The Board of Elko County Commissioners met in regular session on Wednesday, August 8, 2012, at 1:30 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present:  

- County Commissioners: R. Jeff Williams, Chair  
  - Demar Dahl  
  - Glen Guttry  
  - Charlie Myers  
  - Warren Russell  
- County Manager: Robert Stokes  
- CFO/Asst Manager: Cash Minor  
- Deputy District Attorney: Kristin McQueary  
- Deputy County Clerk: Marilyn Tipton  
- Library Director: Jeanette Hammons  
- Sheriff: James Pitts  
- Planning/Zoning/NRMAC: Randy Brown  
- Zoning Enforcement Officer: John Kingwell  
- Road Supervisor: Otis Tipton

Chairman Williams called the meeting to order at 1:53 p.m. Commissioner Guttry led the meeting participants in the Pledge of Allegiance.

1:54 PM

I. COMMENTS BY THE GENERAL PUBLIC:

Cliff Gardner commented upon the fire in Ruby Valley and the volunteer firefighting response. He suggested there be a protocol that the County employees can use the County equipment in response to the emergencies. Cliff Gardner commended the two Sheriff’s Deputies that were present. He stated the two tract roads developed enabled them to access the fires and they wanted to have the ability to exit if the fire encloses them. Cliff Gardner stated the people...
trying to close roads would impact the habitat because it would hamper the firefighting efforts.

Sheriff Pitts reported upon the National Night Out event held last night and thanked them for their support of the event.

John Carpenter stated seven counties were represented at the meeting in Winnemucca regarding the Great Basin College. He reported they were drafting of Resolution. He stated there would be a legislative subcommittee meeting next Thursday regarding higher education and there would be a discussion on the budgets of the community colleges. He stated on August 29th the full subcommittee would meet then the Board of Regents would meet in early September.

Commissioner Russell commented upon the rapid volunteer firefighting response in Lower Lamoille.

Commissioner Williams noted there were a lot of fires all over the County and volunteer firefighters protecting lives, property, and wildlife habitat.

Ken Miller, Elko BLM District Manager, reported there had been 59 fire starts since Sunday. He stated of those 59 ignites there was only one big fire known as the Willow Creek Fire located northeast of Midas which was 20,000 acres. He stated it appeared that the interagency fire suppression efforts in Northeastern Nevada were achieving solid success. Ken Miller commented there had not been a serious injury during those 59 starts. He cautioned they have 10 more weeks of fire season to go. Ken Miller stated they have been fortunate to find resources across the west but felt the argument of sage grouse habitat had aided with those resources. He stated the firefighting liaison program was working and commended Sam Mori’s interaction between ranchers, stakeholders and IC on the Willow Fire. Ken Miller requested them to jump on the issues as quickly as they were identified.

Commissioner Myers inquired how the retardant reacted with the sage grouse habitat and what the long term impacts were. Ken Miller stated the only impact was if it was dropped into waterways.

Commissioner Russell praised the Sheriff’s Department for viewing the fire areas to relay the information and the Deputies backing up the Fire Departments.

Harry Botsford stated he watched during the lightning strikes and called them in if he saw fires.

Commissioner Russell read Article III, Section 1 from the Constitution of the United States.

II. NORTHEASTERN NEVADA REGIONAL ECOnOMIC DEVELOPMENT AUTHORITY (NNRDA formerly ECEDA):
Discussion and consideration of issues and activities of NNRDA including a year-end status report and a request for financial assistance for a Regional Planning effort.

Chairman Williams tabled the agenda item until next month.

2:16:48 PM:

III. ELKO COUNTY LIBRARY BOARD OF TRUSTEES

Report and review of Board of Trustees activities and minutes including issues related to the continuing operation of the County Library. The Library Board Minutes and Law Library Minutes were previously submitted.

Jeanette Hammons, Library Director, reported upon the completion of the Summer Reading Program. She stated forty participants attended the Blohm’s book signing. They were starting the Pets Caught Reading Photo Contest. Jeanette Hammons stated the bookmobile clerk had resigned to further her education. She reported flooding had occurred this weekend and Buildings and Grounds replaced the rain gutter. She stated Friends of the Library participated in the annual Barrick Golf Tournament last Saturday. Jeanette Hammons stated the Tri County Needs Assessment consultants would submit their final recommendations at the end of September. She stated the Carlin Branch facility was named after Ellen Meshefski and they hoped to move into the new location at the end of the month.

Harry Botsford voiced appreciation to the Library and stated his wife had donated funding to the Kindle library.

IV. U.S. BUREAU OF LAND MANAGEMENT NEWMONT MINING CORPORATION – LONG CANYON MINING PROJECT:

Discussion and consideration of comments of support regarding the proposed Newmont Mining Corporation - Long Canyon Mining Project located between Wells and West Wendover, Nevada that was proposed to operate 8 to 14 years and employ 300 to 500 people from construction to closure.

Chairman Williams tabled the issue to be heard at a later time.

2:22:42 PM:

V. BOARD OF COUNTY HIGHWAY COMMISSIONERS:

Highway Chairman Russell called the Board of County Highway Commissioners to order at 2:22 p.m.

2:22:48 PM:

Pole Creek Bridge Replacement Project:

Discussion and consideration of authorization for engineering services for the Pole Creek Bridge Replacement Project in north Ruby Valley.

Otis Tipton stated they had budgeted for the replacement bridge within North Ruby Valley. He stated the proposal was for a CON/SPAN bridge which was pre-constructed similar to the bridge in Lamoille. Otis Tipton stated it would be a year before construction can begin due to the water permitting process. He
stated the statement of qualification approved for professional services on bridges was Chilton Engineering and Summit Engineering. His recommendation was to utilize Chilton Engineering because of their past experience with these bridges. He stated this bridge may have to have a by-pass which would increase the costs.

Commissioner Myers inquired about the span of the bridge. Otis Tipton stated the hydrology study would dictate how wide the bridge was. Commissioner Myers inquired if this bridge fell under the Federal Bridge Replacement Program. Otis Tipton replied the bridge was not long enough to fall under the federal program.

Commissioner Russell inquired if this was his decision for replacement. Otis stated when it was inspected they discovered the concrete was failing.

Commissioner Dahl inquired how this bridge compared with the Mary’s River Bridge. Otis Tipton stated the Pole Creek Bridge would be smaller. Commissioner Dahl inquired if the bridge on Mary’ Rivers also had concrete failing and received an affirmative response. Commissioner Dahl noted the difference between the two bridges was $900,000 to $600,000. Otis Tipton stated that was the preliminary engineering estimate and the County would only pay 5% on the Mary’s River Bridge under the Federal Bridge Replacement Program.

Commissioner Russell inquired why the County Road Department could not do repairs to the Mary’s River Bridge. Otis Tipton stated they have to remove the concrete and replace it. He explained the County made the decisions upon bridges that were less than 20 feet. Commissioner Williams stated the Engineer would also substantiate the replacement of the bridge. Otis Tipton stated in Lamoille when they picked up the bridge the concrete supports fell in.

Commissioner Guttry inquired if this was gas tax money. Otis Tipton stated this was within the Road Budget which was gas tax money. Commissioner Williams noted this would be under the Davis-Bacon Act which would cost an additional 30% to 40% on wages

Otis Tipton clarified they were asking for authorization of the engineering services because they had previously approved the bridge replacement.

Commissioner Guttry noted the style of bridge could be dictated by the County and inquired if they could they build a wooden bridge. Otis Tipton stated the CON/SPAN Bridge was the same price as a wooden bridge.

Kristin McQueary stated during deer season the traffic count rose. Commissioner Russell inquired how long this CON/SPAN Bridge would last. Otis Tipton stated it had a 60 to 80 year life with no maintenance. He noted a wooden bridge lasted only 40 years with a lot of maintenance.
Commissioner Dahl noted the Board had discussed the Pole Creek Bridge longer than the Mary’s River Bridge because the cost was coming from the County. Otis Tipton stated the CON/SPAN bridges cut the costs.

Commissioner Russell noted it only took two or three weeks to install the Lamoille CON/SPAN Bridge.

Commissioner Williams inquired about utilizing culverts. Otis Tipton stated the flooding and debris would blow the culverts out because this was the main Franklin Canyon drainage.

Commissioner Russell commented upon the Lamoille flooding due to the installation of culverts and debris backing up the water.

**MOTION:** Commissioner Guttry moved to approve Chilton Engineering for services on the Pole Creek Bridge Replacement Project in North Ruby Valley. Commissioner Williams seconded the motion.

Chairman Russell inquired if there was public comment.

Gary Wines noted Otis Tipton spoke upon the increase upon having to have the by-pass and suggested they shut the road down to reduce the costs. Otis Tipton stated the Commission would hear the complaints and it would be during September or October when they were shipping cattle. He estimated they would save about $50,000. He stated they would do this during the lower water flow in October. Commissioner Guttry recommended they leave the road open.

Kristin McQueary suggested they ask the three families if they would bring the cattle trucks from Elko or Idaho.

Commissioner Guttry amended his motion to include asking the three families if the cattle trucks would come from Idaho or Elko. Commissioner Williams seconded the amendment.

The Board members discussed notification to the families through Otis Tipton and the necessity of the amendment. It was decided not to amend the motion.

Commissioner Guttry restated his original motion.

The original motion was passed unanimously.

**2:41 PM:**

**HIGHWAY BOARD ADJOURNMENT:**

Chairman Russell adjourned the Highway Board at 2:41 p.m.

**2:41:48 PM:**

**VI. ELKO COUNTY CODE:**

**Gas Tax Increase Proposal:**

In accordance with Notice 34-2012 and NRS 244 conduct a Public Hearing and second reading of a revision to County Code Section 6-10-2, Ordinance 2012-09, entitled, **AN ORDINANCE RAISING THE ELKO COUNTY MOTOR VEHICLE FUEL TAX ELKO COUNTY CODE SECTION 6-10-2, FROM SIX AND ONE-HALF CENTS ($0.065) PER GALLON TO A TOTAL OF NINE CENTS**
($0.09) PER GALLON, AND ALL OTHER MATTERS PROPERLY RELATED THERETO, that includes provisions to increase the gas tax by 2 ½ cents.

Kay Dawn Jenkins opposed raising any taxes and commented food costs had raised. She stated if they had a pet project then they could change the money around to pay for it. Ms. Jenkins stated they have repairs on their own homes to perform. She noted they raised the room tax during the recession.

Janine Hansen, State President of the Nevada Families Eagle Forum, commented upon the protest at the State Legislature of the increase of taxes. She noted there was a refinery fire in California which would increase the gas prices in the future. Janine Hansen-Hawkins stated the Tax Foundation stated in Nevada they finished paying their taxes on April 18th so they paid state, local, and federal taxes for four months. She stated there were hidden government taxes when performing construction and most families pay 50% to 60% in hidden taxes. Janine Hansen noted in Elko County approximately 40% of the school children receive free lunches or subsidized lunches which meant those families were in economic trouble. Her son was a single income provider for six children who drove a suburban opposed the gas tax. She stated with the continual raise in taxing, the inflation of food costs she suggested they plan for the money and suggested pay as you go, re-evaluate what they were doing and stop raising the taxes. Janine Hansen stated with the new Obama Health Care there were seven new taxes proposed for every family above $25,000. She noted the medium income was $55,000 in Elko County. She spoke to Brad Roberts and was informed that the Chamber of Commerce estimated that every $1 spent within a community would circulate three to four times. Janine Hansen estimated this tax of $800,000 would mean approximately $400 million dollars would not circulate with Elko County. She stated there would be a loss of sales tax revenue could be $270,000 because this would take from every family’s budget. She stated many people could not attend because they had to be at work.

Tom Jefferson asked when the last gas tax was raised. Commissioner Williams stated six to seven years ago. Mr. Jefferson asked if they were taxing on a percentage. Commissioner Russell clarified it was based per gallon. Tom Jefferson asked if there was a lack of insight or state law that it was not based upon percentage. Commissioner Russell replied state law and any amendments to that tax would be addressed through State Legislature. Tom Jefferson stated they should have followed the rate of inflation because they were losing ground every month. He suggested the Commission go before the State Legislature and ask them to put the gas tax upon a percentage basis. Commissioner Williams stated this was discussed by the Road Services Advisory Committee several times. He stated it would have been $0.30 cents per gallon if it was upon a percentage basis. Tom Jefferson suggested that this be taken back to the State.
Commissioner Russell noted in reality they were paying less gas tax now than a year ago because inflation went up. He stated they were paying less tax to support roads within the County in real dollars than they did 12 years ago.

Tom Jefferson stated they were paying less than 40 years ago if based upon the percentage of gas. He believed the Road Department was under stress due to this lack of funding.

Cliff Gardner stated additional gas tax was self defeating because others will fill up at other places. He noted the bigger trucks would gas up at counties that have lower taxes. He stated it was hard to cut costs on the federal projects but the federal government was going deeper in debt. He stated society would have to deal with these standards.

Commissioner Williams noted 60% to 75% of the pickup trucks were diesel and the cars were getting more mileage per gallon but do as much damage to the roads. Cliff Gardner stated he drove a Dodge diesel. Commissioner Williams stated his company spent approximately $45,000 to $50,000 per month and only $5,000 went to gasoline tax. He stated all the rest was diesel tax which went to the State. Commissioner Williams stated the public did not understand where the taxes were generated and who were paying for it. He noted the Road Services Advisory Committee reviewed the tax laws, the fuel allocation, the road department functions, state law and knew where the money came from. He stated the public came in wanting to make changes but they did not know the state laws or the union contracts. Commissioner Williams noted they could get the background by coming to the Road Service Advisory Committee meetings. He stated they have looked at roads to reduce maintenance upon them and they held a hearing. Commissioner Williams stated people came in opposition so they continued the maintenance.

Cliff Gardner stated the judicial system had impacted the issue. He stated in Ruby Valley they do see what was occurring on the roads and asked there be more efficiency in overseeing labor and more materials in the future. He stated their road was graveled to create a magnesium surface and the magnesium chloride was a good material. He stated when they put that crushed gravel on it was put on sparsely in places and in six places the road was deteriorating and was down to the granite. He asked that they utilize the gravel pile at Indian Creek to patch the road. Commissioner Williams suggested these suggestions be brought to the Road Services Advisory Committee. Cliff Gardner stated over the years during the winter time the county employees were not supervised. He stated they drove slow to work and hide in the draws. He stated a dump truck or loader could haul the gravel at Indian Creek.

Edgar Nelson, a former Arizona County Road Worker, had several grader camps within the County. He had rented a house from the County for $200.00
per month. Mr. Nelson would go to the RSAC meeting and give them his suggestions. Commissioner Williams stated they have to follow the law and the union contract. He suggested that Cash Minor and Kristin McQueary attend the next RSAC meeting to educate the public upon gas tax.

Commissioner Russell inquired if Arizona had a collective bargaining within that County. Edgar Nelson replied no.

Jim Collins stated the handicap and disabled cannot go out and raise two and one-half cents. He noted the City’s water rates had just gone up and their Social Security increase was only 2.6%. He noted people upon fixed income had older cars which were not fuel efficient.

Gary Wines inquired about what the road budget was. Otis Tipton replied three million dollars with RTC funding. Gary Wines found it hard to believe that they could not come up with more efficiency. He noted the Commissioners did not know how much money they were spending but they wanted an increase. Commissioner Williams stated the Commission knew in round figures what the budget was.

Marla Criss spoke in opposition to the proposed gas tax increase. She commented upon the consequences to the local businesses, and the mining industry. She asked that they look at other frivolous places in the budget to cut. She commented they were standing in a nice building and then asking to raise the taxes.

Norma Viergutz commented upon a woman within the Drug Court who was receiving entitlements from the County for her rent but she cannot retain a job. She encouraged them to examine how they were wasting money.

Kent Howard stated the real solution was privatization. He stated they would find privatization could do it cheaper than the government.

Bertha Gardner suggested the County cut back and work within their budget.

Bill Halls stated they could cut a lot of the roads out of their maintenance so they would not have to raise taxes. He questioned why they maintain roads that go to same place such as a road (by-pass) when they put in a bridge. He suggested making evaluation of the roads that were going to somewhere. He stated in mining areas they have roads going to mines but they were no longer being utilized but being maintained. Bill Halls opposed the gas tax and noted taxes were going up in other areas. Commissioner Russell inquired where Mr. Halls lived. Mr. Halls replied he was living in the City. He suggested they evaluate the use of the roads because his road had been paved about four times.

Kay Dawn Jenkins stated they live in Kittridge Canyon and the County didn’t maintain the roads. She stated the neighbor moved in and now the road
was done. She stated if they keep taxing, it would chase away businesses. She noted they chased away Casino Express with taxes.

