

OCTOBER 18, 2017

The meeting was called to order at 8:30 a.m. by Carol Shank, Chairwoman. Those present were Robert McDougal and Larry Rackley, Commissioners; Bryce Shields, District Attorney; Karen Wesner, Administrative Assistant; and Lacey Donaldson, Clerk.

APPROVAL OF MINUTES: Mr. Rackley made a motion to approve the minutes of the September 20, 2017 meeting as submitted. Motion seconded by Mr. McDougal and passed.

PUBLIC INPUT: Fran Machado, Code Enforcement Officer gave an update on her cases and gave the Board some pictures. There are 117 open complaints, with 15 new complaints since she started. She has sent 22 notices, with 5 of those being resolved and 7 cases being closed. Mrs. Machado attended Code Enforcement classes in Las Vegas and received two certifications. She also was trained in Pictometry.

REVIEW OF ALL AGENDA ITEMS TO DETERMINE IF ANY DO OR DO NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS: Mr. McDougal made a motion noting Items #15 and #16 regarding marijuana establishments may have an economic impact on businesses. Motion seconded by Mr. Rackley and passed.

JUDGE JIM SHIRLEY: UPDATE ON 11TH JUDICIAL DISTRICT COURT CLERK'S OFFICE REMODEL – Judge Shirley stated that work started on Wednesday, October 4th and it was completed on the following Monday. Judge Shirley is going to have someone come out and re-run the phone lines so they are not on the floor. The \$20,000 that was allowed was exceeded, but they have some court fees that can be used.

REQUEST PERMISSION TO DISPOSE OF EXTRA FLOORING – Judge Shirley stated that there are about ten boxes of flooring left over. Bernie Schneider has asked to purchase them at cost. Mr. Rackley asked if we should keep some on hand to account for any damage. Mr. Handka asked that we keep about 150 square feet. Judge Shirley will ask Mr. Schneider if he would still be interested if the quantity is less.

Mr. Rackley made a motion to keep at least five boxes and allow the remainder to be sold if feasible. Mrs. Shank seconded the motion. Mr. McDougal was opposed. Motion carried.

UNCLASSIFIED DEPARTMENTS:

ROAD DEPARTMENT – Dan Hill was present.

Mr. Hill reported that they are finished working in Unionville. While there, the crew also helped John Handka with a project as well. Mr. Hill stated that they also finished up in Jersey Valley, but decided to put some additional drainage in. There was a trouble spot at Mud Springs by the Marvel Ranch so a pipe was installed on Friday. Mr. Hill stated that they have been working on some blow-outs on Dago Pass. He received a few complaints from people in Pleasant Valley that they are trying to address. Mr. Hill has also been working on installing signs and painting at the railroad crossings. He met with Coeur Rochester last week and agreed to chip seal an additional five miles with Coeur paying the cost. Mr. Hill attended NDOT's (Nevada Department of Transportation) winter meeting and had nothing new to report. Lastly, Mr. Hill stated that they just moved the connex out of the Admin Building parking lot and they will haul it to Imlay.

Mr. McDougal asked for an update on the request to increase the speed limit on a frontage road. Mr. Hill stated that NDOT will be doing a speed study.

Approval to advertise/hire to fill vacant Road Worker I/II position: Mr. Hill stated that he is planning on advertising after the first of January.

Mr. McDougal made a motion to approve the advertisement and hiring to fill the vacant Road Worker I/II position when Mr. Hill is ready. Motion seconded by Mr. Rackley and passed.

LANDFILL – Dan Hill was present.

Clayton Randolph has been hired to fill the vacant position and will start at the end of the month. The loader has been fixed, but we haven't received the bill yet.

Mrs. Shank asked about the Grass Valley transfer site. Mr. Hill stated that when the regular driver is working things are good, but when he takes time off it goes downhill. They haven't received any recent complaints.

BUILDINGS AND GROUNDS – John Handka was present.

Mr. Handka reported that they helped the Judge as much as they could with the remodel in the Clerk's office. They removed the skirting off the new trailer for the Airport in preparation for the move. They also cleaned out the old trailer and disconnected the sewer lines. They surveyed about 150 plots at Big Meadow Cemetery. Mrs. Shank stated that previously purchased plots were put in off kilter, so they have tried to rectify that for the future. Mr. Handka also stated that the restrooms at the ball fields have been closed for the winter.

Mr. Handka stated that the NDF (Nevada Division of Forestry) prison crew did not make it out to work at either cemetery or to move the fence in Unionville as they were called out on fires. He did receive a call this morning stating that a crew would be going to Unionville today to move the fence. If the rest of the week is freed up they will come to work on the cemeteries.

