board of County Commissioners' meeting(s) for - N/A
- 5 Awards and Presentations – 10:00 a.m.
- 6 Announcements (first)
- 7 For Possible Action - Emergency Items
- 8 Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)
- 9 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.
 - a. For Possible Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
 - b. [For Possible Action](#) – Approval of Elected Official Collection Report
 - c. [For Possible Action](#) – Approval of Assessor’s Office Change Request
 - d. [For Possible Action](#) – Approval of Personnel Actions
 - e. [For Possible Action](#) – Approval of Change Order No. 6 to the existing contract with George Benesch, Attorney at Law, to provide legal services regarding water matters for the County and is budgeted in Fund 10101 General.
 - f. [For Possible Action](#) – Approval to pay two (2) Medical Indigent inpatient hospital bills each in excess of \$12,500.00 and is budgeted from Fund 10283 Indigent.
 - g. [For Possible Action](#) – Approval to select PAPÉ Machinery as the lowest most responsible and responsive quote for a Kubota V1505 engine and is budgeted from Fund 10205 Road.
 - h. [For Possible Action](#) – Approval of Change Order No. 1 to the contract with Wulfenstein Construction, Inc. on the SR 160 and Dandelion road improvement project to reflect the actual bid schedule quantities needed and results in a reduction of \$61,750.32 in the final contract amount.
 - i. [For Possible Action](#) – Approval to select In-Situ, Inc., a participating vendor in the GSA Schedules program, to purchase three Level Troll pressure transducers and associated cabling, necessary for support of upcoming drilling and pump testing activities and can be funded from Fund 10340 Grants.
 - j. [For Possible Action](#) – Approval to accept the State of Nevada, Office of Criminal Justice Assistance Grant. There is no match required. This grant will provide for two livescan fingerprint machines, two printers, two monitors, installation and training on the machines. This grant shall be administered from Fund 10340 Grants.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

- k. [For Possible Action](#) – Approval to donate an out of date Live Scan Fingerprint Machine TP3100ED (model 062-2605-0008512R), Printer Lexmark T640, desktop computer, monitor and printer to the Nye County School District.
- l. [For Possible Action](#) – Approval to select Fashion Floors and Windows as they have the only viable quote to remove and dispose of old carpet and install and glue down new carpeting with carpet base at Clerk’s Office in Tonopah which is not budgeted but can be funded from Fund 10401 Capital.
- m. [For Possible Action](#) – Approval to purchase a 2012 Dodge 5500 4x2 cab/chassis 16.7l diesel/6speed automatic from Carson Dodge utilizing the State of Nevada Purchasing contract, which would then be coupled with existing modular box from current transport vehicle and is not budgeted but can be funded from Fund 10401 Capital.
- n. [For Possible Action](#) – Approval to select Fashion Floors and Windows as they have the only viable quote to take up existing vinyl, prep floors to receive new flooring and install floor with cove base at Nye County detention kitchen in Tonopah which is not budgeted but can be funded from Fund 10401 Capital.
- o. [For Possible Action](#) – Approval to accept the Public Agency Compensation Trust (PACT) Stryker EMS Equipment Grant for five (5) Stryker Power LOAD cot fastening systems and two (2) Stryker Power-PRO ambulance cots, including installation. This grant will be administered from Fund 10340 Grants and has a match which is budgeted from Fund 10282 Ambulance and Health.
- p. [For Possible Action](#) – Approval of the closure of State Highway 318 on May 19, 2013 and on September 15, 2013 for the road events held by Silver State Classic Challenge.
- q. [For Possible Action](#) – Approval to select Xybix, a participating vendor in the GSA Schedules program, for new dispatch workstations for the Pahrump Dispatch Center and is not budgeted but can be funded from Fund 10401 Capital Projects.
- r. [For Possible Action](#) – Approval of a Memorandum of Understanding with Tonopah Historic Mining Park Foundation for storage and access to the TAAF Hangar located at the Tonopah Airport.
- s. [For Possible Action](#) – Adoption of Nye County Resolution No. 2012-42: a Resolution accepting previously rejected offers of dedication for county road rights-of-way and retaining their designation as minor county roads.