Edgar Nelson was shocked with the three million dollar budget because that was cheap for road maintenance within this County compared to several other similar size counties.

Commissioner Guttry stated the Road Services Advisory Committee recommended the increase in the gas tax and the members who sat upon that committee were not elected officials. He stated that committee had spent many hours reviewing the Road Department budget and operations. He stated there had been no increase in RTC funding for six or seven years. He stated Otis had no increase in gas tax because more people were driving diesel and the newer vehicles were more fuel efficient. He stated the Road Budget was stagnant over the last six years and Otis was working with the cost of inflation, labor increases, fuel and material cost increases so Otis had to become more efficient. Commissioner Guttry stated as far as the accusations of workers sleeping on the job there was no proof provided so it was hearsay. He stated this gas tax was a user fee and not a tax. He stated that people that don't drive would not pay for it. Commissioner Guttry stated this gas tax proposal was less than 6/10 of 1% increase on gas tax. He stated the Elko City Council supported the RSAC recommendations because the City was having issues in the City as well. He noted when he sat upon the City Council the number one issue was the road conditions. Commissioner Guttry stated there was not enough money to maintain the roads and they were still trying to be more efficient but they will have to eliminate road services. He stated citizens would be opposing the reduction of the road maintenance. He agreed they paid too many taxes but if the roads deteriorated so much, it would take more to repair it. Commissioner Guttry had spoken to various business owners and once they understood the situation they suggested they maintain the roads. He stated this Commission had not raised property taxes and only raised the gas tax once.

Commissioner Dahl stated they were two and one-half cents away from reaching the cap and the revenue generated from tax was $469,000. He stated the Commission eliminated the proposal for $300,000 for rebuilding the shop in Wells in May. He stated they have spoke about a bridge costing $600,000. He cautioned if they institute the additional tax that would put them at their cap and if an emergency occurred they would not have available funding. Commissioner Dahl suggested they change the way they operate and contract the road maintenance. He understood there were liability and union issues.

Commissioner Russell stated there were discussion through the RSAC and the Road Department how to maintain the same 1,000 miles of roads with the same amount of moneys. He stated they held a meeting with the Highway
Commission, RSAC and the Assessor and composed a list of roads for reduction of maintenance and eliminating maintenance on some roads. The list was brought to the Commission but the public opposed the reduction of the roads and the elimination of the roads. Commissioner Russell stated the Commission did not cut maintenance or eliminate any of the roads. He stated the past philosophy was the Road Department operated upon the user fees, RTC and gas tax. He stated the County does not take from the General Fund and there was no property tax going towards maintenance of the roads. Commissioner Russell noted the County had subsidized the Spring Creek Association roads by $190,000 and suggested there be a reduction of $90,000. He stated that would be strongly opposed by people within the association. Commissioner Russell stated because of inflation they were paying less tax for the roads than they did 12 years ago. He stated State Legislature has been requested to change the gas tax formula from per gallon to a percentage. Commissioner Russell stated there had been comments made that people could go to other places to get gas cheaper. He stated Humboldt, Lander, and Churchill counties’ rate per gallon was at the nine cents gas tax cap. He stated they could go out of state to get their gas cheaper but the money would not circulate here. Commissioner Russell noted it was mentioned that private enterprise could do a better job. He stated that may be if the contractor was operating under private enterprise and not government regulations. Commissioner Russell noted NRS would limit that success. He stated they have some big projects on the roads that could be put off for two or three years but if they continue to put these projects off they will have to do reconstruction on the roads rather than repair to the roads. He believed there was a false sense of savings when they think they can put off a project. Commissioner Russell stated Elko County was responsible because they had not bonded and had not gone into debt. He stated the Department of Taxation noted if they drove 30,000 miles at 20 mpg per year the fiscal impact would be $16.67 per year, or $1.39 per month and $.32 per week. He noted a portion of the funding would be allocated to the incorporated cities. Commissioner Russell stated only a portion comes to Elko County and he felt this was a fiscally responsible tax.

Commissioner Myers stated they had been with the RSAC and the budget committee making cuts where possible. He noted the public had not attended those processes. He asked them to attend the RSAC meetings and submit their suggestions. He stated these decisions came with a lot of thought. He noted Commissioner Russell had previously mentioned a hearing on reduction of road maintenance wherein they held a public hearing and the public appeared and strongly objected. Commissioner Myers stated five private business owners had called him today and voiced support of this tax. He was willing to wait a month or
two for the public opposing this to get together and present to the Road Advisory Services Committee suggestions how they would handle the budget shortfall. Commissioner Myers stated if they let the roads fall apart their property values would go down. He encouraged the people to get involved and participate at the Road Services Advisory Committee.

Commissioner Williams noted people in the County say don’t do this, cut expenses, close maintenance, be more efficient but they don’t see any specific areas to get that done. He stated the people could make their suggestions to the advisory committee. His recommendation to the Board was to table this item until December this year. Commissioner Williams stated during that time the people could go to the RSAC and make their suggestions, have time to look at the law and look at the unions. He requested them to submit recommendations based upon sound science and knowledge of what was going on. Commissioner Williams stated if they don’t see people in here by December with reasons why they shouldn’t raise the taxes; the Board would make the decision.

Commissioner Russell stated they were representative of their constituents and they could find ways to be more efficient but that would did not cover the costs for capital improvements over the next three years. He did not see the need to continue the discussion because it was the second reading.

Commissioner Dahl stated the $469,000 raised from the tax would not support what needed to be done. He stated they would then be at their tax cap and if there was a situation there would be no available funding. Commissioner Dahl believed they could save half of the money being raised by this tax on a bridge that could be done differently.

Commissioner Williams noted they may have to raise the tax and still look for other revenue areas to perform the capital improvements.

Commissioner Russell commented the current gas tax revenue would not solve the capital needs in the future. He state the gas tax increase would mean they could maintain the roads they already maintain but not maintain new roads. He stated if there was no more revenue infused into the road department they would not be at the same maintenance level and would have to cut maintenance throughout the County. Commissioner Dahl commented it would take more money to build the Pole Creek Bridge. Commissioner Myers stated the money from the increase would not be going to the bridge because the funding was already budgeted for the bridge.

Commissioner Guttry stated this was a Band-Aid and in the future this problem would get worse. He stated there was no way to maintain those roads with this type of income. Commissioner Guttry commented if the State Legislature did not change the diesel tax then the two and one-half cents was
insufficient. Commissioner Dahl stated they would have to lobby to change the diesel tax.

Commissioner Guttry commented if the people were willing to come forth with some suggestions then he supported waiting until December. He stated if there were no sound recommendations by December then he would vote in support of the gas tax.

Commissioner Williams informed the public that the next Road Services Advisory Committee meeting would be held on August 21st in this meeting room at 3:00 p.m.

**MOTION:** Commissioner Myers moved that they set the gas tax for final reading and possible approval for the first meeting or the only meeting in December and make sure the County staff publishes and posts the Road Advisory meeting the next being August 21st at 3:00 p.m.

Commissioner Dahl requested clarification of the motion. Commissioner Myers stated they would table the second reading of the gas tax until the December meeting to allow the people to bring their suggestions to the Road Services Advisory Committee. Commissioner Guttry explained the public would have a chance to participate through the RSAC.

**Commissioner Dahl seconded the motion.**

Marla Criss inquired if there were documents from the Road Services Advisory Commission. Commissioner Williams stated Cash Minor could give her information at the Road Services Advisory meeting. Commissioner Myers stated the County Manager’s Office could also get them copies of the documents and suggested those be available online.

Robert Stokes stated the committee had posted agenda meetings and if they have e-mail addresses they could submit that information to them through e-mail. He asked that they submit their e-mail address to his office.

Jim Collins stated he would not be able to make the August 21st meeting.

Commissioner Guttry stated the Road Services Advisory Committee had monthly meetings.

Normal Viergutz inquired if all the funding for the Road Department came from the gas tax and none came from the property tax. Commissioner Guttry stated that was why he called it a user tax. Norma Viergutz inquired if they had citizens help about finding out why diesel was not being taxed. Commissioner Williams stated they would lobby the State Legislature for that change. Commissioner Myers noted they have previously asked the State Legislature to look at it and they refused to look at it.

Commissioner Guttry suggested they contact their State Representatives.
Commissioner Russell stated one of the reasons they had been reluctant to move forward through the State Legislature was because Clark County may dictate the gas tax formula. He stated some people perceive that the County would be more disadvantaged if they open the gas tax formula.

Norma Viergutz if the State statutes were set up in such a manner as they could not use property tax for road maintenance. Commissioner Russell stated that was Elko County policy.

Robert Westbrook, resident on White Rock Road, understood the gasoline gas tax covers the other towns. He noted there was no maintenance performed on their roads. He stated there were more people in that area and if they were going to impose the two and one-half cent gas tax they should have someone grade their road once a month.

Commissioner Guttry stated their consensus was they need to look at a General Improvement District to fund that through the property taxes.

Commissioner Williams stated there was insufficient money to take care of the current County roads.

Otis Tipton stated he lived in a subdivision but the roads were not maintained by the County. He stated everyone must realize they drove on County maintained roads which were maintained by gas tax dollars even though the road may not be maintained where they live. Otis Tipton stated there were over 100 subdivisions which were not maintained by Elko County and the two and one-half cents would not cover those subdivisions. Robert Westbrook stated he did not care how much they raised the gas tax as long as they had one guy, once a month blade his road.

Commissioner Williams stated this needed to be brought before the Road Services Advisory Committee on August 21st at 3:00 p.m.

Commissioner Myers noted some subdivision roads do not meet County Code and had not been accepted for maintenance.

Harry Wiseman, White Rock resident, suggested they raise the property tax and maintain the White Rock Road. He stated the Commission could make that tough decision.

Janine Hansen appreciated the Commission allowing public participation. She stated it was difficult to attend the RSAC meeting at 3:00 p.m. because most people were working. Janine Hansen stated people want roads and in Ryndon they put their own gravel down. She stated this issue was one more layer of taxation. Janine Hansen stated people understand roads were one of the most important needs. Janine Hansen asked what they do when they reached the cap. She stated by extending this to December does give the public an opportunity to participate but questioned how many can participate and what knowledge the public had about this particular issue. She stated it may not be
possible to come up with other alternatives because of the way things work and the number of people that participate.

Edgar Nelson stated he had owned a diesel truck for twelve years and paid more taxes on diesel than on gasoline and it was unfortunate that none of that tax comes back to the County. He commented it would cost the public more to maintain their vehicles if the road conditions deteriorate.

Commissioners Myers, Dahl, Guttry and Williams voted aye. Commissioner Russell voted nay. The motion passed 4-1 majority vote.

John Carpenter suggested they change the Road Advisory Services Committee meeting to 7:00 p.m. to get more public attendance.

4:27:58 PM: RECESS

Highway Chairman Russell adjourned the Highway Board. Chairman Williams called a recess at 4:27 p.m.

4:44:02 RECONVENE

Chairman Williams reconvened the meeting at 4:44 p.m.

VIII. PUBLIC NUISANCE ABATEMENT HEARING:

In accordance with Notice 37-2012 conduct a Public Hearing for abatement of public nuisances as defined by NRS 40.140 within an Agricultural – Residential zoning district. Location of Nuisance is Meadow Valley Ranchos Unit 4, Block 16, Lots 6 & 3, at Shield Street and Nez Perce Street, which are Assessor’s Parcel Numbers 036-016-003 & 036-016-006. Section 19, Township 35 North, Range 56 East, MDB&M. Property Owner is Jesus Antonio Rios, ET AL.

Kristin McQueary testified that on behalf of the Elko County Planning and Zoning Department she had filed a Public Nuisance Complaint with the Elko County Clerk’s Office on July 19, 2012 pursuant to NRS 244.360 to be heard before this board. She stated a zoning violation could be prosecuted as a misdemeanor and cited Elko County Code and 4-9-13 and 4-9-14. Kristin McQueary stated it was not the policy of the Elko County District Attorney’s Office to criminalize zoning violations.

Kristin McQueary stated Mrs. Rios was served the Public Nuisance Complaint on July 19, 2012, by the Sheriff’s Department.

Eloisa Mendoza-Luna, the interpreter, was sworn in by the Deputy County Clerk.

First Witness: Katrinka Russell was sworn in by the Deputy County Clerk.

Kristina Russell testified she was required by statute to seize personal property and put it up for auction in lieu of payment of taxes. She had attempted to auction the mobile units in 2010 but they did not sell during that auction.
Kristin McQueary requested Katrinka Russell to view Exhibit 7 and Mrs. Russell testified the picture of the units was taken by her in 2010.

Katrinka Russell stated they put the units up again for auction in August of 2011. Kristin McQueary inquired of the condition of the trailers. Katrinka Russell stated they were in the same condition as the picture taken in 2010. Kristin McQueary inquired if Mr. Rios was the only bidder on the trailers. Katrinka Russell responded he was not the sole bidder. Kristin McQueary inquired if the Assessor had asked the bidder what he was going to do with the trailers. Katrinka Russell responded she was not statutorily required to do that. Katrinka Russell reviewed the auction procedure inclusive of the public posting and advertisement of the auction notice. She noted the public were allowed to view the units two weeks prior to the auction so they could physically look at the trailers. Katrinka Russell testified she was a certified appraiser in real and personal property.

Kristin McQueary inquired what Mr. Rios paid for the five sections. Katrinka Russell testified Mr. Rios paid $4,050 for the five trailers. Kristin McQueary inquired if Mr. Rios paid above or below market value for the trailers based upon their condition at the time of auction. Katrinka Russell responded Mr. Rios paid below market value factoring in the condition and the age of the trailers. She stated the requirement was for Mr. Rios to move the trailers off the property so there was a huge cost in moving those units. She stated a transportation permit would be required for each trailer which would be added to the costs. Katrinka Russell had changed the policy in her office on trailers.

Mr. and Mrs. Rio had no questions of Katrinka Russell.

Commissioner Myers requested Katrinka Russell to clarify the change in policy on trailers. Katrinka Russell stated there would be prior inspections on the mobile homes to see if they were livable or able to be remodeled. Kristin McQueary stated at the time they sold the trailers in August of 2011 did the Assessor have any concerns about their condition. Katrinka Russell replied in the negative because the trailers were for commercial use. She stated these units had been purchased by Frank Wilson and had been previously utilized as an office.

5:04 PM:

Kristin McQueary requested Exhibit 7 be admitted into evidence.

Commissioner Williams inquired if a County employee had looked at the mobile units to see if they were commercial units or what condition they were in. Katrinka Russell had looked at the units and they had plastic on the side so she did not go inside to see if they could be remodeled. Katrinka Russell stated the title specified it was office. Commissioner Williams inquired if Mr. Rios knew when he purchased it that it was not a mobile home. Kristin McQueary moved to
strike that question because Katrinka Russell could not tell him what other people assume.

Second Witness: John Kingwell was sworn in by the Deputy County Clerk at 5:08 p.m.

John Kingwell, Elko County Zoning Enforcement Office and Associate Planner, was familiar with the zoning codes and familiar with this issue. He had received phone calls and written complaints on September of 2011. The complaints were upon someone abandoning three commercial trailer sections on a lot. He identified the ownership of the lot through their official records as being Mr. and Mrs. Rios.

Kristin McQueary requested admission of Exhibit 1, a copy of a Grant Bargain and Sale Deed filed with the County Clerk on July 19, 2012 at 11:13 a.m., into the record.

Kristin McQueary inquired how many complaints he had received. John Kidwell replied there was a total of thirteen complaints from adjoining or near neighbors. He did a visual inspection and observed three commercial units on one parcel and two commercial units on the second parcel. John Kingwell stated on September 26, 2011 he composed a letter to Mr. Rios informing them of the code violations on the agricultural-residential zoning. Mr. Kingwell had informed Mr. Rios in the letter that if he intended to remodel the units that must be performed upon a salvage yard. He stated normally it would require purchasing a travel permit and the units would be looked at by the Manufacturing Housing to make sure they were worthy to be moved or placed upon a foundation. Kristin McQueary inquired what timeline Mr. Kingwell gave the Rios to come back within compliance. John Kingwell stated they were given 30 days to prepare the site to place the trailers upon. Mr. Kingwell received a letter dated October 6, 2011 from Lostra Engineering expressing his interest in doing the engineering for remodeling. (DA Exhibit #11) He stated in the letter Lostra asked that the trailers remain upon the property while the engineering and permitting processes took place. John Kingwell noted Lostra Engineering stated it was Mr. Rios’ intention to convert the units from commercial to residential. At his request, the District Attorney wrote a letter dated October 18, 2011 to the Rios asking them for compliance and asking for a response to the letter within ten days.

