



**NYE COUNTY  
BOARD OF COMMISSIONERS MEETING  
2100 E. Walt Williams Drive, Pahrump, NV 89048  
TUESDAY, October 18, 2011  
10:00 AM**

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

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE:** It is anticipated that the items of business before the Board of Commissioners on October 18, 2011 will be fully completed on those dates. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.

**Public Comment** during the Commission Meeting on October 18, 2011 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Commission reserves the right to reduce the time or limit the total time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougner Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; The Ian Deutch Government Complex, 1520 East Basin Road, Pahrump, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV; Beatty Community Center, 100 A Avenue South Beatty, NV; Beatty Justice Court, 426 C Avenue South Beatty, NV

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

**WEBSITE:** [www.nyecounty.net](http://www.nyecounty.net)

The Nye County Board of Commissioners may take a short break every 1 ½ hours.

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

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# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

**ITEM # SUBJECT**

**October 18, 2011**

Gary Hollis, Chair  
Lorinda Wichman, Vice-Chair  
Joni Eastley, Commissioner

Butch Borasky, Commissioner  
Dan Schinhofen, Commissioner  
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

NOTE: All times are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

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

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

## NOTICE OF TIMED AGENDA ITEMS

- 10:00 a.m. Presentations:
- a. [Presentation](#) of certificate and/or plaques to five (5) employees honored for their years of service
  - b. [Presentation](#) of award for outstanding contributions to the community
- 10:15 a.m. Recess to the Nye County Board of Road Commissioners (Agenda Attached)
- 10:30 a.m. Recess to the Nye County Licensing and Liquor Board (Agenda Attached)
- 10:45 a.m. [Timed](#) Agenda Items:
- a. Action – Public Hearing pursuant to NRS 244.360 on a complaint alleging the existence of a nuisance located at 34 Willow Street, Hadley subdivision, Round Mountain, Nevada and 17 Mahogany Boulevard, Hadley subdivision, Round Mountain, Nevada;
  - b. Action – Discussion, deliberation, and possible action on alleged existence of a nuisance located at 34 Willow Street, Hadley subdivision, Round Mountain, Nevada and 17 Mahogany Boulevard, Hadley subdivision, Round Mountain, Nevada
- 11:00 a.m. Planning, Zoning, and Building Items (Agenda Attached)

## NYE COUNTY BOARD OF COMMISSIONERS

- 1 Pledge of Allegiance
- 2 Action - Approval of the Agenda for the Board of County Commissioners' meeting of October 18, 2011.
- 3 Action - Approval of Minutes of the Board of County Commissioners' meeting(s) for – N/A
- 4 Awards and Presentations – 10:00 a.m.
- 5 Announcements (first)

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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- 6 **GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).**
- 7 **Action - Emergency Items**
- 8 **Action - Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)**
- 9 **Consent Agenda Items – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed.**
  - a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
  - b. [Action](#) – Approval of Elected Official Collection Report
  - c. Action – Approval of Assessor’s Office Change Request – N/A
  - d. [Action](#) – Approval of Personnel Actions
  - e. [Action](#) – Approval to set the date and location of the second meeting of the Board of Commissioners for Tuesday December 20, 2011 and Tuesday January 17, 2012 in Pahrump, Nevada.
  - f. [Action](#) – Approval to issue a renewal Wholesale/Retail Fireworks Permit to Ninja Fireworks. Anthony McKoy, Applicant.
  - g. [Action](#) – Approval to issue a renewal Wholesale/Retail Fireworks Permit to Blackjack Fireworks. Andrew Noll, Applicant.
  - h. [Action](#) – Approval to enter into a contract for providing pet food products and pet nutrition educational services to the Nye County Animal Shelter. There is a cost for shipping and handling, which fluctuates monthly, and is budgeted out of Fund 101.
  - i. [Action](#) – Approval to fund technical consulting services to assist in setting up certain parts of the Tyler Eden application and can be funded from Fund 491 Special Capital.
  - j. [Action](#) – Approval of the Restrictive Land Covenant with James M. Heltzel, Doc #714147, associated with Conditional Use Permit CU 10-0007 to defer required off-site Improvements until such time that the County deems them necessary.
  - k. [Action](#) – Approval to accept the State of Nevada Emergency Response Commission’s (SERC) FY12 “United We Stand” Planning, Training & Equipment grant award and shall be administered out of Fund 247 Grants.
  - l. [Action](#) – Approval to accept the Nevada Department of Public Safety, Office of Traffic Safety (OTS) FFY 2012 Highway Safety Grant award to purchase extrication equipment. This grant shall be administered out of Fund 247 Grants, and has an in-kind match which is budgeted out of Fund 101.
  - m. [Action](#) – Approval to accept US Department of Justice, Bureau of Justice Assistance FY 2011 State Alien Criminal Assistance Program Award for reimbursement of some of the costs of incarcerating undocumented criminals.