Mr. Handka stated that they are still working on converting the lights in various buildings to LED. He also reported that someone has been pushing the emergency shut-off for the fuel at the Airport.

SENIOR CENTER/ VOLUNTEER COORDINATOR – Jordan McKinney was present.

Approval of standing mixer in the amount of \$9,500.00: Mrs. McKinney stated that this purchase will come out of the Gift Fund.

Mr. McDougal made a motion to approve the purchase of a standing mixer for a cost not to exceed \$9,500.00 with the funding coming from the Gift Fund. Motion seconded by Mr. Rackley and passed.

Purchase of HVAC unit for the Senior Center: Mrs. Shank asked where the funding is coming from. The cost is approximately \$6,327.00. Mrs. Childs stated that there is an item on the agenda to approve the updated Capital Improvement List and she has accounted for "emergency" expenses.

Mr. McDougal made a motion to approve the purchase of an HVAC unit for the Senior Center in the amount of \$6,327.00, funding to come from the Building Fund. Motion seconded by Mr. Rackley and passed.

DERBY FIELD AIRPORT: APPROVAL OF CONTRACT FOR DISASSEMBLY AND REASSEMBLY OF MODULAR HOME PURCHASED, NOT TO EXCEED \$10,000.00 AND DISCUSSION AND APPROVAL OF MATTERS RELATING TO UTILITIES AND OTHER COSTS ASSOCIATED WITH THE MANUFACTURED HOME AT THE AIRPORT – Mrs. Shank stated that she reviewed the County's requirements for mobile home set-ups and also spoke with Mr. Evans. Mr. Evans stated that runners are preferred. The quote states that pier blocks and tie-downs will be used. Mr. Rackley spoke to the company about that and this method is used quite often. Mrs. Shank also asked if they would be converting the utilities. Mr. Rackley stated that no conversion is required and that the unit has propane. Mrs. Shank stated that the previous unit was electric, not propane. Mrs. Shank was concerned about the cost from changing from electricity to propane. Mrs. Shank asked who would be responsible for the propane costs. Mr. Rackley stated that could be negotiated. He also noted that the mobile home has a pellet stove as well.

Mr. Rackley made a motion to approve the contract with Burt Reed's company for the disassembly and reassembly of the modular home purchased for the Airport for a cost not to exceed \$10,000.00. Motion seconded by Mr. McDougal and passed.

Mr. Shields stated that the previous lease with the McKinney's terminated due to an act of god. A new lease will have to be drawn up if they wish to move into this home.

Mr. Handka reported that he has received a quote of \$9,000 to replace 4 doors in the Courthouse.

UNCLASSIFIED DEPARTMENTS, CONT.D:

PERSHING COUNTY EMERGENCY OPERATIONS MANAGER, LEPC UPDATE/REPORT AND PRESENTATION ON ALERT-SENSE NOTIFICATION – Dave Skelton was present.

Mr. Skelton gave a presentation on the Alert-Sense Notification system. Mr. Skelton did not have any details in regards to cost.

Heidi Lusby-Angvick spoke regarding the training she attended in April. Mrs. Lusby-Angvick stated that she thought this could be used in other ways besides emergency alerts. Mr. Shields would advise against using this product for anything besides true emergency alerts due to the Open Meeting Law.

KENDRA FOLLETT, SHERMAN & HOWARD: PRESENTATION ON BONDING FOR THE POTENTIAL NEW LAW ENFORCEMENT CENTER – Ms. Follett gave the Board an overview of the County's options regarding financing.

Mr. McDougal asked if a grant is obtained during the life of the loan if it could be used to pre-pay a portion of the loan. Ms. Follett stated that Nevada Law doesn't preclude pre-payments, but it would depend on the lender's terms.

Mr. Shields asked when a bond had to be approved by the tax payers. Ms. Follett stated that bonds only need tax payer approval if a tax will be levied to pay the bond.

GRASS VALLEY ADVISORY BOARD: Linda Workman was present.

Ms. Workman stated that for the October meeting they have invited a Brand Inspector to speak. The Brand Inspector has requested that the Sheriff attend as well. On November 17th they will be hosting Turkey Bingo.

PROCLAMATIONS AND AWARDS: FIRE FIGHTER AND EMERGENCY RESPONDERS PROCLAMATION – Mr. McDougal made a motion and read a Proclamation thanking our local Firefighters and Emergency Responders. Motion seconded by Mr. Rackley and passed.