5:21 PM:

Kristin McQueary requested admission of Exhibit 5, letter to Jesus Rios dated October 18, 2011.

John Kingwell received a copy of letter addressed to the District Attorney from Lostra Engineering dated November 22, 2011, informing them the conversion from commercial coaches to single family residential could be done but Lostra Engineering would not be involved in the project. (DA Exhibit 12)
John Kingwell sent a letter to Mr. Rios on December 6, 2011 giving him an overview of the numerous complaints he had received. He reviewed the contents in the letter addressed to Mr. Rios informing him of the zoning and code violations. The letter was sent certified, return receipt and the receipt was signed by Mrs. Rios on December 9, 2011.

Kristin McQueary inquired if Mr. Kingwell received a response from his letter. Mr. Kingwell replied in the negative.

5:23 PM:
Kristin McQueary requested admission of Exhibit 12, Letter from Lostra Engineering to the District Attorney dated November 22, 2011 and Exhibit 13, Mr. Kingwell’s letter addressed to Jesus Rios et al., dated December 6, 2011 into the record.

John Kingwell stated on January 11, 2012 he met with the Kristin McQueary, Katrinka Russell, Steve Terry and Jim DeProsse of Manufactured Housing regarding storage of manufactured commercial structures. He stated the outcome of the meeting was contained in the letter dated January 11th addressed to Mr. Rios from the District Attorney’s Office. (DA Exhibit 6)

Kristin McQueary requested Mr. Kingwell review the third paragraph from the bottom on that letter. Mr. Kingwell read as follows: “In an effort to accomplish compliance with the zoning codes and improve the health safety and welfare of affected residents, Elko County is requiring that you provide Mr. Kingwell the name of your project engineer by January 27, 2012. The engineer will be required to provide a feasibility study and a timeline by February 17, 2012.”

5:26 PM:
Kristin McQueary requested that Exhibit 6, the January 11, 2012 letter, be admitted into evidence.

Kristin McQueary inquired if an engineer’s name was submitted to Mr. Kingwell by January 27, 2012 or a timeline and a feasibility study by February 17, 2012. Mr. Kingwell stated he did not receive any responses.

John Kingwell sent another certified, return receipt letter to Mr. Rios on February 2, 2012 reminding him of the violations, that he had not received the name of the engineer, and that he needed to immediately remove the commercial structures.

5:30 PM:
Kristin McQueary requested Exhibit 14 Mr. Kingwell’s letter to Mr. Rios dated February 2, 2012 be submitted for evidence.

Kristin McQueary clarified the zoning codes regarding commercial coaches were within the Elko County Code. John Kingwell had provided written copies of those codes to Mr. Rios. Kristin McQueary inquired if remodeling a manufactured building fell under the County’s purview. John Kingwell stated the
County would oversee a proper foundation for it to be placed upon and the electrical was under the State Department of Housing. Kristin McQueary inquired if Mr. Kingwell had recently viewed the trailer units in question. John Kingwell looked at the conditions of the trailers this morning.

Commissioner Myers left the meeting room at 5:32 p.m.

Kristin McQueary asked Mr. Kingwell if the photos (Exhibits 8, 9 & 10) depicted the condition of the trailers as of this morning. John Kingwell replied in the affirmative and described the structures within the photos. Kristin McQueary inquired how many times he had seen the condition of trailers. John Kingwell had been to the site four times to view the trailers from September of 2011 to today. He testified the plastic had been torn, the insulation was pulled out by the wind, and the trailers were deteriorating.

Kristin McQueary inquired who picked up the debris. John Kingwell believed the neighbors picked up the debris.

5:35 PM:

Kristin McQueary requested Exhibits 8, 9, and 10, photos of the structures, to be submitted as evidence.

Commissioner Myers returned to the meeting room at 5:35 p.m.

Kristin McQueary inquired what the proper zoning was for the commercial coaches. John Kingwell stated upon industrial, light industrial or commercial property. Kristin McQueary inquired if the coaches were left on the property what could be done to bring this situation into compliance. John Kingwell stated they could remove the trailers or obtain a moving permit, have the Department of Manufactured Housing inspect them to see if they could be moved safely. The trailers would then be moved onto a parcel zoned industrial with conditional use for a salvage yard to be remodeled. John Kingwell stated the foundation and property needed to be prepared to set the trailers upon. He stated the intent of the code was specifically prepared to eliminate someone from dumping mobile homes upon property.

Kristin McQueary clarified that from September 2011 to August this year Mr. Kingwell had been working with Mr. Rios to come within compliance. John Kingwell stated his last correspondence sent certified, return receipt was upon April 4, 2012, wherein he reiterated the liability of having the trailers open to the neighborhood children and the health and safety issues. (DA Exhibit #15).

5:40 PM:

Commissioner Williams inquired if the trailers could be set upon a soft set foundation rather than upon a solid foundation similar to a normal house. John Kingwell replied that could be done pursuant to code. Commissioner Williams inquired how many locations were zoned properly to do that remodeling. John Kingwell replied there was a salvage yard on the west end of town. He stated
there may be an industrial site which could get a conditional use permit for them to do that remodeling within a limited time.

5:44 PM:

Third Witness: Steve Terry, State Manufactured Housing Inspector was sworn in by the Deputy Clerk.

Steve Terry gave an overview of his training and his duties as a State Manufactured Housing Inspector. Kristin McQueary clarified that Mr. Terry lived in the area where the units were located. She noted his supervisor, Jim DeProsse, was not available by conference call today so she had put Mr. Terry in an awkward position. Kristin McQueary inquired if converting commercial coaches into residential was a common practice. Steve Terry replied it was not common but it could be done. He informed them what the procedure was to convert a commercial coach to a unit to be placed upon a residentially zoned lot. Kristin McQueary inquired if Mr. Terry had a conversation with Mr. Rios about the need for a design professional and received an affirmative response. Kristin McQueary noted Lostra Engineering was previously involved in the project. Steve Terry replied that was correct and Lostra Engineering had sent him a copy of a letter informing him they would not be involved with this project after they had reviewed it. Kristin McQueary inquired if Mr. Rios pulled a permit in 2011 for another mobile home. Kristin McQueary asked if he lived next door and Steve Terry replied he owned the properties next to the trailers but lived two doors down. Kristin McQueary inquired if he had seen a change in the condition of the trailers. Steve Terry stated the sheeting and plastic had gotten worse but had not examined the trailers in his professional capacity. Kristin McQueary inquired if it would take a moving permit to move the trailers to another location to be remodeled. Steve Terry replied in the affirmative.

Kristin McQueary stated if the trailers had no further value as trailers was there a process to dismember them. Steve Terry described the process for dismemberment and to send the forms to their titling department for the title to be destroyed. Kristin McQueary requested what it would take to bring the trailers up to residential compliance. Steve Terry stated they would need to contract with a design professional to see what changes needed to be done. Kristin McQueary noted the other alternative was to remove the trailers from the property to come within compliance. Kristin McQueary asked if the trailers were, as they were sitting now, properly blocked up. Steve Terry replied it appeared they were not. Kristin McQueary inquired how many children live in their neighborhood. Steve Terry stated there were approximately 100 families within the area but did not know how many with children. Kristin McQueary inquired if someone other than himself would inspect the trailers should Mr. Rios get a design engineer. Steve
Terry replied Jim DeProsse would obtain someone else to do the inspections. Commissioner Myers inquired if Mr. Terry had not looked at these trailers because he lived two lots down and it was a conflict. Steve Terry replied he had not been asked to look at them or inspect them, and he felt there was a potential conflict of interest.

Commissioner Williams inquired if Jo Terry was relation. Steve Terry stated she was his wife. Commissioner Williams agreed there was a potential conflict because his wife had made a complaint. Kristin McQueary stated Mr. Terry’s boss would send another inspector when they were at a point of inspection.

Commissioner Russell if Mr. Terry had observed anyone on the property in absence of the property owner. Steve Terry had not seen anyone on the property.

5:57 PM:

Fourth Witness: Harry Wiseman was sworn in by the Deputy County Clerk. Kristin McQueary disclosed she had known Mr. Wiseman for a long time. Kristin McQueary displayed an affidavit marked Exhibit 4 and asked if he recognized it.

Harry Wiseman stated he signed an affidavit and public nuisance complaint on the trailers. He expressed concern about kids playing on property, the installation blowing around, and trailers deteriorating. Harry Wiseman had talked to the gentlemen who moved them and was told who owned the property. Harry Wiseman knew Mr. Rios was good at construction and thought he would make them livable but there had not been any work done on them. He voiced concern the hobos would use them to spend the night and there were safety concerns.

Kristin McQueary asked if he knew who had picked up the debris. Harry Wiseman believed it was the neighbors across the street because one neighbor told him tin had blown into his backyard. He stated the trailers were deteriorating and they were not blocked up.

Commissioner Myers disclosed he had spoken to Mr. Wiseman. Commissioner Williams inquired if Harry Wiseman was the first person who signed the complaint. Harry Wiseman stated he might have been because he had talked to the truck driver and was told Mr. Rios owned them. He stated the neighbors had also signed complaint forms. Kristin McQueary displayed Exhibit Numbers 6 thru 17, letters of complaint signed by the neighbors which was referenced by John Kingwell.

6:04 PM:

Kristin McQueary requested admission of Exhibits 6 through 17, letters from the neighbors.

Kristin McQueary closed her presentation. She stated Mr. Morales would represent Mr. Rios.
Antonio Rios was sworn in by the Deputy County Clerk.

Mr. Rios stated he had problems since he had purchased the trailers and understood it had been a headache for the neighbors too. He stated there was information missing upon the flyers because the trailers were supposed to be 12’ x 60’ but they were 14’ x 70’s. He commented nothing was stated in the flyer that they were commercial coaches or had to be upon commercial property. He believed the flyer had information missing.

Commissioner Williams inquired what Mr. Rios did for a living. Mr. Rios stated he was a handyman worker but not a license contractor.

Mr. Eliseo Morales a/k/a Joe Morales stated several years back this Commission sold a piece of land by showing that land upon a map so a gentlemen bought the land in an open bid and went to check the land that he had bought. When they arrived at the area, they found the place indicated on the map was not correct and the actual land sold was 3 or 4 miles away in a rocky area. He spoke with the Commission who sold the land and the Commission in good faith dissolved the transaction and returned the money.

Mr. Morales stated Mr. Kingwell had prepared a complaint identifying the subject matter as deteriorating structures, later in the complaint referred to them as pieces of junk and finally referring to them as garbage. He stated the Complaint and letters of opposition were not applicable because he did not believe the Commission was in the business of selling trash to the citizens. He stated in the process of saving time, money and effort Mr. Morales respectfully asked the Commission to dissolve this transaction which was not properly presented in the process of the selling showing an attractive picture of five units together without realizing the units were trash or junk as identified by their own information. Mr. Morales asked that they dissolve this situation without any animosity and any further waste of time and money. He stated this would bring some consolation to the family who had gone through this harassment and prosecution which had affected the family’s well being. Mr. Morales asked this Commission to continue with their good will and put this case to rest. He commented he had quoted the County’s information and there had been no allegations from their side because they do not want to have animosity with anyone. Mr. Morales stated if whoever presented this initially had done this properly then this case would not have existed.

Commissioner Russell asked if it was Mr. Morales’ opinion that Mr. Rios had made a poor decision in making the purchase. Mr. Morales stated there was no doubt but Mr. Rios had trusted this Commission because of the previous situation when he previously purchased the land with a bad map. Commissioner Russell inquired if Mr. Rios inspected the buildings before purchase. Mr. Morales explained Mr. Rios was not present at the auction for that specific purchase and
had trusted the advertisement so he participated in the bidding. Commissioner Russell clarified it was in Mr. Morales’ opinion that the advertisement had misinformed Mr. Rios. Mr. Morales stated Mr. Rios purchased the trailers after seeing the photo presented at the auction. He stated it was not a good decision. Mr. Morales stated one of the comments first made when he mentioned the case was that it was the clients’ fault because he did not previously inspect the property. He stated this situation required deeper consideration because of the previous experience Mr. Rios had with the Commission when the location of the property was incorrect. Commissioner Russell noted Mr. Rios had not looked at that property in the first situation and inquired if he had learned from that situation. Mr. Morales stated it would have been a learning condition if whoever made the presentation had provided the provisions for whoever was going to buy it to check it out. He noted in the first situation the presentation was not correct and it was dissolved by the Commission.

Commissioner Guttry disclosed that Mr. Morales came to him in May and enlisted his help to resolve this issue. He called Kelly at Pacific Steel & Recycling to resolve the issue but was told they wanted raw steel. Commissioner Guttry called NDF to hold a training burn then they could have Pacific Steel pick up the steel to eliminate the problem. He stated NDF told him the EPA would not let them burn it because of toxic fumes from plastic. Commissioner Guttry stated Mr. Rios tried to sell them. He believed Mr. Rios made a bad financial decision, sight unseen, and then paid to have the trailers moved to this location. Commissioner Guttry stated before spending the money to move the trailers he should have told them he did not want to proceed with the sale. He stated Mr. Rios took the trailers to the property hoping to refurbish them and rent them out but Mr. Rios did not understand the consequences of manufactured home versus a commercial modular. Commissioner Guttry inquired if the Commission wanted to refund $4,250 of the taxpayers’ money which would only address a portion of the issue.

Kristin McQueary asked that Mr. Morales be given time to answer any questions before they deliberate.

Commissioner Guttry noted Mr. Morales said Mr. Rios did not look at the property he was purchasing.

Mr. Morales stated Mr. Rios, after he had bought the items, was asked in a forceful way to remove them. He stated Mr. Rios proceeded to pay for movement of the trailers. Mr. Morales stated Mr. Rios was under the impression that the items could be salvaged and accepted the responsibility. He stated Mr. Rios moved them to his own property, parked them there with the idea of moving them out because of the complaints already being circulated. Mr. Morales stated at that time he wrote a letter asking for reasonable time to dispose of them. He
noted Mr. Rios had to work and support his family which took most of his time. Mr. Morales stated this report came about with the evidence showing the facts from the beginning that Mr. Rios was not in position to admit it and bring about a Complaint. He stated there was a declaration from many witnesses and Mr. Kingwell’s report so he and Mr. Rios realized the County openly admitted these items were trash and nothing but trash. He stated the most logical thing was to dissolve the transaction, return the moneys to the Rios together with the cost of transportation of the trailers and the Commission make arrangement to dispose of their trash.

Commissioner Guttry stated the units were not advertised as trash or garbage. He clarified Mr. Morales request was to give back taxpayers’ money back to Mr. Rios and accept the responsibility to remove those trailers from his property because of his bad business decision. He would entertain the refund of the $4,250 but that would be the maximum decision he would make in a situation like this.

Commissioner Guttry stated the responsibility of removing those trailers from Mr. Rios’ property would be entirely his and it would have to be done in a timely manner like thirty days or less.

Mr. Morales stated Mr. and Mrs. Rios considered their part in this business and this had gone a long time. He stated the total amount for the items was $5,000 and the records would indicate that. He stated the Rios asked if it was possible to get any help from the Commission or through their relations with City to dispose of these items.

Commissioner Guttry commented the neighbors had put up with this for close to a year. He felt the Commission’s responsibility was to resolve this issue for the benefit of the neighbors. He stated Mr. Rios made a big mistake and acknowledged the County could have advertised better. Commissioner Guttry stated Mr. Rios could have voided the sale and this situation could have been avoided.

Commissioner Myers stated Mr. Rios displayed an advertisement that said the trailers were 12’ x 60’ and Mr. Rios stated the trailers were actually 14’ x 70’. Commissioner Myers asked Mr. Rios why he did not bring that up at the time he went to pick up the trailers. Mr. Rios stated he received a letter to move them within a deadline and he had not seen the trailers. He stated it had cost him $5,000 to move the trailers because they had to bring them through Kittridge Canyon because they would not go through the tunnel. He had never seen any commercial information upon the flyer.

Commissioner Dahl inquired if it was more expensive to move them because they were 14’ wide rather than 12 feet wide. Mr. Rios stated yes and it took them three days so he had to pay twice for a permit.
Commissioner Dahl inquired if he had an opportunity to look at them before he bought them. Mr. Rios stated he was at the auction and did not have time to go to Lamoille and look at them.

Commissioner Guttry noted it was his responsibility to look at them before he picked them up. Mr. Rios stated he was given so many days to fix them. He stated now they want him to move them somewhere else to fix them and move them back which would cost $5,000 more to move them out and another $5,000 to move them back. Commissioner Guttry knew that Mr. Rios had good intentions because he knew there was a need for rentals but he should have done his due diligence.