PUBLIC OFFICIALS

10 Assessor

11 Board of Commissioners

- a. 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.
- b. 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.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

- c. For Possible Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. [For Possible Action](#) – Discussion and deliberation to go into closed session pursuant to NRS 241.030 to consider character, alleged misconduct, professional competence, or the physical or mental health of Nye County Sheriff Anthony DeMeo regarding overspending of budget for fiscal year 2011-12.
- e. [For Possible Action](#) – Discussion and deliberation regarding possible referral to the Nevada Attorney General for prosecution of Nye County Sheriff for expending money or incurring liability in excess of the amounts appropriated for the applicable budget function in violation of NRS 354.626.
- f. [For Possible Action](#) – Discussion and deliberation to set the date and location of the second meeting in January 2013 of the Board of Commissioners in Pahrump, Nevada.
- g. [For Possible Action](#) – Discussion and deliberation to approve funding to complete the BLM land transfer for the Mt. Moriah Cemetery located in Manhattan, NV to Nye County.
- h. [For Possible Action](#) – Discussion and deliberation to appoint two (2) members to the Central Nevada Regional Water Authority Board due to two (2) expiring terms.

12 Clerk

13 District Attorney

- a. [For Possible Action](#) – Discussion and deliberation regarding retaining Erickson, Thorpe & Swainston as counsel for handling of civil litigation pertaining to damages to Blagg Road.

14 Recorder

15 Sheriff

- a. [For Possible Action](#) – Discussion and deliberation on approval to augment the Sheriff's Office budget from Contingency for establishing access to an Inmate Law Library to meet Federal and State guidelines for inmates access to law library materials.

16 Treasurer

- a. [Treasurer's Report](#)

17 Justice(s) of the Peace

18 District Court

19 Juvenile Probation

GENERAL NYE COUNTY ADMINISTRATIVE STAFF

20 County Manager

- a. [Ongoing Project Report](#)
- b. [For Possible Action](#) – Discussion and deliberation on approval of a letter of engagement with Kaempfer Crowell Renshaw Gronauer & Fiorentino as legal counsel for the purpose of assisting the County, as directed by the County Manager and District Attorney, in

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

conducting negotiations and due diligence for the proposed purchase of Pahrump Utility Company, Inc. and is not budgeted but can be funded from Fund 10301 Special Projects Endowment.

- c. [For Possible Action](#) – Discussion and deliberation to approve a lease agreement with Desert Flying Service for a portion of property located at the Tonopah Airport for the purpose of the Tonopah Airport Fixed Base Operations. The initial term of the lease is forty-nine (49) years, and may be renewed at the option of Company for up to two (2) consecutive periods of twenty-five (25) years each, after expiration of the initial forty-nine (49) years of the Term. Desert Flying Service will pay \$100.00 per month and revenues will be deposited into Fund 10209 Airport.
- d. [For Possible Action](#) – Discussion and deliberation concerning the Calvada Eye property including: pond maintenance, street lights, holiday tree lighting, rodents, road to Health Clinic.

21 Emergency Services

22 Facilities

23 Finance

- a. [General Fund Cost Performance Report](#)
- b. [For Possible Action](#) – Discussion and deliberation regarding Bid #2012-28 – Tonopah Emulsion Tank Concrete Slab Construction and Installation. The amount of the bid is unknown at agenda deadline. The project is to be funded from Fund 10205 Road.
- c. [For Possible Action](#) – Discussion and deliberation regarding Bid #2012-22/PWP #NY-2012-365 – Gabbs Water Tank Relining. The project is to be funded from Fund 10340 Grants.
- d. [For Possible Action](#) – Discussion, deliberation, and direction to staff regarding use of General fund Pahrump senior nutrition budget to pay previously unbudgeted request by RSVP program.
- e. [Prevailing Labor Rates Analysis](#)

24 Health & Human Services

25 H/R and Risk Management

- a. [For Possible Action](#) – Discussion, deliberation, and direction to staff to create and authorize the advertising and filing of one B&G Maintenance Worker II. This is not budgeted but can be absorbed from Fund 10101 General.