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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## PUBLIC OFFICIALS

### 10 Assessor

### 11 Board of Commissioners

- a. Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.
- b. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.
- c. Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. Action – Closure of meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- e. Closed meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- f. Action – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in closed meeting.
- g. [Action](#) – Discussion, deliberation and possible decision on: 1) a request setting a date, time and location for a Public Hearing on Nye County Bill No. 2011-15: A bill proposing to amend Title 5, Business Licenses and Regulations, Chapter 5.16, entitled Outdoor Festivals, Sections 5.16.010 to 5.16.300, to amend certain sections, providing for the severability, constitutionality and effective date hereof; and other matters properly relating thereto; and 2) reading of the title of bill into the record.
- h. [Action](#) – Discussion, deliberation, and possible decision to reconsider the motion to oppose the tax abatement for the NV Energy On Line Transmission Project passed on September 6, 2011.

### 12 Clerk

- a. [Action](#) – Discussion, deliberation, and possible decision to appoint one member to the Smoky Valley Library District due to the resignation of Daphne Frentress. This term will expire May 2012.

### 13 District Attorney

### 14 Recorder

### 15 Sheriff

- a. [Action](#) – Discussion, deliberation and possible decision for approval to: 1) accept US Department of Justice: COPS hiring grant for five (5) deputy sheriffs; and 2) to hire five (5) deputy sheriffs under the 2011UMWX0139 COPS Hiring Grant and funding is available from Fund 247 Grants.

### 16 Treasurer

### 17 Justice(s) of the Peace

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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## 18 District Court

## 19 Juvenile Probation

- a. [Action](#) – Discussion, deliberation, and possible decision to consider entering into an inter-local agreement with Mineral County and its Don Goforth Juvenile Resources Center for the non-secure detention facility located in Hawthorne, Nevada and can be funded from Fund 250 Juvenile Probation.

## GENERAL NYE COUNTY ADMINISTRATIVE STAFF

## 20 County Manager

- a. [Ongoing](#) Project Report
- b. [Action](#) – Discussion, deliberation, possible decision and direction to staff to waive a deed restriction on Pahrump town owned property transferred from Nye County.
- c. [Action](#) – Discussion, deliberation, and possible action on approval of lease with Solauro Industries for 130 acres of land located within the Tonopah Airport Property.
- d. [Action](#) – Discussion, deliberation, possible decision and direction to staff regarding parceling Assessor's Parcel Number 019-151-11 in Amargosa Valley.

## 21 Emergency Services

- a. [Action](#) – Discussion, deliberation and possible decision to appoint two (2) members to the Nye County Animal Advisory Committee (AAC) due to two (2) expiring terms of Yvonne Smith and Suzanne Zervantian. The terms will expire October 2014.

## 22 Facilities

## 23 Finance

- a. [Review](#) of first quarter cost performance in the Nye County General Fund.
- b. [Action](#) – Discussion, deliberation, and possible decision regarding RFP # 2011-18/PWP #NY-2011-379 – Type 2 Gravel Pahrump and Vicinity and awarding of bid and the project is to be funded from Fund 205 Road.
- c. [Action](#) – Discussion, deliberation and possible decision regarding RFP # 2011-19 – Type 2 Gravel Beatty/Amargosa Area and awarding of bid and the project is to be funded from Fund 205 Road.
- d. [Action](#) – Discussion, deliberation and possible decision regarding RFP # 2011-22/PWP #NY-2012-17 – Amargosa Valley Science and Technology Park Existing Well 4PD Modifications and Well Equipping and awarding of bid and the project is to be funded from fund 247 Grants.
- e. [Action](#) – Discussion, deliberation and possible decision regarding RFP # 2011-24 – Calvada Pond Re-Lining and awarding of bid and the project is to be funded from previously approved, budgeted Project PE0703 Fund 269 Land Sale Costs.
- f. [Action](#) – Discussion, deliberation, and possible decision to determine a source of funding for the Beatty Skate Park Project to build a skate park in the amount of \$25,000.00.