Mr. Rios commented they did not do their homework on the advertisement so it was from both sides.

Commissioner Williams disclosed he spoke to Mr. Rios a year ago. He stated there was a difference between the first situation and this situation. He stated in the first situation the County was in error and the property was within a different location so Mr. Rios received his funding back. He noted in this situation the County was not in error. Commissioner Williams stated Mr. Rios should understand he had a major part in this situation when he bought the items without looking at them and from the time he picked them up.

Commissioner Dahl asked if Mr. Rios would have bought them if he had known they would be 14 feet in width. Mr. Rios stated no because it would have been a headache bringing them in.

Katrinka Russell stated the trailers were not 14’ x 70’, according to the Manufactured Housing paperwork they were 12’ x 60’ feet. Mr. Rios stated he had measured them and they were 14’ x 70’ feet. Katrinka Russell noted the title stated 12’ x 60’ feet.

Commissioner Williams stated the width may have been advertised differently because of the tongue width.

Kristin McQueary asked if there was any other evidence to present. Mr. Morales replied no.

Kristin McQueary stated argument was not admissible evidence and hearsay was not admissible evidence. She noted Mr. Morales made the statement that Mr. Rios had made a mistake upon a previous property and then he had this issue. Kristin McQueary stated government did not make a mistake on this situation. She stated they have not harassed Mr. Rios and noted they sent a series of letters giving extensions of time to resolve the issue and bring about compliance without having to hold a nuisance hearing before the County Commission. Kristin McQueary stated to show good faith upon behalf of the County they did not file this as a criminal complaint within Justice Court. She commented Mr. Rios knew manufactured housing existed because he pulled a
permit before. She noted Mr. Rios knew that 14’ x 70’ was too big to go through the White Rock underpass so Mr. Rios had knowledge that he had made a mistake. Kristin McQueary stated if the trailers were 14’ x 70’ then Mr. Rios received more square foot value. She stated Katrinka Russell testified that the trailers were available for viewing for a week before the sale. She noted it was not the fault of the County that Mr. Rios did not take the opportunity to look at the trailers prior to the sale. Kristin McQueary stated Mr. Rios knew the manufactured housing process and had involved Lostra Engineering in the process. She noted Mr. Morales said the County was selling trash but Katrinka Russell had testified the trailers were in the same condition in 2011 as they were in 2010. Kristin McQueary stated Mr. Kingwell and Mr. Terry testified that the trailers were deteriorating due to the Rios family not complying. Kristin McQueary stated Katrinka Russell could not question bidders what they would do with the property. She stated Elko County was not the insurer of bad investments. Kristin McQueary commented Mr. Rios started the process and had an investment in the trailers, which no one forced him to buy the trailers. She stated the County tried to help resolve this through letters and meetings with Mr. Rios. Kristin McQueary stated when Mr. Rio arranged to move the trailers he had the opportunity to see the condition of the trailers but that had not deterred him.

Kristin McQueary, on behalf of Elko County Planning and Zoning, asked that the County Commission follow NRS 244.360(3) finding that a nuisance exists; they received “the proofs offered to establish or controvert the facts set forth in the complaint; and upon the final hearing of the complaint, the Board shall by resolution entered on its minutes determine whether or not a nuisance exists and, if one does exist, order the person or person responsible for such nuisance to abate the same. If the Order is not obeyed within 5 days after services of a copy upon the person or persons responsible for the nuisance, the Board of County Commissioners shall cause the abatement of the nuisance and make the cost of abatement a special assessment against the real property.” Kristin McQueary stated the cost of abatement may fall upon the County and they would have to attach that cost to the parcels for Mrs. Russell to assess and Mrs. Erickson to collect.

Kristin McQueary requested the Board members make their disclosures at this time.

Commissioner Guttry stated he previously disclosed his contact with Mr. Rios.

Commissioner Williams had one conversation with Mr. Rios on the phone.
Commissioner Myers disclosed he had previous conversations with Lynn Wiseman and Mr. Coleman.
Commissioner Williams had conversations with Mr. Kingwell.
Commissioner Russell had no conversations with the parties.
Chairman Williams called for public comment.

6:56 PM:

Maria Guadalupe Ruiz a/k/a Mrs. Rios was sworn in by the Deputy County Clerk.

Mrs. Rios stated through her interpreter that they have tried to solve the situation since the beginning. She commented they had spoken with Kristin McQueary and Mrs. McQueary had said they had not tried. Mrs. Rios did not understand why they had to get to this point because the situation was easy to resolve. She stated all that has to be done was Elko County to return the money and Elko County can take the trailers. Mrs. Rios noted they have stated they had not harassed them but the County has because she and her children had taken pictures around Elko County of lots of trash and asked if the Board wanted to look at the pictures. She stated there were some trailers abandoned on the streets that could be a danger because children were playing around or homeless people living there and they could be similar to the ones upon her property. Mrs. Rios thought they have been harassed because they had not brought all the other people who have junk out there. Mrs. Rios would like to resolve this situation and would like you, as the Commission, to resolve this situation because she was very tired of all these problems and harassment. She was tired of people saying they were not responsible. Mrs. Rios stated they have been responsible because they were here today to try and resolve the problem. She stated they bought the trailers thinking this could be the future for their children and for savings in a bank. Mrs. Rios stated this was not the first time they have bought property not in poor condition and remodeled them but it takes time and money. Mrs. Rios stated they were trying to push us and give us very little time and it was hard to do this. She had photos demonstrating that they had done this before in taking time and money and would show them to the Board if they would like to see them. Mrs. Rios stated this was all we have but she asked the County to return the money and to take the trailers. Thank you.

7:04 PM:

Robert Westbrook was sworn in by the Deputy County Clerk.

Robert Westbrook testified that he lived across the street from the trailers. He stated they picked up trash quite often and was there when they pulled the trailers in. He stated Mr. Rios property was surrounded by a ditch and the embankment was a foot to two feet deep. Robert Westbrook stated they found that they could not bring the trailers through the tunnel and had to bring them in around by a back road that was in bad shape. He stated whatever was brought in by the back road usually got tore up. Robert Westbrook commented the driver pulled them up over the embankment and dropped them without blocking them
up. He stated after sitting there after all this time the weather had destroyed them and hobos may have come in but he had never seen them. Robert Westbrook stated to resolve this; the trailers need to be removed. He suggested they be hauled out to a scrap yard. Robert Westbrook stated Mr. Rios made the mistake and should not be reimbursed. He stated Mr. Rios should haul them out.

7:06 PM:
Fred Coleman was sworn in by the Deputy County Clerk.
Fred Coleman observed the property was not fenced and children came by those trailers every day after being dropped off from the bus. He stated it was a safety and health hazard. He had observed groups of kids wandering around the trailers so it was a safety issue. He stated trash was all over the place. Fred Coleman stated it was a matter of personal responsibility. He stated Mr. Rios had not made any effort in the last eleven months to do any maintenance on that property. Fred Coleman had no issues against Mr. Rios and assumed he was a hard working man caught in a bad situation.

7:09 PM:
Mr. Rios stated he was trying to make something happen from the beginning but they would not let him do any of the work. He was threatened with fines if he worked on the trailers. He stated the neighbors throw garbage on his property which was not his trash. He had pictures of their trash. Mr. Rios asked that the neighbors remove their trash from his property.

7:10 PM:
Rebecca Erickson was sworn in by the Deputy County Clerk.
Rebecca Erickson, Elko County Treasurer, stated she was present at the auction and before every auction there was a disclosure statement made that they make no promise as to the condition of the property and that the property was sold “as is”. She stated there was always an opportunity to inspect the property before the sale and if the person does not take advantage of viewing the property it was their choice. Rebecca Erickson noted Katrinka Russell had represented those mobiles as office trailers very specifically. She stated the County sold a lot of property and if the County makes a mistake they would try to make it right, as Mr. Morales had brought forward that forth. She cautioned if they give a refund, they were setting precedence for any other property that they sell. Rebecca Erickson felt compassion for Mr. Rios with his problem but it was without any fault upon the County. She stated they sold a lot of property “as is” and it was not inspected before. She stated they follow the law as they were required to do.

Kristin McQueary read from NRS 244.360(3): “At the time the board of county commissioners proceeds to hear the complaint and any opponents. The Board may adjourn the hearing from time to time, not exceeding 14 days in all. At the hearing, it shall receive the proofs offered to establish or controvert the
facts set forth in the complaint; and upon the final hearing of the complaint, the Board shall by resolution entered on its minutes determine whether or not a nuisance exists and, if one does exist, order the person or person responsible for such nuisance to abate the same. If the Order is not obeyed within 5 days after services of a copy upon the person or persons responsible for the nuisance, the Board of County Commissioners shall cause the abatement of the nuisance and make the cost of abatement a special assessment against the real property.”

Commissioner Dahl inquired if they were locked within the five days. Kristin McQueary stated they could extend that deadline.

Commissioner Guttry had been involved since May and had tried to help them resolve this issue. He agreed with Kristin McQueary that the County did nothing wrong and this would set precedence. Commissioner Guttry recommended they find the County prevailed and the Rios had made a bad business decision. He believed the County proved its position.

Commissioner Williams stated 30 years ago he went through almost the exact situation as Mr. Rios did and went in to a tax auction without viewing the lost and bought lots up in Kittridge Canyon on a side hill. He stated this situation differs from the first situation referred to by Mr. Morales because the mistake was made by the County as to where the lots were. He stated the County did not make a mistake in this situation. Commissioner Williams stated Mr. Rios did not have an opportunity to look at the property and had the opportunity to look at property before sale and to measure them to see if they would fit within the underpass. Commissioner Williams stated they should not expect to get their money back because the issue was they bought something they did not want. He stated they were trying to do the right thing which was protecting the taxpayers.

Commissioner Dahl agreed it would have been a good deal if the trailers had been 12’ x 60’. He stated when Mr. Rios went out and discovered the trailers were 14’ and wouldn’t go through the tunnel he may have had an argument that the advertisement went by 12’ and he bid accordingly. He stated at this point Mr. Rios knew what he was doing and had taken the chance. Commissioner Dahl felt their responsibility was to uphold the sale of the property without a refund.

Commissioner Myers noted Mr. Rios commented he did not have time to look at the trailers and that was Mr. Rios responsibility if he was going to buy something. He was not in favor or refunding the Rios their money because he felt they had an opportunity to capitalize but Mr. Rios’ venture did not go as he would have liked. He stated the trash issue was a personal responsibility. Commissioner Myers stated his wife traveled all over the County and saw similar issues but there were no formal complaints on those locations.
Commissioner Russell did not know if Mr. Rios could recover the property because he had let the property degrade. He noted the Board members were business people and had commented Mr. Rios was young and had potential. He stated Mr. Rios had taken a risk. Commissioner Russell stated he had the same thought when he looked at the first picture that there was a possibility to put two trailers together and make money but he would not have bought them sight unseen. Commissioner Russell commented he would have put up sheets of plywood against the plastic so there was protection of the investment and keep anyone from getting into the trailer. He felt it was a personal responsibility.

Commissioner Williams noted the County advertised it “as is”.

Commissioner Dahl felt they should have a deadline for cleanup but five days was not realistic.

**MOTION:** Commissioner Myers stated the Commission recognizes and agree this is a nuisance and that it exists; that proof has been shown, substantiated by staff, that these issues do exist at White Rock; they have not been abated and recommend through the discussion that a Resolution be adopted giving thirty (30) days for the people to remove the items off the property. If that should not happen in that amount of time, then we do a special assessment against the property.

Commissioner Williams stated in Elko County it was very hard to find people to move the trailers and they could go 30 days with an extension if they can prove they can get a contractor to remove it in a timely manner.

Kristin McQueary stated the Rios had been offered 30 day extensions numerous times to comply. Commissioner Williams believed they know where they stand.

Commissioner Guttry stated if they have a signed contract to remove those trailers within thirty days then there should be an extension. Commissioner Russell clarified that if they say 30 days unless it was contracted to move the trailers then the County could have them moved and charge an assessment back to the property if the trailers were not removed.

**Commissioner Myers amended his motion that if the contractor states a definite day of removal. Commissioner Russell seconded the motion.**

Steve Terry, resident of White Rock, inquired if it had been the policy of the County that the homeowner cannot work on or disassemble these units. Kristin McQueary had no problem with the homeowner disassembling the units, if the trash was taken off the property and then he could sell the steel. Steve Terry stated the property owner could disassemble the manufactured houses with the right documents.
Commissioner Myers amended his motion that if Mr. Rios presented a contract or the proper permits and documentation to show that he was going to do the disassembling himself they would let the Department decide what the time frame was.

Mr. Rios inquired what documentation. Commissioner Myers stated he would have to get a permit through the Department of Manufactured Housing.

Mrs. Rios stated (through her interpreter) they could clearly see that this decision made Mr. Terry happy that they have to remove the trailers but she was unhappy because they were still pushing us and giving us less than 30 days. She stated they could not move the trailers within 30 days because it cost $5,000. The only solution was to disassemble them and take them to dump and that would still cost us money. Mrs. Rios stated Mr. Terry was not happy and they could see clearly what the situation was. She stated it was like a personal problem for him that was why she did not want him to be here.

Kristin McQueary stated Mr. Jim DeProsse, of Las Vegas, would do any of the inspections and the paper work and she was using Mr. Terry for explanation of the process because he was available to be here tonight.

Mrs. Rios stated, through her translator, she was not in agreement and the decision was not just. She understood this was their job and they will obey their orders and destroy the trailers. Mrs. Rios asked that they stop accusing them and stop harassing them, this was too much.

The motion passed unanimously
Kristin McQueary stated any decision was appealable to the District Court.

VII. ELKO COUNTY HUMAN RESOURCES DEPARTMENT:
Revision Update of Elko County Employment Policies
Discussion and consideration of the approval of updated Elko County Employment Policies that have been reviewed by staff, the County’s Insurance Carrier and the District Attorney’s Office in order to meet federal and state statutes and regulations.
Robert Stokes asked that this be tabled until tomorrow.
Commissioner Williams tabled the agenda item.

7:37 PM:
IX. CITY OF ELKO PARKS AND RECREATION ADVISORY BOARD
RECREATION CENTER SUB-COMMITTEE:
Discussion and consideration of a proposal for a new Elko Recreation Center that includes preliminary plans, square footage and projected costs along a request for support.
Robert Stokes asked that this be tabled.
Commissioner Myers stated this was budget issue. Commissioner Guttry stated Curtis Calder told him it was an update and request for a letter of support
of the concept. He was told it would be $28 million dollars so this was a taxing district issue.

X. NEVADA CONSOLIDATED SALES TAX:
Discussion and consideration of issues related to the Legislative Study Subcommittee to review the allocation of funds distributed from the Local Government Tax Distribution Account.
Robert Stokes asked that this be tabled until tomorrow.

7:39:35 PM:

IV. U.S. BUREAU OF LAND MANAGEMENT NEWMONT MINING CORPORATION – LONG CANYON MINING PROJECT:
Discussion and consideration of comments of support regarding the proposed Newmont Mining Corporation - Long Canyon Mining Project located between Wells and West Wendover, Nevada that was proposed to operate 8 to 14 years and employ 300 to 500 people from construction to closure.
Robert Stokes commented they had already received the presentation.

MOTION: Commissioner Guttry moved to send a letter of support regarding the proposed Newmont Mining Corporation - Long Canyon Mining Project located between Wells and West Wendover, Nevada. Commissioner Myers seconded the motion. The motion was passed unanimously.

7:40:45 PM:

XI. COMMISSION AND COMMITTEE REPORTS:
Reports from Commission members regarding various committee, liaison or agency issues.

A. Demar Dahl, District 1 Commissioner
Wells, West Wendover, Jackpot, Montello, Owyhee, Mt. City, Jarbidge Liaison – He stated there was a flood in Montello that had been addressed.
Elko County Conservation Districts Liaison – He stated the Districts were being brought in as part of the Governor’s Sage Grouse Committee recommendations.
China Spring Advisory Committee – He missed the last meeting.
Nevada Association of Counties (NACO) Board – He stated the meeting was a week ago Friday in Ely.

B. Charlie Myers, District 2 Commissioner
Commissioner Myers stated the Library Board came before the Budget Committee and the Library would hire a part-time bookmobile clerk using federal funding because they would have to wait the ninety days to utilize County’s funding. He stated the Sheriff’s Department request was granted reducing the ninety day waiting period by thirty days for the new office manager position.
Wildlife Chair - He stated Ken Mayer had notified Robert Stokes he would not be present at their meeting because he was busy.

C. Glen Guttry, District 3 Commissioner

National Guard Liaison – He had missed the Grand Opening Ceremony. Commissioner Williams stated he and Commissioner Russell attended the opening.