FIRE PREVENTION WEEK – Mr. Rackley made a motion and read a Proclamation declaring October 8-14, 2017 Fire Prevention Week. Motion seconded by Mr. McDougal and passed.

The meeting recessed at 10:04 a.m. for a Litigation Meeting and reconvened at 10:10 a.m.

SHAWN THORNHILL, PERSHING COUNTY LAW ENFORCEMENT ASSOCIATION: PROVIDING USEFUL INFORMATION TO THE COUNTY COMMISSION – Deputy Thornhill gave the Board a spreadsheet regarding the budget. Deputy Thornhill stated that Fact Finding costs both sides money and the increase they are asking for would cost less than moving forward with Fact Finding.

ELECTED DEPARTMENTS:

LACEY DONALDSON, CLERK-TREASURER – *Approval of VOTEC contract for Vote Safe Software and services (electronic poll books) in the amount of \$13,900.00 from the Clerk-Treasurer's budget:* Mr. McDougal made a motion to approve the contract with VOTEC for Vote Safe Software and

services in the amount of \$13,900.00 to be paid for from the Clerk-Treasurer's budget. Motion seconded by Mr. Rackley and passed.

Approval of DEVNET Server and software cost proposal addendum in the amount of \$390.00 from the Capital Improvement budget: Mrs. Donaldson stated that she spoke with both VOTEC and DEVNET in regards to the server requirements. This addendum will increase the storage on the DEVNET server already purchased to accommodate the VOTEC system as well.

Mr. Rackley made a motion to approve the DEVNET Server and software cost proposal addendum in the amount of \$390.00 to be paid for from the Capital Improvement budget. Motion seconded by Mr. McDougal and passed.

RENE CHILDS, RECORDER-AUDITOR – Revised Capital Improvement Project/Building Fund Budget for FY2018: Mrs. Childs gave the Board an updated Capital Improvement Project list. It was decided to add \$9,000 to replace doors at the Courthouse. The amount listed for miscellaneous emergencies will be reduced to account for the door replacement and to include the Senior Center HVAC.

Mr. Rackley made a motion to approve the Capital Improvement Project/Building Fund Budget for FY2018 including the additions of the Courthouse doors and the Senior Center HVAC. Motion seconded by Mr. McDougal and passed.

UPDATE ON PROGRESS OF SITE LOCATION, DESIGN, FUNDING, AMENITIES, AND CONSTRUCTION OF POTENTIAL NEW LAW ENFORCEMENT CENTER; APPROVAL TO OBTAIN REAL ESTATE AGENT TO ASSIST WITH PURCHASING PROPERTIES FOR THE EXPANSION OF THE NEW LAW ENFORCEMENT CENTER: Mr. Rackley stated that they met with the architects last week and went over the floor plan. They will continue to work with the scale to see how it will fit on our existing property. Mr. Rackley stated that they also discussed a contract for services. They will send something for Mr. Shields to review. Mr. Rackley has asked Mrs. Wesner to contact the neighboring property owner to see if they would be willing to sell. He also mentioned the property across the street. Mr. Rackley would like permission to look into the County's options in regards to the two properties.

Mr. McDougal made a motion to allow Commissioner Rackley to proceed with looking into the options to purchase properties for the expansion of the Law Enforcement Center. Motion seconded by Mr. Rackley and passed.

BOARD APPOINTMENTS/RESIGNATIONS/VACANCIES: There were no letters submitted for consideration.

CORRESPONDENCE: There was no additional correspondence discussed.

FIRST READING OF A PROPOSED AMENDMENT TO CHAPTER 5.04 OF THE PERSHING COUNTY CODE RELATING TO THE REVOCATION OF A BUSINESS LICENSE: Commissioner McDougal introduced Bill #331 and read it by title as follows:

AN ORDINANCE AMENDING CHAPTER 5.05, TITLE 5 OF THE PERSHING COUNTY CODE; AMENDING THE CODE TO REQUIRE COMPLIANCE WITH ZONING, TAX AND OTHER ORDINANCES AS A CONDITION OF MAINTAINING A BUSINESS LICENSE; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO SUSPEND OR REVOKE THE BUSINESS LICENSE OF A PERSON FOUND TO BE IN VIOLATION OF THE PROVISIONS OF TITLE 5.