## 24 Health & Human Services

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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## 25 H/R and Risk Management

- a. [Action](#) – Discussion, deliberation, possible decision and direction to staff for the purchase of 5 years of PERS service credit for Robert L. Jones to be funded from Fund 492 Settlement Agreement.
- b. [Action](#) – Discussion, deliberation, possible decision and direction to staff for the filling of the vacant Road Maintenance Worker in Beatty and is budgeted in Fund 205 Road.
- c. [Action](#) – Discussion, deliberation, possible decision and direction to staff for the filling of a vacant Sheriff Deputy position and is budgeted in Fund 101 General.

## 26 Information Technology

## 27 Nuclear Waste Repository Project Office

- a. [Action](#) – Discussion, deliberation and possible decision to approve formal written comments on DOE’s Nevada National Security Site (NNSS), Site Wide Environmental Impact statement (SWEIS) and direction to staff to submit those comments to DOE as approved.
- b. [Action](#) – Discussion, deliberation, and possible decision to enter into an agreement to produce a video for Phase One of the Nye County History Project and can be funded from Fund 284 Repository Project Oversight.

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

## 29 Public Administrator

## 30 Public Works

## 31 Senior Services

## OTHER BUSINESS

## 32 Town Boards/Town Advisory Boards

- a. [Action](#) – Discussion, deliberation, and possible decision regarding a Resolution directing the transfer of Nye County treasurer trust property into the Town of Tonopah ownership for public purposes.

## 33 Public Petitioners

- a. [Action](#) – Discussion, deliberation, and possible decision regarding funding for nine (9) Beatty High School students to attend a Close Up Foundation and has been budgeted from Fund 492 Settlement Agreement.

## 34 GENERAL PUBLIC COMMENT (second)

## 35 ANNOUNCEMENTS (second)

## 36 ADJOURN

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**October 18, 2011**

**AGENDA**  
**NYE COUNTY BOARD OF ROAD COMMISSIONERS**

**Commissioners Chambers, Pahrump, NV 89048**  
**TUESDAY, October 18, 2011**

**10:15 A.M.**

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

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

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting for – N/A
2. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
3. Action - General road report by Public Works Director
4. Adjourn

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**October 18, 2011**

**AGENDA**  
**NYE COUNTY LICENSING AND LIQUOR BOARD**

**Commissioners Chambers, Pahrump, NV 89048**  
**TUESDAY, October 18, 2011**  
**10:30 A.M.**

**Butch Borasky, Chair**

**Gary Hollis, Vice-Chair**

**Joni Eastley, Member**

**Lorinda Wichman, Member**

**Dan Schinhofen, Member**

**Tony DeMeo, Member**

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

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. Action - Approval of Minutes for the Nye County Licensing and Liquor Board meeting for – N/A
2. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
3. **Consent Agenda Items**
  - a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
  - b. Action – Approval to issue a 72 Hour Liquor Permit for Benderz Lounge. Debby Wise-Mancebo, Applicant.
4. Brothel
5. Gaming
6. Liquor
  - a. Action – Discussion, deliberation, and possible decision to upgrade a Package Liquor License to a Retail Liquor License for the Country Express, Inc. Maryann Dion, Applicant.
  - b. Action – Discussion, deliberation, and possible decision to upgrade a Beer and Wine License to a Retail Liquor License for the K-7 Pizza & Lounge. Patricia & L. Raja Gangadharan, Applicants.
  - c. Action – Discussion, deliberation, and possible decision to issue a Special Club Liquor License to the VFW Post #3677. Douglas Kasulka, Applicant.
7. Adjourn

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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ITEM # SUBJECT

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October 18, 2011

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**Tuesday, October 18, 2011 beginning at 11:00 a.m.**

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## PLANNING TIMED AGENDA ITEMS

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

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### 11:00 AM

1. Ex Parte Communications and Conflict of Interest Disclosure Statements
2. [Action](#) - Public Hearing, discussion, deliberation and possible decision on requests for approval of the following Planning and Zoning matters:
  - A. (Conforming) Zone Change Application(s):

ZC-11-0010: (Conforming) Zone Change application to change approximately 10.0 acres from the Neighborhood Commercial (NC) Zoning District to the Rural Homestead (RH-4.5) Zoning District for property Master Planned as Mixed Use, further described as Township 19S, Range 53 East and the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 29, P#12518. Located at 3321 N. Leslie Street, at the northeast corner of Leslie Street and Scales Way. David and Pamela Patten – Property Owners/Applicants. AP# 27-381-18.