Humboldt River Basin Water Authority – He had missed the meeting. Commissioner Dahl stated Craig Spratling was present at that meeting.

D. R. Jeff Williams, District 4 Commissioner

Carlin, Midas, & Tuscarora Liaison – He had met with the people of Midas and there was a list of complaints. They had discussed the meeting with the Sheriff upon the drillers and Undersheriff Claire Morris would speak to Tim Sirotek at the mine.

Natural Resource Management Advisory Commission Liaison – He stated their meeting was cancelled because of the bomb scare.

Sheriff Department Liaison – He stated the Department liked having Claire Morris as Undersheriff.

E. Warren Russell, District 5 Commissioner

Spring Creek Association Liaison – He had met with Adele Harding, SCA representative to discuss the reduction of the road subsidy to the Spring Creek Association. He stated the Spring Creek Association would oppose the reduction.

7:45:10 PM:

XII. COMMISSION MEETING CALENDAR:

August 22, 2012 – Jackpot, Nevada
September 5 & 6, 2012 -- Elko – Nannini Admin Bldg, Suite 102
September 19, 2012 -- Elko – Nannini Admin Bldg, Suite 102

MOTION: Commissioner Myers moved to approve the Commission Meeting Calendar with the change of August 22nd to be held in Elko in the interest of budgeting. Commissioner Guttry seconded the motion.

No public was present for comment.

The motion passed unanimously.

7:46:29 PM:

XIII. CONSENT AGENDA:

A. Presentation and review of claims for approval
B. Approval of minutes: June 7, 2012
C. Approval of U.S. Department of Education National School Breakfast and Lunch Program for the reimbursement program for the Juvenile Detention Facility.
MOTION: Commissioner Dahl moved to approve the Consent Agenda A & B. Commissioner Myers seconded the motion. The motion passed unanimously.

Commissioner Russell opposed Consent Agenda Item C because it was not in the Constitution that the School was to provide a lunch program.

Commissioner Myers noted the summer time lunch program did not have income requirements and $330 million dollars was being spent on the program in California because everybody qualified.

Commissioner Myers clarified this was for the Juvenile Department.

MOTION: Commissioner Myers moved to approve Consent Agenda Item C. Commissioner Dahl seconded the motion. Commissioners Myers, Dahl and Williams voted aye. Commissioners Russell and Guttry voted nay. The motion passed by 3-2 majority vote.

7:49:43 PM:

XIV. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:
Commissioner Myers stated Tim Woolever, of NDF, was texting him but he did not understand his texting definitions. He asked that Robert Stokes either talk to Tim to clarify or have dispatch notify them of how big the fires were the total number of people on the fire and the locations. Commissioner Myers stated they were doing a great job and they needed to be commended.

Commissioner Russell stated they had good discussions but felt the decision on the gas tax was kicking the can down the road.

Commissioner Williams commended Kristin McQueary for handling a difficult situation.

XV. COMMENTS BY THE GENERAL PUBLIC:
No public was present.

7:53:12 PM:

XVI. ADJOURNMENT:
MOTION: Commissioner Myers moved to adjourn the meeting. Commissioner Russell seconded the motion. The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:53 p.m.

APPROVED,

R. JEFF WILLIAMS, Chair

ATTEST:
MARILYN TIPTON, Deputy Clerk
The Board of Elko County Commissioners met in regular session on Thursday, August 9, 2012, at 1:30 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners R. Jeff Williams, Chair
Demar Dahl
Glen Guttry
Charlie Myers
Warren Russell

County Manager Robert Stokes
CFO/Asst Manager Cash Minor
Deputy District Attorney Kristin McQueary
Deputy County Clerk Marilyn Tipton
Planning/Zoning/NRMAC Randy Brown
Road Supervisor Otis Tipton

Chairman Williams called the meeting to order at 1:31 p.m.
Commissioner Dahl led the meeting participants in the Pledge of Allegiance.

1:32:41 PM:

I. COMMENTS BY THE GENERAL PUBLIC:

Bertha Gardner had spoken to a County road employee about hauling gravel into places that needed it. She stated this was one place they could use their time more effectively. Bertha Gardner stated this was where the country was going wrong because the government was not a government for the people, by the people; we were now a government for a government. She referred to the definition of socialism in the Webster Dictionary.

Laura Roman Paige, native County resident, asked the Commission to think of jail services, the Department of Child and Family in the District Attorney’s Office and the Elko City Police Department because they need the Commission’s
help. She stated this town had tripled in size but the Police Department had remained five men per shift. She did not care about the gas tax and said they should raise it. Laura Paige asked that they put funding in for the children and the elderly because they were taking the brunt of the meth addiction, alcohol and drugs. She referred to the Motel 6 robbery in January of a crack dealer and the taxpayers’ money to adjudicate it. She stated they should not gripe about a few pennies for gas tax because they would all pay in the end.

Commissioner Williams inquired if she had spoken to the County Sheriff or Chief Zumwalt in the City about this issue. Laura Paige had spoken to them and had tried to have the story printed but the newspaper wouldn’t print it.

1:40:09 PM:

CERTIFICATES OF APPRECIATION:

Discussion and consideration of Certificates of Appreciation to Assemblyman John Ellison and Commissioner Charlie Myers for their years of work in providing a spectacular 4th of July celebration to the Elko area.

Commissioner Myers thanked them for the Certificate. He stated this was the last year of his 18 years of participation in the 4th of July program. He believed the event was very representative of Elko citizens.

Commissioner Williams commented that John Ellison and Charlie Myers had chaired the fireworks program on top of performing their civic duties as City Councilmen and County Commissioners. He believed the program showed their patriotism, their love for the Constitution, for the citizens of Elko County and for their country. Assemblyman Ellison and Commissioner Myers received a standing ovation from the meeting participants.

Assemblyman Ellison stated they took over the program when the VFW could not raise sufficient money to keep the show going.

MOTION: Commissioner Dahl moved to approve Certificates of Appreciation to Assemblyman John Ellison and Commissioner Charlie Myers. Commissioner Guttry seconded the motion.

Chairman Williams called for public comment, no comment was submitted. Commissioners Dahl, Guttry, Russell and Williams voted aye. Commissioner Myers abstained. The motion passed 4-1 majority vote.

Chairman Williams read the Certificate of Appreciation into the record.

1:46:21 PM:

II. LAMOILLE POST OFFICE STATUS:

Discussion and consideration of the status of the temporary closure and audit of the Lamoille Post Office including possible suggestions for customer service during the disruption.

Commissioner Williams read into record a letter from Dr. John A. Negrych dated August 8th expressing Mr. Negrych’s opinion about the sudden closure of
their Lamoille Post Office and the improper treatment of the postmaster Ms. Marilyn Laney.

Commissioner Williams stated they had received a letter from Gerald Byers but would not read it into the record because Mr. Byers was present today and could speak to the letter.

Commissioner Russell commented that he lived on a rural route out of Lamoille and received a noted that his mail may be delayed so the other patrons in the valley were being impacted by what has happened. Commissioner Russell commented that Ms. Laney was one of the finest public servants that he had ever met.

Commissioner Williams announced that Brian McCoy from the US Postal Service was present telephonically.

Commissioner Myers stated in the last ten years the Post Mistress took care of the patrons and based upon the e-mails he received from the Lamoille residents they were extremely upset and did not understand what happened or why it happened in the way that it did. He felt that if someone leveled a charge or accusation then Ms. Laney should know who that was and what those charges were. Commissioner Myers stated if the US Post Office was intent on good customer services they should have had a postal person deliver the mail into the Lamoille residents’ post office boxes daily until the issue was addressed.

Commissioner Williams stated the County has been more disrespectfully treated by the Postal Department than any other governmental agency. He stated the Postal Department had not notified the County when they had closures or potential closures. Commissioner Williams stated the Elko County Commission represents the people of the County and should have been notified.

Commissioner Dahl called Las Vegas and they had someone from Denver, Colorado call him. He received a letter from John Masters from Vancouver, Washington. Commissioner Dahl did not understand why the Postal Service can’t put the mail into the boxes in Lamoille or why they were doing their investigation. He suggested the Commission write a letter to the Postal Department for delivery into the Lamoille boxes and request information about their investigation.

Commissioner Guttry had not been able to gather any information and had heard the Lamoille Postmistress did a wonderful job for many years. He supported them sending a letter and noted in the past they sent letters on the proposed Post Office closures which had no impact upon their decisions.

Commissioner Russell’s stated the Postal Department was inconveniencing every one of them because of a complaint received by an anonymous person. He noted the Constitution stated they should be able to confront their accusers.
Assemblyman John Ellison stated on the County’s radio program they did an update and was told the mail would be out by 5 p.m. He stated the next day there were more telephone calls and was told the mail would be out by noon. He explained they were understaffed in Spring Creek so this was an additional burden upon that staff. Assemblyman Ellison suggested an investigation should be performed upon how this situation was addressed. He had spoken to the various congressional representatives regarding an investigation. Assemblyman Ellison was told the allegations could not be brought up because it was a personnel issue. He expressed concern for the 272 senior citizens of Lamoille attempting to drive to Spring Creek in the middle of winter weather. He commented Ella Mae Bottari owned the facility which housed the postal boxes and was agreeable to temporary service. He understood the Postal Service was looking at standup boxes.

Brian McCoy could not comment upon the investigation because he did not know the details. He stated once the investigation was completed and nothing was found then the post office would be back up on active status. Brian McCoy stated if the investigation came up with financial irregularities that they cannot overcome it was probable they would re-solicit a new contractor. He stated it was not their intent to use this situation as a way to close the community’s post office. Brian McCoy could not commit to them that there would be a community post office because he did not control all the angles such as if there was someone interested in contracting and what they would want for the contract. Brian McCoy stated their intent was to retain a post office within the community in whichever direction they go. He stated there was a timetable to follow and people have to bid. He stated if they re-solicit that process it could take three months or more. Brian McCoy stated they have been in contact with the Denver contracting agent and inquired if they could offer a temporary contract for 60 – 90 days to provide service while the formal solicitation went forth. Brian McCoy appreciated the fact that the travel was 15 miles each way and it was fortunate this happened in the summer rather than in winter months. He stated customers who have a current rented PO Box could go to Elko to get the mail or they have the option of getting street delivery. He stated they would still bring the mail to a street delivery address and asked that they work with the Elko Post Master to figure out a good place to put it with the route of the highway contract delivery driver out there. Brian McCoy stated they will affect delivery out there, even if it was only temporary until they can resolve this. Brian McCoy stated they were serious about providing universal service where everyone received a free form of delivery. He stated they would do everything they could to get a temporary contract in there to get the community post office up and running as fast as possible.
Assemblyman Ellison stated they would be sending letters from the congressional delegation and the County. He inquired if the minimum was 3 to 4 months for the investigation. Brian McCoy did not expect that it would take that long. Assemblyman Ellison stated Senator Heller’s staff would ask that a temporary contract be initiated until the investigation was completed. Brian McCoy stated if the community could identify individuals who might want to be considered for it, please include that within their letter. Assemblyman Ellison was submitted a copy of the letter sent to Ms. Laney about the investigation and commented the letter was very vague and did not address compensation for the funding already expended. He asked that Brian McCoy inquire who could clarify those issues. Brian McCoy stated the letter probably would not address the investigation but with regards to the compensation he would research that.

Terri Fairfield, of Senator Heller Office’s, had been on the phone and they have received no further information. She stated Senator Heller was concerned about this issue and wished to get the mail to the constituents in Lamoille.

Meghan Brown, of Congressman Amodei’s Office, stated they were looking into the investigation process. She stated there was vague communication from the post office.

Commissioner Williams inquired if the letter broke the contract with Ms. Laney. Assemblyman Ellison stated the only response that Ms. Laney received from the Post Office notified her that she was suspended during the investigation. Commissioner Williams inquired if the suspension was with or without pay. He stated if she was found innocent would she receive back pay and an apology from post office for being targeted. Assemblyman Ellison noted the individual was on suspension without being told if she would be compensated for what was paid out for facility rent, electricity, etc. Assemblyman Ellison noted this person was eighty years old and on a set income.

Commissioner Russell inquired if they treat a contract employee differently than a postal employee in an investigation.

Brian McCoy replied he did not do any investigations. He stated if they receive any notice, letter, data or report that identifies a possible infraction against our financial policies it would generate an investigation. He stated if an individual was to write a letter to office of the Inspector General and say the Spring Creek Post Office was doing something funny, they would not shut it down but they could put on administrative leave an employee that was identified in that letter until the investigation was complete.

Commissioner Russell inquired if they treat a contract employee differently than a postal employee in an investigation.
Bryan McCoy replied the investigation process was the same but because a contract was different than a full-time employee; that contract could be terminated within 60 days notice with cause.

Commissioner Dahl stated it was good the Post Office was vigilant but he felt the Post Office should look at their policies of how they conduct their investigation. He stated in this country an individual was presumed innocent until found guilty and felt the way the investigation was carried out was not done properly. Commissioner Dahl recommended Mr. McCoy contact whoever was responsible for these investigations and reexamine their practices. Brian McCoy stated that was why the contract was in a suspended status rather than a terminated status until the investigation was completed. He wanted their company to do the right thing in protecting the company’s assets while ensuring proper service. He stated the Board’s comments would be passed on.

Paul Bottari stated his parents were the owners of the Lamoille Post Office building and were prepared, with Marilyn’s signature, to allow the Post Office to be sublet to temporary postal personnel. He stated there was no reason why the Post Office boxes could not be utilized. Paul Bottari stated it seemed a backward system to take this long to find out if Marilyn did something wrong and everyone who knew her felt it was probably not done intentionally. Paul Bottari stated through his real estate experience he knew the Post Office was the heart of a small community, like Lamoille. He stated in Lamoille there were lots of retired people and they could access the community Post Office downtown. Paul Bottari stated the Post Office added to the real estate values in Lamoille.

Gerald Byers submitted a copy of his letter to the Inspector General dated August 9, 2012. He understood the suspension took place for a supposed but not shown violation of the contract. It was his opinion that by paying rent for a box and the Post Office by cashing his check that they had a contract with him. He believed the Post Office had violated the contract with him when they had made no effort to get that Post Office open. He stated Lisa Emery of Las Vegas and Dorcas Canfield of the Elko Post Office violated my contract and inquired if they could suspend them. He asked that the Commission put pressure upon Senator Heller and Congressman Amodei to put pressure upon the Post Office to get the Post Office reopened. Gerald Byers stated it was costing the 272 Post Office box holders, who paid their box rent, by requiring them to drive 26 miles round trip and the IRS would only allow 55 ½ cent per mile for every mile they have to travel. Gerald Byers stated it took three quarters of an hour to make the trip to the Spring Creek Post Office and estimated $16.00 an hour so it would be $12.00 for their time. He stated it would cost approximately $1,171,132.50 until all rentals expired within one year from now for travel time and fuel costs. Gerald Byers requested the Commissioners do what they could do.
Rachael Buzzetti and son, Blaine Buzzetti, stated she worked for three different companies and have their own business in Lamoille. She has three children so it was difficult to drive to Spring Creek to get their mail and it was costing her business. She encouraged them to do whatever it takes to get that Post Office open soon and commented there were a lot of people here today that wanted the Post Office open.

Chairman Williams estimated that 65 people were attending this meeting.

Jack Marsh stated Mr. McCoy had said that if there was a question about the integrity or the honesty of someone in the Spring Creek Post Office that person would be investigated also and may also be suspended. He would presume that would be the way with the entire government. Jack Marsh stated his sources say that Harry Reid was a crook and felt that Mr. Reid should be investigated but they all know Harry Reid was a big shot and Ms. Laney was not. Jack Marsh stated the Post Office Department was losing money because they were poorly managed. Jack Marsh stated if Ms. Laney did something the general public should be able to know about it. He stated if this was a private business, the owner of that business would be up all night long attempting to have someone out there the next day. Jack Marsh noted at first they were told it would take three months and now they say it would not take three months. He expressed concern with the little picky things the Post Office can’t handle considering the size of the company.

Jennifer Whiteley, Lamoille resident, enjoyed going to the Post Office because Marilyn knew her by name, greets her with a smile, was there early and stayed late. She missed Marilyn and hoped they could resolve this quickly because they need Marilyn back in Lamoille.

Grant Gerber commented this was absurd and demonstrated incompetency. His family was involved in the mail services for over fifty years and his father delivered mail by horseback in the 1930’s to O’Neil. He reviewed his past mail service and noted there were issues they had to address and usually solved within the same day. He stated the Post Office should have solved this sooner and their incompetency was why they were in trouble.