26 Information Technology

- a. [Report](#) on status of communications system

27 Nuclear Waste Repository Project Office

- a. [For Possible Action](#) – Discussion and deliberation to: 1) approve and execute a Memorandum of Agreement (MOA) between Nye County and Rockview Dairies regarding the construction of and payment for one monitoring well in Amargosa Valley; and 2) approve and execute two copies of Bureau of Land Management Right-of-Way Amendment

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

Offer N-62848/N/, allowing Nye County access to the site at which the monitoring well is to be constructed.

28 Planning/Building - (See 11:00 am Agenda Items)

29 Public Administrator

30 Public Works

- a. [For Possible Action](#) – Discussion and deliberation to: 1) set a date, time, and location for Nye County Bill. No. 2012-17: a bill proposing to amend Title 12 of the Nye County Code by adding a new chapter 12.12 requiring persons causing excessive wear to public roads within Nye County to coordinate with the Nye County Road Department and remediate all damage caused to public roads; providing for the severability, constitutionality and effective date hereof, and other matters properly relating thereto; and 2) reading of the title of the bill into the record.

31 Senior Services

OTHER BUSINESS

32 Town Boards/Town Advisory Boards

33 Public Petitioners

- a. [For Possible Action](#) – Discussion and deliberation to authorize a sublease agreement for property located at 362 Airport Road, APN 012-751-01, Tonopah, NV between Pegasus Logistical Services, Ltd and Life Guard International, Inc.
- b. [For Possible Action](#) – Discussion and deliberation on what needs to be done to bring the roads in Richland Estates up to standards in order for the County to consider accepting the roads.

34 GENERAL PUBLIC COMMENT (second)

35 ANNOUNCEMENTS (second)

36 ADJOURN

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

AGENDA
NYE COUNTY BOARD OF ROAD COMMISSIONERS

Commissioners Chambers, Pahrump, NV 89048
TUESDAY, October 16, 2012

10:15 A.M.

Dan Schinhofen, Chair
Lorinda Wichman, Vice-Chair
Joni Eastley, Member

Gary Hollis, Member
Butch Borasky, Member
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

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1. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)

NOTICE OF TIMED AGENDA ITEMS

10:15 a.m. For Possible Action - Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Road Commission Resolutions establishing County public roads pursuant to Nevada Revised Statutes 405.191, 403.170 and R.S. 2477 Right-of-Way.

Chocolate Pot Road No. [926260](#)

East Pioneer Road No. [926270](#)

Tracking Station Road No. [926280](#)

Alkalai Flat Road No. [929100](#)

Sarcobatus Prospect Road No. [929110](#)

Tin Can Road No. [929120](#)

Stonewall Mountain Road No. [929130](#)

Seep Road No. [929140](#)

Stinking Spring Road No. [968140](#)

Breen Ranch Road No. [968150](#)

North Angleworm Road No. [943830](#)

Angleworm Road No. [943840](#)

West Horse Range Road No. [943850](#)

Manzone Well Road No. [943860](#)

Rock Ridge Road No. [943870](#)

South Crystal Springs Road No. [943500](#)

East Page Place Road No. [954850](#)

South East Page Place Road No. [954855](#)

Old Dominion Canyon Road No. [955510](#)

South Keystone Road No. [955515](#)

2. For Possible Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting for - N/A
3. For Possible Action - General road report by Public Works Director

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

4. [For Possible Action](#) – Discussion and deliberation to set a date, time, and location for a public hearing on Nye County Road Commission Resolutions establishing County public roads pursuant to Nevada Revised Statutes 405.191, 403.170 and R.S. 2477 Right-of-Way for the following:

North Butler Homestead Road No. [971200](#)

East Butler Creek Road No. [971210](#)

North Butler Creek Road No. [971215](#)

Butler Willow Road No. [971220](#)

North Willow Creek Road No. [971225](#)