DISCUSSION REGARDING WHETHER OR NOT TO ALLOW MARIJUANA (CANNABIS) ESTABLISHMENTS, EITHER DISPENSARIES OR GROWING MARIJUANA (CANNABIS) FOR SALE TO DISPENSARIES IN PERSHING COUNTY: Mr. Rackley stated that they started this discussion at the last meeting and were looking for input from the Sheriff and District Attorney. Mr. Shields stated that from the perspective of law enforcement most of the research he found dealt with dispensaries and not cultivation facilities, so he doesn't really have any viable information to give the Board in regards to whether crime would increase if a cultivation facility came in. Mr. Shields did state that it is interesting that this has been on the agenda for a few weeks and there has been no interest from the public. Mr. Shields suggested that the Board move forward with a first reading of an Ordinance in order to open the door to more public participation. Mr. Shields stated that he is in no way a proponent, but feels he would be remiss to not inform the Board of the potential revenue. The County currently has a limited revenue stream and this could bring in approximately \$125,000 per year.

Mr. McDougal stated that he would be recusing himself from further discussion and action on this item as he may have a business interest if cultivation was allowed in the Industrial Park. He did want to make a few comments now. Mr. McDougal stated that he has concerns about levying the appropriate fees and requiring the appropriate level of security. He also stated that there are a limited amount of permits that the State will be issuing to grow facilities and we would be remiss in not supporting a facility that may help the economic well-being of the County. As the product would be moved out regularly and there would not be a retail store-front, he doesn't see an increased threat to law enforcement.

Mr. Rackley spoke about the conversation they had at the last meeting. Pros and cons were discussed. At the time they did not have any indication that someone else would be interested in a grow facility. Mr. Rackley stated that his opinion has not changed and he would make a motion to move forward.

Mrs. Shank stated that 60% of Pershing County's voters voted against Question 2. She would like to hear comments from the public in regards to whether or not they are opposed to all sales and how they feel about cultivation facilities.

Mr. Shields stated that the Lovelock City Council introduced a Bill at their meeting last night to approve dispensaries and cultivation within the City of Lovelock. Mr. Shields stated that the parcels in the Industrial Park are contiguous to the City of Lovelock and a property owner could petition to be annexed into the City.

Mr. McDougal stated that he feels it is important that the Board takes a stand today and agendaize further discussion at the next meeting in two weeks. He also suggested that the Ordinance be written in such a way that it is restricted to the growing and processing of medical and recreational cannabis only and deny retail sales.

Mrs. Donaldson informed the Board that if they do introduce a Bill today, the Public Hearing wouldn't be at the next meeting due to newspaper deadlines as the notice must be published for 10 days prior to the hearing.

Mrs. Shank asked if introducing the Bill would be making a decision. Mr. Shields stated that it is not making a decision; it is opening the door to making a decision. She had no problem moving forward as long as the decision isn't made today and it is just opening the door to more discussion.

Mr. Rackley made a motion that Pershing County not allow facilities for the retail sales of medical or recreational marijuana, but allow the growing of marijuana for sale to dispensaries, limiting the facilities to the Pershing County Industrial Park. Motion seconded by Mrs. Shank. Mr. McDougal abstained due to a possible conflict of interest. Motion carried.

FIRST READING OF AN ORDINANCE REGARDING MARIJUANA (CANNABIS) ESTABLISHMENTS, EITHER DISPENSARIES OR GROWING MARIJUANA (CANNABIS) FOR SALE TO DISPENSARIES IN PERSHING COUNTY:

Commissioner Rackley introduced Bill #332 and read it by title as follows:

AN ORDINANCE AMENDING PERSHING COUNTY CODE TITLE 17, CHAPTER 327 TO PROVIDE FOR MARIJUANA CULTIVATION FACILITIES WITHIN THE UNINCORPORATED AREAS OF THE COUNTY; ESTABLISHING PROPER ZONING AND LAND USE; PROVIDING FOR LICENSING FEES OF MARIJUANA CULTIVATION FACILITIES.

REPORT FROM LEGAL COUNSEL: Mr. Shields did not have anything to report. He did inform the Board that Todd Banks has passed his Bar Exam and was sworn in.

REPORT FROM ADMINISTRATIVE ASSISTANT: UPDATE ON IT TECHNICIAN POSITION APPLICATIONS AND SET DATE FOR INTERVIEWS – Mrs. Wesner reported that she has received three applications for the IT position to date. The posting closes on Thursday, October 26th. She would like to set a date for the Board to conduct interviews. It was decided that a committee will be formed to conduct the interviews and then make a recommendation to the Commission.

UPDATE ON THE PERSHING COUNTY ECONOMIC DEVELOPMENT AND CONSERVATION ACT: None of the Board members had anything new to report. Mr. McDougal will be meeting with Alan Freemeyer next week and will ask him if he has heard anything.

ITEMS FOR FUTURE AGENDA: Commissioner Shank stated that if anyone had items for the next agenda to get the information to Mrs. Wesner.