Martha Wallace, Lamoille resident, stated most of the things that she wanted to ask have been mentioned. She noted Brian McCoy had stated the street delivery still continued. Martha Wallace stated they do not have street delivery in Lamoille; they have the Post Office and Post Office boxes. She asked why they were sending 284 people every day to Spring Creek to pick up their mail when it takes one person to drive to Lamoille and three hours to sort the mail. Martha Wallace stated they had an 80 year old woman who in 3 hours sorted all the mail, put it in boxes, did all the Post Office business, knew everyone by name and took care of everything. She questioned why the...
company cannot loan them a person for three hours a day. Martha Wallace stated they sent someone to Spring Creek to help straighten out the mess there but they can’t send someone to Lamoille. Martha Wallace stated financial organizations and mortgage companies will not mail to a Post Office Box Number their mail goes to your physical address. She stated they have a good person in the Post Office that had taken care of them for 10 years, who knew who they were, and when those things came she would put them in their box. Martha Wallace inquired what happened to these letters that have a physical address on them at Spring Creek because they were not receiving them. She had been on the phone trying to get information of what happened to her mail that went to a physical address. Martha Wallace stated the Post Office needed to resolve that issue. She felt the Post Office had been very disrespectful of Marilyn Laney and every resident of Lamoille because it has been two weeks.

Brian McCoy understood they did not have street delivery and have not had street delivery for many years. He stated the Post Office policy and their charter was that they provide one free form of delivery to everyone within the United States. He had assumed the community of Lamoille had the opportunity for street delivery and that individuals have chosen not to take advantage of that and instead chose to rent a Post Office box.

Marsha Wallace stated there were 284 residents that would sign up for street delivery tomorrow if they had the opportunity.

Brian McCoy stated he would verify that. He stated if they were not prepared to offer street delivery then those Post Office boxes would be free. He stated when they have a highway contract carrier who delivers mail on the street that was the free form of delivery. He stated if an individual chooses not to take that free form and they want a Post Office box they have to pay for that. He understood 100% of the customers that rents the Post Office boxes at the community Post Office had the opportunity for street delivery and he would verify that. Brian McCoy stated the contractor had a relationship with the Lessor and the Postal Service does not get involved with the facility. He did not get any notification of the investigation until that day and they had to make sure they could continue to provide Post Office box service to the community. He stated they had to make sure they had mail boxes at the closest Post Office because they did not control the physical address of the community Post Office. Brian McCoy had heard the Lessor and the current contractor was willing to let the Post Office have access to the building. He would discuss the possibility of having that driver go into the building and move the Post Office box delivery back from Spring Creek to the Lamoille Post Office for Post Office box delivery only. Brian McCoy would verify if street delivery was available and look into access to the Lamoille boxes.
Assemblyman Ellison understood through the Postal Service and Senator Heller’s Office they had to have the letters signed by the Contractor and the Lessor in Brian McCoy’s possession before they could put the mail in the Lamoille boxes on a temporary basis.

Brian McCoy agreed the Contractor and the Lessor would have to submit permission in writing to allow the Post Office to have temporary access to the community Post Office building.

Ella Mae Bottari stated they do not want boxes by the road because they can’t buy stamps, they can’t visit with Marilyn and they can’t mail packages. She inquired why they would not want that service because they had that service for approximately eleven years. Ella Mae Bottari considered Ms. Laney a very honest person. She stated they would give temporary permission to use the building and asked why Marilyn Laney could not be there to put out the mail until this was straightened out.

Mike Laughlin lived in Lamoille but did not have a mail box. He suggested to Brian McCoy that after the investigation was over that Marilyn Laney be named postal employee of the year.

Brian McCoy appreciated the loyalty and appreciation expressed about Marilyn Laney by the community residents because that was what they want the relationship to be between the Post Office and the community base.

Paul Bottari commented the City of Wells did not have street delivery either.

Harry Botsford was in favor of this issue coming to a close. He noted the Postal Service shut down the Post Office and interrupted the mail service guaranteed to them under the Constitution. He believed someone should be running that Post Office by 8:00 a.m. tomorrow morning or there were Postal people committing federal felony and a criminal action should be taken against them for all the delays, harassment and the hurting of the people that did not need to happen. Harry Botsford had a street address in the County and a Post Office box in Spring Creek. Harry Botsford stated their records and addresses of people were not accurate. He encouraged Brian McCoy to come to town more often because they need his help.

MOTION: Commissioner Dahl moved that they write a letter to Senator Heller, Congressman Amodei, the Post Master General in Washington, D.C. and the Post Office District Manager expressing their concerns, the concerns that have been voiced today, and request that they open the Lamoille Post Office for service at least to fill the boxes as soon as possible.
Assemblyman Ellison stated he had not found one person that had received bad service from Ms. Laney. He stated the residents tell him she has done a great job out there.

**Commissioner Myers seconded the motion.**

Commissioner Myers suggested it be included in the letter that the Lamoille community was made up mostly of elderly people who probably have medication that comes through the mail and with the redirection of the mail there was a negative impact upon the health, welfare and safety of the people of Lamoille.

Commissioner Russell believed the Spring Creek Post Office was trying their best to deal with the situation and make postal delivery to their folks. He stated the Spring Creek Post Office was not at fault in this situation.

**The motion was passed unanimously.**

Chairman Williams thanked Brian McCoy for attending today and giving them information. The telephonic connection with Mr. McCoy was discontinued.

**2:50:43 PM: RECESS:**

Chairman Williams called a recess at 2:50 p.m.

**3:03:01 PM: RECONVENE:**

Chairman Williams reconvened the meeting at 3:00 p.m.

**3:03:39 PM:**

**IX. ELKO COUNTY CODE:**

In accordance with Notice 36-2012 and NRS 244 conduct a Public Hearing and Second Reading of ORDINANCE 2012-10, entitled: AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 18(A) 3. OF THE ELKO COUNTY CODE TO CHANGE “AND” TO “OR” AND ALL OTHER MATTERS PROPERLY RELATED THERETO. This section of code deals with animal treatment.

**MOTION:** Commissioner Myers moved to approve the Second Reading of ORDINANCE 2012-10, entitled: AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 18(A) 3. OF THE ELKO COUNTY CODE TO CHANGE “AND” TO “OR” AND ALL OTHER MATTERS PROPERLY RELATED THERETO. Commissioner Dahl seconded the motion.

Chairman Williams called for public comment, no comment received.

**The motion passed unanimously.**

**3:04:39 PM:**

**X. ELKO COUNTY PLANNING AND ZONING COMMISSION APPEAL:**

Khoury Leasing, LLC – Barrick Parking Lot:

In accordance with Notice 35-2012 and Elko County Code 4-9-10, conduct an appeal hearing as requested by Mike Kessler on the Elko County Planning and Zoning Commission approval of a proposed parking lot described as: A
parcel of land located in Section 33, T.34N., R.56E., M.D.B&M, County of Elko, Nevada, being a portion of that parcel as shown on the Record of Survey for Khoury Leasing, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada as file No. 640603. The general location is the southwest corner of the intersection of SR 228 (Jiggs Highway) and SR 227 (Lamoille Highway).

Pursuant to Elko County Code 4-9-10(E), the action of the Board of County Commissioners shall be: The County Commissioners may at the conclusion of the appeal hearing sustain, modify or overrule the action or decision appealed, or may refer the matter or a portion thereof, back to the Elko County Planning Commission for further consideration. The final order of the County Commissioners on an appeal shall be effective forthwith.

Chairman Williams stated he would turn the Chairmanship to Vice Chairman Guttry and disclosed he had financial dealings with Barrick Goldstrike.

Vice Chairman Guttry assumed control of the meeting.

Commissioner Dahl disclosed that he had been advised by legal counsel to abstain from participation in this discussion and would not vote on it.

Commissioner Myers disclosed he did a radio ad for Grant Gerber and had known the Khourys for a very long time.

Commissioner Guttry disclosed his daughter works for Barrick but she does not work in the department that addressed the parking lots and does not live in his home so he would be voting on this issue.

Kristin McQueary stated only three members could vote so the vote must be unanimous to change the decision of the Planning Commission.

Randy Brown explained the application was heard on May 17, 2012 by the Elko County Planning Commission and six members were present. He stated they had two abstentions leaving a four member voting board to approve the conditional use permit and three of the four voted to approve it. He explained the appeal was accepted but the vote was reversed due to the Planning Commission not being an elected board.

Randy Brown gave an overview of Staff’s recommendations to the meeting participants. He stated a traffic study was prepared by a Reno engineer for the developer.

Commissioner Russell inquired if a parking lot was legal use and received an affirmative response as long as it was under a conditional use. He inquired about dust control for that area. Randy Brown stated EPA had jurisdiction over the dust control. He noted the graveled area would be designed by the engineer. Commissioner Russell inquired about standards for lighting. Randy Brown stated they would look at the variables such as the depth of the gravel and the height of the lighting. He noted the Building Department would monitor the development.
Jerry Byers, resident of Belloak Drive in Spring Creek, requested the Commission deny the proposed location of the 300 car/18 bus dirt parking lot for Barrick Gold Mining due to traffic safety, their children’s bus stop, the added congestion at the intersection of the Lamoille and Jiggs Highways, together with the dust, noise, lighting and trash issues. Jerry Byers stated the first dirt parking lot that Barrick built at the opposite end of Belloak Drive was upon property donated by McCulloch to the County. He noted there were legal restrictions upon the land use and the property was to be used for the benefit of all property owners within the County of Elko. Jerry Byers stated in allowing Barrick to build a dirt parking lot in this location the citizens lost the opportunity to use this property as it was intended. He stated allowing two dirt parking lots to be placed at each end of Belloak Drive would reduce their property values in the neighborhood. Jerry Byers suggested a better location to resolve this issue would be upon the County owned 30.42 acres on Wells Lane which was the old Spring Creek landfill. He stated this parcel was far from any residential areas, had access to road, power, a turning lane, and would eliminate traffic passing in front of the high school, middle school and Sage Elementary Schools. He stated this would bring the parking lot closer to the housing section in Spring Creek. He stated Lamoille and the Spring Creek Housing section could use the new lot and the Spring Creek mobile section and South Fork could use the lot already established. Gerald Byers stated the County would gain revenue by leasing to Barrick and could use that revenue to lease the entire parcel from Khourys to build a park with trees, picnic area, and basketball and tennis courts to benefit the public. He asked that the County consider the safety issues and the other options available. Gerald Byers stated the present parking lot now had dust issues. He stated at one of their last meetings it was addressed and Barrick immediately put magnesium chloride down. He stated a week after that was applied the dust was back because of the amount of traffic by personal vehicles and busses. Gerald Byers asked Barrick how many parking lots were in the Spring Creek and the Elko areas.

Al Plank, Barrick Goldstrike Mines, replied they currently have the parking lot behind Gold Dust West, a lot behind the Coke distributor, a lot on old west Main Street and the lot the Spring Creek Association allowed them to use by the roundabout. They have lots in Winnemucca and Battle Mountain. Gerald Byers inquired how many of those were paved. Al Plank replied one; the parking lot in Elko was previously paved and leased as a paved lot. Jerry Byers inquired if there were residents within 300 yards of that lot. Al Plank replied yes and they had addressed those residents’ concerns with regards to trash, lighting, and noise. Al Plank stated there were residents by the Coke distributor lot at the time of development. He noted the other lots were surrounded by businesses rather
than residents excluding the unofficial lot within 300 feet of residents and the Spring Creek firehouse.

Jerry Byers stated at the very least there should be modifications put in place that it was not a dirt parking lot, that the traffic situations were addressed, and the safety issues were addressed at the bus stop.

Mike Kessler, Belloak resident, stated he had sent them a letter on July 4th together with photos showing them the Jiggs Highway intersection. He stated the Jiggs approach to the intersection was not adequate for the increase in traffic. He stated Barrick should be required to improve the sections of SR 227 and SR 228 at no cost to the State and the County taxpayers. He stated the SSR 228 turn lane would back up traffic. Mike Kessler believed the traffic study was incomplete. He understood NDOT objected to expanding the existing lot due to a traffic study and the issue of getting on to SR 227. He believed another traffic study was warranted. Mike Kessler referred to a letter from Lynn Forsberg dated June 4th which suggested a time of day modification with the traffic signal to keep the traffic flowing. He noted in the letter Mr. Forsberg had discussed this modification with the NDOT Traffic Engineer because they already knew there would be problems with traffic movements. Mike Kessler referred to a letter dated June 19th to Joe Ramirez from John Kingwell stating the traffic study of April 2002 prepared by Solaegui Engineers LTD., did not include impacts for alternate traffic. Mike Kessler questioned the accuracy of the study. Commissioner Guttry asked what alternate traffic meant. Mike Kessler believed it referred to the additional traffic from the proposed parking lot because the study was only upon the current traffic. Commissioner Guttry requested clarification that the traffic study was hired by Barrick. Mike Kessler replied yes and within the June 19th letter they had discussed and NDOT denied the foot and bicycle traffic path due to the increased traffic and the high speeds. He stated this issue was not addressed in the traffic study and would place another burden upon the applicant for modification to the intersection. Mike Kessler stated the only modification discussed was the 200 foot deceleration lane coming into the parking lot.

Commissioner Guttry inquired if another traffic study would address his concerns. Mike Kessler replied yes.

Mike Granger, Belloak Drive resident, referenced Elko County Code 4-4-5: “enterprises adjacent to major routes of travel so regulated as to prevent the impairment of safe and efficient movement of traffic and to encourage attractive development compatible with adjacent residential land uses.” Mike Granger stated they were told to expect a carbon copy of the primitive and industrial quality eyesore that was already located upon leased County ground at the east end of Belloak Drive. Mike Granger inquired how this was attractive or
compatible with the surrounding residential properties. He displayed pictures of some of the homes on Belloak Drive. He stated but for Barrick’s reluctance to plan ahead consideration could have been given to other more appropriate sites that were still available for timely construction. Mike Granger stated they were relying upon the Commission to preserve their quality of life that they worked so hard to bring to their community and protect the values of their property which were in jeopardy due to the nature of this project. He stated the County had the authority to approve the development with certain conditions and suggested the following conditions: The parking lot and driveway should be paved just as the Spring Creek property owners have paid to pave almost every road within their community, the parking lots of their schools and other municipal facilities; appropriate landscaping must be included sufficient to lessen the visual impact of the project making it more compatible with the adjoining residential and commercial developments; lighting should be “down lighting” only and providing only enough light so that users of the parking lot may safety move about; a comprehensive study need to be conducted and the findings incorporated into the conditions under which approval might be granted. Mike Granger stated they were not contending the right of the Khourys to develop this property but neither do they believe real estate speculation confirms any define right upon the speculator guaranteeing a profitable outcome. Mike Granger stated they were insisting that any development be consistent with the spirit of the Elko County zoning codes and that standard that they created within their own community.

Commissioner Russell inquired if he had raised these concerns during the Planning Commission’s deliberations.

Mike Granger stated he was not notified and this was his first opportunity to address these concerns. He did not get the newspaper and found out about it when he talked to the neighbors and in questioning the surveyor.

Commissioner Guttry inquired if Belloak was paved and asked if the driveways and parking areas were paved.

Mike Granger responded Belloak was paved, not all the private parking areas were paved but they would not have hundreds of cars upon them. He noted most of the roads in the Spring Creek Association were paved and the association owners paid for that paving.

Al Plank, Barrick Goldstrike, stated it was their intent to comply with all requirements and to exceed them to Barrick’s standards. He stated they did take into consideration the proximity to the Belloak residents and planned on setting back the parking lot 400 feet from the highway to eliminate impact to the residents. Al Plank stated they had searched for other properties and they had run into parcels that were not large enough or they had created a bigger traffic hazard at the intersection of SR 227. He stated dust control was important to
them and they utilized lignum sulfate which would hold up under heavy traffic. Al Plank stated there would be 6 buses in the morning, 6 buses in the evening and those bus schedules would not conflict with the School District’s busing schedule. He stated the peak traffic, assuming 100% utilization by the Spring Creek employees, would be 105 residents as they know it now. He stated they were building for a 24 hour shift and planning for overlap of dayshift and night shift. Al Plank stated that location, with the turnoff, kept the traffic speed in the 35 mph zone and the Belloak residents would have the rights of way. Al Plank stated NDOT had a website that gave annual daily traffic counts and in 2005 the average was 1,400 cars on SR 228 and now there were 900 vehicles daily. Al Plank stated they were not adding traffic to the intersection, and not adding traffic to the Lamoille Highway. He stated they planned on fencing the lot and utilizing downcast lighting. Al Plank said they would put in slats in the fencing to enhance the site and catch debris. He stated they utilize local youth groups to annually clean the parking lots.