Monitor Long Canyon Road No. [971230](#)

Short Well Road No. [971235](#)

Willow Creek Wash Road No. [971240](#)

South West Monitor Connector Road No. [971245](#)

North Johnny Potts Springs Road No. [971250](#)

Prospect Springs Road No. [972910](#)

Meadow Creek Road No. [973800](#)

Box Springs Road No. [973805](#)

Soldier Springs Road No. [973815](#)

A Spring Road No. [974110](#)

Toll Canyon Road No. [974415](#)

Sage Hen Springs Road No. [974425](#)

Anderson Cemetery Road No. [974550](#)

Trdgen Well Road No. [975250](#)

5. Adjourn

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

AGENDA
NYE COUNTY LICENSING AND LIQUOR BOARD

Commissioners Chambers, Pahrump, NV 89048
TUESDAY, October 16, 2012

10:30 A.M.

Butch Borasky, Chair

Gary Hollis, Vice-Chair

Joni Eastley, Member

Lorinda Wichman, Member

Dan Schinhofen, Member

Tony DeMeo, Member

Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

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1. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
2. For Possible Action - Approval of Minutes for the Nye County Licensing and Liquor Board meeting for – N/A
3. Consent Agenda Items
4. Brothel
5. Gaming
 - a. For Possible Action – Discussion and deliberation of a Gaming License for United Coin Machine, slot route operator out of Las Vegas to do business at the Maverik #437 store located at 3010 S. Hwy 160 in Pahrump, NV. Robert Woodson, Applicant.
 - b. For Possible Action – Discussion and deliberation of Leroy’s Horse and Sports Place to place and operate a gaming device known as a Self-wagering Race and Sports Book Kiosk at the Banc Club of Tonopah located at 380 N Main Street in Tonopah, NV. Victor Salerno, Applicant.
6. Liquor
 - a. For Possible Action – Discussion and deliberation of a waiver of Investigation Fees of \$250.00 as required under Nye County Code: 5.04.090 (D) for Janet Jensen owner of Maverick Saloon.
7. Adjourn

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

October 16, 2012

Tuesday, October 16, 2012 beginning at 11:00 a.m.

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PLANNING TIMED AGENDA ITEMS

Public Hearing Items: Action will be taken by the Board of County Commissioners (BOCC) on the following matters.

11:00 AM

1. Ex Parte Communications and Conflict of Interest Disclosure Statements
2. Action - Public Hearing, discussion, deliberation and possible decision on the following Planning and Zoning matters:
 - a. [For Possible Action](#) – AP-12-0002: Appeal of the Pahrump Regional Planning Commission’s decision to disapprove a Conditional Use Permit for an Animal Sanctuary containing Special Conditions Animals (Bengal Tigers, Ligers) on an 18.28 acre parcel, located at 6061 N. Woodchips Road, further described as Parcel 4 of File Map #56470. Raymond Mielzynski – Property Owner. Karl Mitchell – Appellant. AP# 27-241-26.

Due to the large amount of backup for this item, it will have 4 sections:

[Section 1](#) [Section 2](#) [Section 3](#) [Section 4](#) Additional: [Section 5](#) [Section 6](#)

GENERAL PLANNING/BUILDING ITEMS (NOTE: THESE ITEMS ARE NOT TIMED AND ARE NOT CONSIDERED PART OF THE PUBLIC HEARING)

1. [For Possible Action](#) – Discussion and deliberation to: 1) set a date, time, and location for a public hearing on Nye County Bill No. 2012-11: A Bill proposing to amend Nye County Code 16.28 the Division of Land Within the Pahrump Regional Planning District, by amending Article VIII “Improvement, Maintenance and Warranty Guarantees” for the purpose of providing the Pahrump Regional Planning Commission with the authorization to approve partial releases of financial security for completed improvements (e.g., water/sewer lines, streets, etc.), providing for the severability, constitutionality and effective date hereof; and other matters properly relating thereto; and 2) reading of the title of the Bill into the record.
2. [Report](#) regarding the International Property Maintenance Code