MATTERS OF THE BOARD FOR DISCUSSION, BOARD MEMBER REPORTS, BOARD LIAISON REPORTS: Mr. Rackley didn't have anything to report.

Mr. Shields commented on getting more public feedback in regards to the marijuana bill. He suggested that the Commissioners discuss how to get the word out to the public. Mr. McDougal asked Debra Reed from the Lovelock Review-Miner if she would be writing an article. She stated that she would. Mrs. Shank asked if it would be advisable to have a special meeting and hold it at the Community Center. Mr. Shields thought that would be a good idea. Mrs. Donaldson asked that the meetings either continue to be held in the Commission Room or at City Hall as it is hard to record at the Community Center.

Mr. McDougal asked how soon we could plan for a special meeting. Mrs. Donaldson stated that if it is going to be the official public hearing, the earliest it could be held is November 6th. Mr. McDougal would like to see this move along as quickly as possible. Mr. Shields stated that the Board can hold special meetings outside of the public hearing and they could do it as soon as next week if they wanted.

Charlie Gierhart spoke about the State law and asked the Board to be mindful of possible deadlines. He would also encourage the Board to take into consideration the financial stability of any entity that might apply for a cultivation license. He also stated that he got the impression that the Commission wanted to "clean-up" the proposed Ordinance and asked if that would be done prior to any public hearings. Mrs. Shank stated that any changes would be made in those public hearings before it is adopted.

Mrs. Shank stated that the ad for a public hearing could go in next week's paper and a public hearing could be held as soon as November 6th. She asked Mr. Shields if this was correct and he stated it was. Mrs. Donaldson stated if the Bill is adopted, it would go into effect after two publications.

Mrs. Shank asked if the Board wanted to have a public meeting prior to the actual public hearing. Mr. McDougal stated that he would like to see an evening meeting scheduled for November 6th. Mrs. Donaldson asked if the meeting on the 6th would be the actual public hearing. Mr. McDougal said yes. Mrs. Shank asked if they wanted a meeting scheduled prior to the meeting on the 6th.

Mrs. Shank clarified that the actual public hearing will be held at 6:00 p.m. on November 6th. If an Ordinance is adopted it would take effect on November 24th. Mr. Shields stated that this timeline would work as the moratorium expires on January 1st.

Mrs. Shank again asked if the Board wanted to schedule additional meetings in conjunction with the meeting on the 6th. Mr. McDougal stated that the Board already has a meeting on November 1st and comment could be taken then as well.

Mrs. Donaldson will advertise the public hearing for Bill #322 to be held on November 6, 2017 at 6:00 p.m. in the County Commission meeting room.

Mr. McDougal stated that he attended a NV Works meeting last Friday. They spoke about getting students prepared for work. He also stated that he will miss the next Western Nevada Development District meeting. Mrs. Rowe and Mrs. Lusby-Angvick attend that meeting as well.

Mrs. Shank will be attending the NACO (Nevada Association of County Officials) meeting this Friday.

Mr. McDougal also stated that he is reviewing the first draft of the Water Resource Plan prepared by Farr West Engineering and he will submit any comments he has.

PUBLIC INPUT: There was no public input at this time.

The meeting recessed at 11:17 a.m. to meet in a closed labor session pursuant to NRS 288.220 to meet with the County’s labor representative regarding labor negotiations. The meeting reconvened at 11:25 a.m. to review vouchers.

VOUCHERS: Mr. Rackley made a motion to approve the vouchers, excluding vouchers for Vendor #556, Larry Rackley and Vendor #276, Carol Shank. Motion seconded by Mr. McDougal and passed.

Mr. McDougal made a motion to approve the voucher for Vendor #276, Carol Shank. Motion seconded by Mr. Rackley. Mrs. Shank abstained as it is her voucher. Motion carried. Mr. McDougal made a motion to approve the voucher for Vendor #556, Larry Rackley. Motion seconded by Mrs. Shank. Mr. Rackley abstained as it is his voucher. Motion carried.

Mrs. Childs mentioned a voucher from Sierra Electronics that the Sheriff requested be put back against last year’s budget. Not only is the old year’s books closed, but the voucher is dated after June 30, 2017.

It was noted that the candidate for the 4-H Coordinator has not been approved yet.

PUBLIC INPUT: There was no additional public input.

As there was nothing further to come before the Board, the meeting adjourned at 11:40 a.m.

Approved 11/15/17: _____
Carol Shank, Chairwoman

Attest: _____
Lacey Donaldson, Clerk