Commissioner Russell noted the first person talked about 300 vehicles and 18 busses.
Al Plank stated it would be 6 buses in the morning and 6 buses in the afternoon; three loading and three unloading. He reiterated the lot must be large enough for the shift overlap. He stated their primary reason was the safety factor because their employees had worked twelve hour shifts and they would rather have them on busses closer to their homes. He commented upon the congestion at 12th Street, Lamoille Highway and at Mountain City Highway when the shift changes.

Commissioner Russell inquired what the different in the cost was between gravel on the parking lot and putting on asphalt.
Al Plank replied over a million and half for the parking lot. He stated the mine looked for the best Type II material which sets up with the lignum sulphate dust suppression.
Commissioner Myers inquired if there was consideration of pavement from the lot to the highway. Al Plan stated they were not that far in the planning.
Commissioner Myers stated any landscaping would be appreciated. Al Plank stated there was no water available and it would be a maintenance issue.
Commissioner Guttry stated 400 feet of pavement was expensive. He voiced concern dust would be blown down Belloak because the wind normally blew from the west but was convinced the mine would address that problem. He stated the traffic study may have not been thorough and that was a concern. He suggested another study be addressed.
Al Plank stated if there was a dust issue the employees would complain.
Commissioner Myers stated if the project was set back 400 feet the dust
would be far away from the residents. He inquired if the privacy slats would be coordinated with the area and how high. Al Plank replied they would be color coordinated and be eight feet in height.

Paul Solaegui, traffic engineer, stated Barrick had contracted him to do a traffic study for this site. He consulted with NDOT, obtained the scope of work and was knowledgeable of their policies. He stated they turned in their report and have a conditional letter of approval from NDOT.

Commissioner Myers inquired why the traffic count would vary from the 2005 traffic count. Paul Solaegui stated the numbers would vary and they have seen the volume decreased substantially throughout the state.

Commissioner Guttry believed there may have been a change with one of the mines and during the construction period the volume increased.

Mike Kessler voiced concern regarding the additional traffic being dumped all at once upon the narrow two lane highway and the congestion at the intersection. He stated the road was not wide enough for bus and truck traffic. Mike Kessler inquired if they would put in four lanes and build up the shoulders. He stated there were no shoulders upon that highway presently.

Commissioner Guttry agreed and questioned NDOT standards being met with the study.

Paul Solaegui stated that was a major point of concern for NDOT as they move through the approval or review process. He stated those were 12 foot travel lanes on Jiggs Highway. When the lanes approach the signal, the right turn lane was 10 foot lane, the left turn lane was 12 foot lane and the southbound lane was a 12 foot lane. Paul Solaegui stated the 10 foot lane would be widened to 12 foot and the shoulders would be upgraded. He stated as access to the parking lot the right turn lane on the Lamoille Highway would be extended to 350 feet long for turning unto the Jiggs Highway.

Commissioner Guttry inquired about the left turn off from the Jiggs Highway onto the Lamoille Highway towards Elko. He stated there was concern the traffic would back up from that turn lane into the travel lane.

Mike Kessler noted there was no left turn lane from the Jiggs Highway to the Lamoille Highway. He stated they were asking for a very specific left turn lane.

Paul Solaegui stated the traffic volume did not trigger the turning lane and their study met NDOT standards and criteria.

Commissioner Guttry asked if this would be approved, the parking lot was developed and they find Mike Kessler was right it would back the traffic up to Belloak Drive and they can’t get into the flow would NDOT address it. Paul Solaegui stated a current item in NDOT’s approval was a verification study to be completed six months after operations. He stated in the NDOT approval letter
process there was a mechanism and that would be addressed. Commissioner Guttry assumed that if a turn lane was needed then NDOT would put it in at their expense. Paul Solaegui stated when NDOT puts a condition like that then it would be Barrick’s responsibility to count the traffic and compare it to what they predicted. He stated NDOT then had the authority to put those conditions in.

Commissioner Myers inquired the length of the right turn lane off of Jiggs onto the Lamoille Highway.

Paul Solaegui stated the road widens and the right turn lane was created at the approach. He explained the through and the right turns operate from a single lane.

Commissioner Myers asked about distance from the intersection that those lanes start to divide. Paul Solaegui imagined that would be in a 200 or 300 foot dimension.

Commissioner Myers asked if there were weekend days included in their traffic study.

Paul Solaegui stated they studied during the week days. Commissioner Myers voiced concern about the increase of traffic from the anticipated mine and the recreationists going to South Fork on the weekends. Paul Solaegui stated NDOT did not put that on the table in their initial scoping effort. He stated the commuter volume was what they time their signal, and what they size their lanes for.

Travis Gerber commented upon the benefits of the project, the safety initiative, and saving wear/tear on the employees’ vehicles. He commented the parking lot would be fenced with private property slats and there would be a setback of 400 feet from the road. Travis Gerber stated there was concern about traffic backing up but because of the setback there would be room for the cars to be within the access lane. He stated there was a parking lot off of Lamoille Highway where busses wait to cross two lanes of traffic to turn left. Travis Gerber believed it would be safer to go upon a two lane highway with less traffic, reduced speeds and a turn signal. He understood there would be a change in traffic patterns moving 105 vehicles per shift onto the Jiggs Highway but felt the highway was adequate to handle the traffic load. Travis Gerber stated the Khourys understood this area could be utilized as a parking lot due to the zoning and in the 1990 Newmont had it approved for a parking lot. He stated Belloak Street was upon the corner of the two busiest roads in Spring Creek and it was unreasonable to think that it would not be developed further. Travis Gerber stated it was a perfect spot for a parking lot.

Al Plank clarified that there were 255 employees who would be riding the bus if they assume 100% utilization. He stated the 105 vehicles referred to the biggest traffic event that would occur which was when they get off day shift.
Monday through Thursday.

Commissioner Russell inquired when the day shift got off. Al Plank stated they were leaving the parking lot at 6:00 p.m., in the evening but did not known when they would arrive there.

Gerald Byers stated it was established at a previous meeting that this extensive traffic study was performed one week day with two hours in the evening and two hours in the day watching the traffic. He stated from the Jiggs Highway to the Lamoille Highway there was no dedicated right turn lane. Gerald Byers stated the original intent on the first parking lot was not to have members of Barrick speeding down Belloak Drive attempting to get to work just to get to the bus. He stated that was brought up in a meeting and displayed a picture of a No Trespassing sign as their solution to the problem. Gerald Byers believed there should be modifications and everything defined in writing. He displayed pictures of the Barrick Park in the mobile home section and noted their original intent was good. Gerald Byers encouraged everything should be addressed in writing to eliminate interpretation. He commented upon the dust in the present parking lot on County land after the chemicals were applied and felt the mine was being reactive to the issues not proactive. He stated the employees were coming from the mobile home section rather than the housing section, suggested a parking lot farther down the highway to be closer to the employees’ homes and eliminate more traffic by the schools. He submitted photos to the Deputy Clerk.

Amber Miller who lives on the Gund Ranch in Jiggs, Nevada stated unless they did the traffic study during the peak mine hours of 4:30 a.m. to 6:00 a.m. they did not get an accurate traffic study. She stated buses replaced the vans so there was a reduction of traffic. Amber Miller questioned who would enforce the people on the highway having the right of way. She noted there was a safety issue because they were putting tired drivers on the highway at that location. Amber Miller stated the Jiggs Highway could not handle the traffic. She noted four vehicles turning left from Jiggs Highway to Lamoille Highway would back up the traffic. She commented they were shipping cattle at 5:00 a.m. the same time as the shift change so they would be affecting the full community. Amber Miller stated this parking lot would not only affect the Belloak residents but also residents from Jiggs, South Fork and the recreationists. She requested that they form a citizens’ community consisting of a County Commissioner, residents of Belloak, Barrick employees, representatives from Jiggs and South Fork to come up with the best solution for the community. She noted the mines have continued to grow so there was no guarantee it would only serve 255 employees. Amber Miller asked that the County Commission table this agenda item until a study was performed by the Committee to make sure there was right of way so the traffic was not backed up.
Greta Stock lived directly across from the lot and dust was her main issue. She stated the traffic had increased. She appreciated the suggestion of a paved driveway but requested that more be done. Greta Stock stated the mines try to keep the dust down but it just keeps coming up because of the high usage of vehicles.

Bonnie Anderson, Belloak resident, stated there would be emission pollution and noise from the busses and the trucks as they sat there parked.

Glenn Mathias, Belloak resident, stated there were two lots between Khoury’s and the Jiggs Highway and inquired who would maintain the frontage road.

Al Plank displayed the lots owned by Khourys and the 400 feet would be paved or maintained by Barrick Goldstrike Mine.

Glenn Mathias noted seven vehicles came up to the light and only three got through before the light changed. He believed the traffic would back up on Jiggs Highway. He stated there had been safety issues when attempting to turn into Belloak while on the Lamoille Highway. He believed the survey had been at odd hours when the traffic was not present.

Mike Granger stated the benefits described by Mr. Gerber were not exclusive to this location. He believed the Khourys intend to develop other commercial property on that site which meant there would be more traffic dumping onto the Jiggs Highway. He stated 400 feet was the further point of this property from the road and the nearest point was 240 feet to the highway. Mike Granger stated with the prevailing wind west to east the 400 feet would not mean much. Mike Granger stated along with the dust there would be exhaust pollution and noise pollution. He suggested alternate locations be discussed. He displayed a picture taken over the last 10 days displaying dust created by two buses in the parking lot.

Mike Kessler displayed a picture of the left turning lane at Jiggs Highway and stated they could not fit more than four cars in the left turn lane.

Commissioner Guttry commented the County Commission could not tell NDOT what to do at the intersection. He believed they could request requirements be placed in the permitting.

Mike Kessler inquired if that cost would be at the expense of the taxpayers or Barrick. Commissioner Guttry stated it would be placed upon Barrick. Mike Kessler stated they would follow with pictures if this was approved.

Commissioner Myers inquired of Al Plank if Barrick would follow the staff recommendations, install an eight foot privacy fence, install down lighting, install signs within the enclosure reminding employees to dim their headlights, reduce engine idling, and pave the entrance to the Jiggs highway as conditions. Al Plank stated they could not stop the idling engines in the wintertime.
Commissioner Myers felt there would still be the diesel smell which would be an issue. He inquired if they would pave the entrance of the parking lot to the site. Al Plank stated they would take that into consideration.

Commissioner Myers inquired if they would perform maximum dust and trash suppression. He inquired if their traffic engineer would perform a six month traffic study to determine the needs for a turning lane. Commissioner Myers stated when they were shipping cattle it could be a real issue because some of those rigs were huge and would block the left turning lane. He did not believe that was taken into consideration during the traffic survey. Commissioner Myers believed the timing on the traffic signal could be changed by the County. He did not think there was a way to mitigate the noise. Commissioner Myers suggested that Lynn Forsberg get a copy of the traffic study to determine the traffic signal lighting. Commissioner Myers asked that Barrick put together a committee comprised of community residents from the subdivision to mitigate the issues before it comes back to the Commission.

Commissioner Russell inquired if a chip seal would hold up under the bus traffic. Otis Tipton replied the majority of their traffic would be light traffic. He suggested they perform a lignum treatment with six inches of type II to stabilize the base and then do a double chip seal. Commissioner Myers inquired how long that would last. Otis Tipton replied that would depend upon the road base. He stated if their loads remained light it would be ten years before they had to chip seal again and it was less expensive than paving.

Commissioner Ellison commented upon the traffic being backed up towards town after the fire upon the Lamoille Summit. He asked that emergency response agencies be included within the study issue to resolve some of the traffic issues. He stated the more busses utilized would eliminate some of the vehicular traffic. Commissioner Myers stated they may be included in the community committee to address those issues.

Commissioner Russell stated the County Commissioners supported private property rights as long as it was legal and did not affect the health and safety of other citizens. Commissioner Russell stated the County Planning Department had submitted recommendations that could be enforced.

Commissioner Guttry expressed concern with over regulating personal property and noted that Barrick was willing to address the safety and health concerns of the residents.

Commissioner Myers inquired of Otis Tipton what was applied during a chip seal. Otis Tipton replied it was ammonium lignum sulphate.

**MOTION:** Commissioner Myers moved to approve the Barrick parking lot with the staff recommendations with the following modifications and conditions: as agreed the privacy fence be at least eight
feet tall and be landscaped to blend in with the land; all lighting to be down lighting; a sign to be placed at the exit within the gate notifying the miners coming off their shift to dim headlights, no horn blowing, no loud music as a courtesy to the community; that the entrance from Jiggs Highway to the parking lot either be asphalt paved or ammonia lignum sulphate and then chip sealed; a maximum dust and trash control program hopefully on a scheduled basis; a six month traffic study to determine whether a right hand turn lane would be needed at Jiggs and Lamoille intersection, trash reciprocals inside the parking lot; and a community based committee with Barrick, Belloak and the ranching community to determine any areas of contention. Commissioner Russell seconded the motion. Commissioners Guttry, Myers and Russell voted aye. Commissioners Dahl and Williams abstained. The motion passed by 3-2 majority vote.

Kristin McQueary informed them of the appeal process before the District Court.

Chairman Williams assumed control of the meeting.

4:51:00 PM: **RECESS:**
Chairman Williams called a recess at 4:51 p.m.

5:03:52 PM: **RECONVENE**
Chairman Williams reconvened the meeting at 5:03 p.m.

Robert Stokes commented the Sheriff had informed him the Mountain City Highway from Owyhee to Wildhorse was closed due to fire activities.

Chairman William relinquished control of the meeting to Public Lands Chairman.

Public Lands Chairman Dahl assumed control of the meeting.

5:05 PM:

**IV. GREATER SAGE-GROUSE MANAGEMENT ISSUE:**

Discussion and consideration of issues related to the Greater Sage-Grouse management issue including issues related the Governor’s Greater Sage-Grouse Advisory Committee; the BLM Greater Sage-Grouse Interim Management Policies and Procedures Instructional Memorandum; development of an Elko County Plan to manage Sage-Grouse including impacts to public lands management processes and operations, consideration of a BLM Memorandum of Understanding for Cooperating Agency status on the BLM Great Basin Nevada and Northeast California Sub-Regional Sage-Grouse study.

Commissioner Dahl stated the Governor's plan prepared by the committee appointed by the Governor was presented to the Governor on the 31st of July. He commented the plan allowed existing activities to continue upon the public
Commissioner Dahl voiced concern about their recommendations on page 21, Section 6.8 Regulation of OHV use, with regards to potential sage grouse habitat. He commented it spoke about working with federal agencies to designate OHV areas outside sage grouse management areas.

Commissioner Guttry suggested sending a letter to the Governor to address their concerns.

Commissioner Dahl stated Randy Brown was working on a County Plan. He hoped the Elko County plan would be seriously considered and stated there may be other Counties’ support.

Commissioner Williams recommended they read the plan in its entirety and then make recommendations through Randy Brown to the Governor.

Commissioner Dahl commented the economic interests of mining, ranching, etc., should be protected as a whole.

Randy Brown stated the committee outlined fourteen to sixteen impact points. He was addressing those points and questioned what parts of those policies they want to include within the Elko County plan. Randy Brown would submit it to the Commission and the Stewardship Group to help develop the plan and recommended it be approved by October or November before the other agencies start forming their EIS so the County Plan could be considered. Commissioner Dahl asked that the draft be made available to Eureka and Lander Counties. Randy Brown stated they were utilizing some of Lander County’s information. He stated the Elko County Plan was based upon multiple uses and not focusing upon sage grouse. Randy Brown stated they want to maintain and sustain the Elko County lifestyle and their economy. He stated there was very little socio-economic data even through the BLM Interim Policies. Randy Brown had requested Assemblyman Ellison to ask the Governor to do a socio economic study to be conducted and the impact towards the individual counties or state. Randy Brown stated those impacts should be researched.

5:17:47 PM:

Commissioner Dahl stated Ken Miller, Elko BLM District Manager, had proposed an MOU with the County as a cooperating agency upon eight land use plans and two Forest Service plans. He questioned the necessity of the MOU if the deciding agency was the BLM. Ken Miller explained the BLM prepares the EIS taking information from the cooperating agencies. He stated the cooperators see and review the document before it was released to the public and the cooperating agency status gave them an opportunity to submit input in the EIS.

Commissioner Dahl proposed changes to the MOU. He inquired if the MOU fulfills the BLM requirement under NEPA. Ken Miller replied the BLM was required to solicit input. Commissioner Dahl stated Kristin McQueary had suggested they replace the State BLM Director with the Environmental Committee for resolution within that paragraph. Ken Miller suggested they strike
that paragraph or make the changes they desired to the MOU to be entertained by the State Director, Amy Lueders. Commissioner Dahl suggested a panel be formed of the Elko BLM District Manager, a representative from each of the following: the mining industry, agriculture, recreation, and the Forest Service.

Commissioner Williams commented there was no bargaining power within the BLM when there was no outside individual to appeal to.

MOTION: Commissioner Myers moved to approve the MOU with the BLM and make a request that Item J in dispute resolution include a resolution panel that should either side not be satisfied with an item they can present it to the resolution panel, a five member board of the members named by Commissioner Dahl (the BLM Manager of the Elko District, a representative of the mining industry, a representative of agriculture, a representative from recreation and a representative from the Forest Service).

Commissioner Dahl requested he amend his agenda to include they file for cooperating agency status.

Commissioner Myers amended the motion to join as a cooperating agency. Commissioner Guttry seconded the motion.

Robert Stokes inquired how the representatives would be chosen.

Commissioner Dahl suggested nominations be recommended by the industry and approved by the Elko County Commission.

Commissioner Myers amended his motion that the Resolution panel would be members from the respected industries based upon a request for them to fill those positions and approved by the County Commission.

Commissioner Russell commented the BLM was performing the EIS but it sounded like the County wanted to be in charge.

Commissioner Myers amended his motion that the positions would be mutually agreed upon between the local BLM Director and the Commission.

Ken Miller explained this was specific to the purpose of the MOU.

Grant Gerber opposed the MOU and the panel of five because there would be two bureaucrats that were not elected and they could sway another member to have a majority vote. He stated the MOUs have become more sophisticated over the last thirty-four years. Grant Gerber suggested the MOU be thoroughly discussed before a decision was made. He stated if the BLM did not agree with the panel, the BLM would stall. He noted the Forest Service and the BLM could meet behind closed doors but this panel would meet in an open meeting.
Harry Botsford was a former federal employee and stated the MOU was an attempt to take your rights away. He stated the federal law requires the BLM to have a concurrent agreement with the local government on all the issues they were addressing. Harry Botsford cautioned the MOU bypasses the act and waives their rights.

Commissioner Dahl stated the MOU would take care of the BLM requirement to consult under NEPA. He commented the BLM probably would not accept this amended MOU but it was a statement on behalf of the County. He stated the County researched that through the Forest Service Travel Management Plan and the federal did not have to have a concurrent agreement with the locals.

Harry Botsford stated the federal agency was required to work with locals but the locals were not required to work with the federal agency.

Commissioner Russell discussed personal integrity and what to expect. Commissioner Myers commended Ken Miller for his honesty and being forthright. He suggested there be a commissioner sitting upon the resolution panel.

Commissioner Myers amended his motion to include a BLM representative, a Forest Service Representative, a County Commission representative and two industrial representatives on the resolution committee. Commissioner Guttry seconded the amendment. Commissioners Myers, Guttry, Russell and Dahl voted aye. Commissioner Williams voted nay. The motion passed by a 4-1 majority vote.

6:00:50 PM:

Chairman Williams assumed control of the meeting.

VII. ELKO COUNTY PLANNING AND ZONING DEPARTMENT:

Parcel Map Road Dedication Request:

Discussion and consideration of approval of a Parcel Map Road Dedication Request for Jordanelle Third Mortgage, LLC of a roadway (Dry Creek Trail) located in Section 28, T34N, R55E.

Randy Brown reviewed the location and stated this section of road was offered for public purposes but not for County maintenance. He stated the map meets all state, federal and local standards and staff approved it according to County acceptance.

MOTION: Commissioner Myers moved to approve a Parcel Map Road Dedication Request for Jordanelle Third Mortgage, LLC of a roadway (Dry Creek Trail) located in Section 28, T34N, R55E but not for County maintenance. Commissioner Dahl seconded the motion.

Chairman Williams called for public comment.
The motion passed unanimously.

**Chairman Williams relinquished control of the meeting to the Wildlife Chairman. Wildlife Chairman Myers assumed control of the meeting.**

**III. NEVADA DIVISION OF WILDLIFE (NDOW):**

Discussion and consideration of issues related to the potential Endangered Species Act listing of the Greater Sage Grouse including wildlife and predator control program.

Commissioner Myers stated Ken Mayer, Nevada State Wildlife Director, and Pete Mori were to be present today. He stated Ken Mayer was unable to attend today and Mr. Mori had to address some fire issues on the ranch. Commissioner Myers had planned on discussing the Heritage Funds with Mr. Mayer.

Pat Laughlin, Nevada Alliance 4 Wildlife, stated the Heritage Projects for deer and sage grouse enhancement through predator removal had been stopped. He commented the excuse for stopping the projects was because they were not spending the money and getting the projects out on the ground fast enough. Pat Laughlin explained before they started the projects they had to agree to give control to NDOW as to the location of the projects, when the project was done, etc. Pat Laughlin stated NDOW now had the majority votes on the State Wildlife Commission to take away the funding. Pat Laughlin commented upon the emails and the stories in Reno and the gazette that were erroneous. He believed this action showed how anti-predator Ken Mayer and his staff were. Pat Laughlin stated Mark Jensen State Director for Wildlife Services that did the predator control in Nevada was present to verify what happened.

Mark Jensen, State Director of the USDA APHIS Wildlife Services Program, had spoken to the Commission a month ago informing them of what their program does. He stated they work for NDOW to protect wildlife and APHIS has the expertise and infrastructure to implement NDOW’s plans and projects but ultimately it was NDOW’s decision. Mark Jensen stated Pat Laughlin applied in 2010 for funding and that funding was granted after the 2010 nesting season was gone. He stated now in 2011 a project was approved but NDOW asked them to spend the 2010 money first. Mark Jensen stated they spent the 2010 money in 2011 and the 2011 money in 2012. They expected to expend the 2012 funding in 2013 but NDOW decided to deny the extension for the funding for next year. He stated there was no other funding for raven control to protect the sage grouse at this time.

Commissioner Myers stated Ken Mayer had assured Assemblyman Ellison that there was $37,500 available for raven control and specifically for the egg program. He noted this process started in 1991 when the first study was done by Gary Zunino on the same issue of ravens and sage hen.
Mark Jensen stated they had obtained an excess border patrol helicopter which would be an asset to the program to view their predator work.

Commissioner Myers had sent Randy Brown six items presented by the US Fish and Wildlife to be included in our recovery plan for sage grouse. He stated there was a possibility to ask for an exception of policy and get an increase in the raven kill by obtaining their own number. Commissioner Myers commented Tim Woolever had texted about the burning of more sage grouse habitat and he saw no solution to this problem.

Commissioner Myers asked the audience and the Commission if they have questions to be answered or have information to send them to him. He would put them into a letter for the Commission to review and approve before sending it to the Governor. Commissioner Myers had attended the China Mountain’s open house on the EIS BLM scoping project but NDOW had not informed them of the denial at that time.

John Carpenter stated at their last meeting he had requested information and had not heard from NDOW. John Carpenter stated there was $8 million dollars given to NDOW from the Ruby Pipeline project. He stated a portion of that money was to be spent within Elko County and they have never received any accounting of that money. He stated there may be projects on this list that could be funded by that money. John Carpenter stated they had heard that NDOW and the BLM bought property called the Winnemucca Ranch. John Carpenter asked why NDOW did not have a predatory animal committee meeting and asked that they be notified of that location and date. John Carpenter stated the Commission should inquire if the sage grouse was listed who would receive the funding to monitor the bird. He stated the money remaining in the Heritage Fund for raven control should have remained there. He stated predator control was mentioned in the Heritage Fund Legislation passed in 1994. John Carpenter stated that funding was not utilized for predator control until the board was changed and there were people sitting on the board who believed in predator control. He emphasized that predator control was important. He noted in Northern Washoe County the deer numbers were up 65% to 70% because they have real predator control in the area but if you read the Sacramento Bee, Mr. Mayer stated predator control was of no use.

Commissioner Russell departed from the meeting at 6:19 p.m.

John Carpenter stated the Governor’s plan was negative when it talked about potential habitat because potential habitat could mean more regulation. He stated on page seven they gave more power to NDOW. He stated NDOW had not made sufficient efforts to keep the sage grouse off the list over many years. Commissioner Williams stated the Governor plan gave NDOW authority to monitor the sage grouse after it was listed.
John Carpenter stated the local governments were impacted but were not given the priorities they deserve in the Governor’s plan and that should be in the letter to the Governor.

John Carpenter stated the OHV would take a big hit through the potential habitat regulation. Commissioner Myers noted all of Elko County could be designated as potential habitat.

John Carpenter commented there was nothing in the plan that addressed stopping the fires. He noted Willow Creek burned in 2006 and now it was burning again because of the fuel loading.

Commissioner Russell returned to the meeting room at 6:23 p.m.

Commissioner Myers stated the $8 million dollars given to NDOW from the Ruby Pipeline could be utilized for green stripping and raven control. He commented upon the dumpster location by Midas.

Commissioner Williams commented Ken Mayer’s letter stated he had contacted Ted Koch, U.S. Fish and Wildlife Service Nevada Supervisor and Mr. Koch would write a letter in support of increasing the permit numbers for raven control if the 6 point raven plan was approved. Commissioner Williams reviewed the 6 points within Ken Mayer’s letter and noted the County did not have control over many of those situations. Commissioner Williams stated these six items were impossible to address so it was not NDOW’s intention to increase raven control.

Commissioner Guttry gave an update on the Brown’s Gulch and Slaughter House Canyon fires. He stated the Mountain City water supply was compromised and there was zero containment around Mountain City. They were evacuating Mountain City and NDF was piloting vehicles through SR 225.

Mike Laughlin commented Jim Gibbons fired Ken Mayer and then the law was changed and he was reinstated. He believed NDOW lost its way because there were no checks or balances. He commented Ken Mayer took three wildlife commissioners and staff to Hawaii for a week with the Western Association of Game Commissioners. Mike Laughlin noted Ken Mayer will have power over everything in the County once the sage grouse was listed. He stated Ken Mayer knew combat biology, would have the entire program and funding in his hands. Mike Laughlin stated Ken Mayer would hire more personnel to dole out more money. He stated the tragedy was that the Governor let it happen.

Commissioner Russell stated Northeastern Nevada could swing the vote for Governor and suggested they put action behind it.

6:34:35 PM:

VIII. OIL AND GAS MINERAL LEASE REQUEST ON COUNTY TRUSTEE PROPERTY:
Discussion and consideration of a request to lease mineral rights on County Trustee Property including the process to address the request and possible adoption of RESOLUTION 17-2012 by the Commission.

Kristin McQueary stated the Resolution sets the time for the hearing required for the bidding process in September and they would take oral and written bids. She stated the process requires that they advertise and that the bid had to be in increments. She noted anyone receiving the bids would have to work with the adjoining property owners for access. Kristin McQueary stated there would be a County Road Maintenance Agreement required.

Bob Holskin, of Noble Energy, acknowledged that Chris Nordstag of Lone Wolf was present. He stated Lone Wolf had requested that these lands be brought up for lease. Bob Holskin said that Noble Energy had lease play already within the County. He stated in conjunction with the lease they were shooting three dimensional seismic. He stated several of these tracts would be included within their 3-D planned shoot. Bob Holskin stated they would submit a separate request from the lease to get a seismic permit to shoot upon those three tracts.

Commissioner Dahl inquired if the Commission did not give their permission would that leave holes in their information. Bob Holskin replied yes and if they did not win the lease they would still want to shoot the 3-D seismic data on those tracts. Commissioner Dahl inquired if that information would be shared. Bob Holskin replied it was proprietary information that the company would keep. Kristin McQueary stated that portion was not on the agenda and they would have to put it on a subsequent agenda. She cautioned that there may not be county roads to these properties and it may be difficult to get access from the adjoining land owners.

Commissioner Myers inquired if the County Manager had the authority to grant authority to shoot 3-D seismic and require them to coordinate with private landowners for access. Bob Holskin stated they normally pay $3 per acre to shoot. Commissioner Williams questioned the liability of having them upon County land. Kristin McQueary explained some of these were isolated parcels and the reason they were County property was because there was no legal access. She stated the company would have to acquire permission to access across private property.

The Board decided to have the County Manager address the seismic issue.

MOTION: Commissioner Guttry moved to adopt RESOLUTION NO. 17-2012 (OIL AND GAS MINERAL LEASE REQUEST ON COUNTY TRUSTEE PROPERTY). Commissioner Dahl seconded the motion.

Chairman Williams called for public comment.
Harry Botsford inquired what areas they would do the seismic profiling. Bob Holskin stated they wished to shoot 60 square miles just south of Metropolis.

The motion passed unanimously.

6:46:44 PM:
Chairman Williams relinquished control of the meeting to Public Lands Chairman Dahl.

V. USFS MOUNTAIN CITY, RUBY MOUNTAINS AND JARBIDGE DISTRICT TRAVEL MANAGEMENT PROJECT:
Discussion and consideration of issues regarding the Mountain City, Ruby Mountains and Jarbidge District Travel Management Project ROD including the possible development of a resolution of joint support and the possible formation of an organization with other affected counties and tribal councils.
Chairman Dahl stated on September 6th thru the 8th the Public Lands Council would meet in Winnemucca.
Chairman Williams resumed control of the meeting.

6:48:40 PM:
VI. ELKO COUNTY WATER RESOURCE ISSUES:
Discussion and consideration of water resource management and water rights issues that may impact Elko County including possible discussion related to the Southern Nevada Water Authority pipeline project, the Central Nevada Regional Water Authority activities and issues.
Commissioner Dahl had missed the last Humboldt River Basin Water Authority meeting and Craig Spratling had represented them.

6:49:36 PM:
XI. ELKO COUNTY DISTRICT ATTORNEY’S OFFICE - JARBIDGE SOUTH CANYON LEGAL CASE:
Discussion and consideration of issues related to the Jarbidge South Canyon Legal Case including an upcoming hearing, possible budget authorization request.
Kristin McQueary stated she and Gary Woodbury would be in Las Vegas on August 20th for a hearing in front of Judge Hunt. She stated this summer they had gathered more potential evidence through Bill Price. She commented Bill Wright was looking into archeological items. She requested funding for their trip to attend the evidentiary hearing and for additional research, depositions, etc.
Kristin McQueary stated the Judge was considering a site visit and she suggested that before winter. Commissioner Myers inquired what amount they were considering.
Gary Woodbury stated the cost of a deposition depended upon the location and the amount of time it took and did not think it would exceed $2,000 each and there would be two depositions. Gary Woodbury stated they would know more after Judge Hunt’s decision. Kristin McQueary stated it could be $7,000 to
$10,000 more for Bill Price’s research. She stated Bill Wright had performed some archeological work in the area.
Commissioner Myers suggested a $5,000 appropriation.

**MOTION:** Commissioner Myers moved to approve expenditures up to $5,000 on the Jarbidge – South Canyon case. Commissioner Russell seconded the motion.
Chairman Williams called for public comment no comment was submitted. The motion passed unanimously.

6:58 PM:

**VII. ELKO COUNTY HUMAN RESOURCES DEPARTMENT:**
Revision Update of Elko County Employment Policies
Discussion and consideration of the approval of updated Elko County Employment Policies that have been reviewed by staff, the County’s Insurance Carrier and the District Attorney’s Office in order to meet federal and state statutes and regulations.
Commissioner Myers inquired if Kristin McQueary had reviewed the policies.
Kristin McQueary stated there were some incomplete sentences.
**MOTION:** Commissioner Myers moved to approve the update of the Elko County Employment Policies in order to meet federal and state statutes and regulations contingent upon legal review by Kristin McQueary. Commissioner Russell seconded the motion.
Commissioner Williams called for public comment.
The motion passed unanimously.

6:59:00 PM:

**X. NEVADA CONSOLIDATED SALES TAX:**
Discussion and consideration of issues related to the Legislative Study Subcommittee to review the allocation of funds distributed from the Local Government Tax Distribution Account.
Cash Minor commented all the changes were going into bill draft format and had reverted back to the original formula. He stated they separated the two urban counties from the remaining rural counties and there was an argument between Clark and Washoe upon the base calculation.

6:59:28 PM:

**XII. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:**
Robert Stokes stated he and Lynn Forsberg had spoken to Mel and Lou Basanez and the fires had compromised the Mountain City water supply. There was zero containment around the town. Sheriff Pitts had contacted the residents regarding evacuation and the highway was closed.

**XIII. COMMENTS BY THE GENERAL PUBLIC:**
No public was in attendance.

7:01:12 PM:

XIV. ADJOURNMENT:

MOTION: Commissioner Myers moved to adjourn the meeting. Commissioner Dahl seconded the motion. The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

APPROVED,

R. JEFF WILLIAMS, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk