



**NYE COUNTY
BOARD OF COMMISSIONERS MEETING
101 Radar Rd, Tonopah NV 89049
TUESDAY, February 7, 2012
10:00 AM**

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

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on February 7, 2012 will be fully completed on that date. 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 February 7, 2012 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Commission reserves the right to reduce the time or limit the total time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 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 Justice Court, 426 C Avenue South Beatty, NV

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

WEBSITE: www.nyecounty.net

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

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

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

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

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

Gary Hollis, Commissioner
Butch Borasky, 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

- 10:15 a.m. Recess to the Nye County Board of Road Commissioners (Agenda Attached)
- 10:30 a.m. Recess to the Nye County Licensing and Liquor Board (Agenda Attached)
- 10:45 a.m. For Possible Action – Public hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2011-18: an ordinance proposing to repeal in its entirety Nye County Code Title 19, Beatty, Chapter 19.12 entitled Room Tax and to enact Nye County Code Title 19, Beatty, Chapter 19.12 entitled Transient Lodging Business License Tax, providing for the severability, constitutionality and effective date hereof; and other matters properly relating thereto.

NYE COUNTY BOARD OF COMMISSIONERS

- 1 Pledge of Allegiance
- 2 For Possible Action - Approval of the Agenda for the Board of County Commissioners' meeting of February 7, 2012.
- 3 For Possible Action - Approval of Minutes of the Board of County Commissioners' meeting(s) for January 3, 2012 Regular Meeting.
- 4 Awards and Presentations
- 5 Announcements (first)
- 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 For Possible Action - Emergency Items
- 8 Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)
- 9 Consent Agenda Items

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

- a. For Possible Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
- b. For Possible Action – Approval of Elected Official Collection Report – N/A
- c. [For Possible Action](#) – Approval of Assessor’s Office Change Request
- d. [For Possible Action](#) – Approval of Personnel Actions
- e. [For Possible Action](#) – Approval to purchase a 10" walk behind scarifier with a CPM-10 6-shaft start pack for the Road Department and can be funded from Fund 10205 Roads.
- f. [For Possible Action](#) – Approval to purchase a self-propelled concrete saw for the Road Department and can be funded from Fund 10205 Roads.
- g. [For Possible Action](#) – Approval of a lease agreement with Tonopah Sand & Gravel for the operation of a sand and gravel pit at the Tonopah Airport for a period of 20 years, through December 31, 2031. Proceeds will be deposited into Fund 10209 Airport.
- h. [For Possible Action](#) – Approval to purchase fifteen (15) Mitel Voice Over IP Telephones and the associated Mitel Licensing for the new Health and Human Services Building located on East Calvada Boulevard and can be funded from approved Project CP1114-0002 Fund 10285 Health Clinics.
- i. [For Possible Action](#) – Approval to purchase 20 additional Microsoft Remote Desktop Services Per User Client Access Licenses. These licenses are required for remote access to the Tyler Eden application and can be funded from Fund 10402 Special Capital Projects.
- j. [For Possible Action](#) – Approval to replace all of the batteries in the Uninterruptible Power Supplies (UPS) located in the Tonopah Server Room, Beatty Dispatch and Pahrump Dispatch. These units provide emergency battery power to critical systems in case of a power failure and can be funded from Fund 10401 Capital Projects.
- k. [For Possible Action](#) – Approval of a contract amendment for services with Community Chest, Inc. to provide consulting services starting July 1, 2011 to June 30, 2012 to be funded from the Community Service Block Grant. This grant will be administered in Fund 10340 Grants.
- l. [For Possible Action](#) – Approval to select Aon Fire Protection Engineering Corporation as the lowest most responsible and responsive quote to provide special inspection (Special Inspector) smoke control testing services and can be funded from approved Project BP1102 Fund 10451 Bond Proceeds.
- m. [For Possible Action](#) – Approval of Additional Stipulations for Mesquite Trees with the Bureau of Land Management (BLM) associated with the Gamebird Road Right of Way Grant N-80657.
- n. [For Possible Action](#) – Approval of a Professional Services Agreement (PSA) with Thomas Anderson, Ph.D. for structural geology support to the County’s oversight program and can be funded from Fund 10336 Yucca Project Oversight.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

- o. [For Possible Action](#) – Adoption of Nye County Resolution No. 2012-04: a Resolution authorizing the Town of Tonopah on behalf of Tonopah Public Utilities to establish a bank account through Nevada State Bank for the Tonopah Reuse Construction Project.
- p. [For Possible Action](#) – Approval of a request to transfer water right permit number 41987 from Nye County to Tonopah Public Utilities for the purpose of storage of raw sewage from the Town of Tonopah.
- q. [For Possible Action](#) – Approval to purchase two (2) Windows Servers 2008 R2 SP1 from Dell in support of the JustWare Case Management Software and can be funded from Fund 10402 Special Capital Projects, Fund 10244 JP Court Collection Fees, Fund 10245 JP Court fines, Fund 10246 Facility Assessment, and Fund 10247 District Court Improvement.
- r. [For Possible Action](#) – Approval to enter into a Cooperative Service Field Agreement with the United States Department of Agriculture Wildlife Services (USDA WS) to assist in the removal of nuisance birds (European starlings) at/near the Tonopah landfill and can be funded from Fund 10510 Solid Waste.
- s. [For Possible Action](#) – Approval of an agreement with LeadsOnline LLC for a confidential investigations system accessible electronically exclusively by law enforcement agencies for the sole purpose of identifying merchandise and/or person suspected to have been involved in crimes and can be funded from Fund 10101 General.
- t. [For Possible Action](#) – Approval of Change Order No. 13 to the contract with Wulfenstein Construction, Inc. for the SR 160 and Homestead road improvements project to extend the period of performance of the contract by 24 working days through March 16, 2012. There is no financial impact.

PUBLIC OFFICIALS

10 Assessor

11 Board of Commissioners

- a. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.
- b. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.
- c. For Possible Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. For Possible Action – 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. For Possible Action – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in closed meeting.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

- g. [For Possible Action](#) – Discussion and deliberation regarding a request to set a date, time and location for a Public Hearing on Nye County Bill No. 2012-02: a Bill proposing to amend Chapter 8.04 of the Nye County Code related to licensing, regulating and controlling the use and sale of fireworks, by removing the limitation on consumer/display permits issued by Nye county, reducing the fee for consumer/display fireworks, allowing “safe and sane” fireworks by the general public; providing for the severability, constitutionality and effective date hereof, and other matters properly relating thereto.
- h. [For Possible Action](#) – Discussion and deliberation regarding the hiring of a County Manager.

12 Clerk

- a. [For Possible Action](#) – Discussion and deliberation to appoint seven (7) members to the Nye County Parks and Recreation Commission due to seven (7) expired terms. These terms will expire February 2016.
- b. [For Possible Action](#) – Discussion and deliberation to appoint one (1) member to the Board of Equalization due to one (1) resignation. This term will expire January 2015.

13 District Attorney

- a. [For Possible Action](#) – Discussion and deliberation on an Intrastate Interlocal Contract between the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services and Nye County District Attorney, Child Support Division for funding of child support enforcement activities for FY 13-15.

14 Recorder

15 Sheriff

16 Treasurer

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

17 Justice(s) of the Peace

18 District Court

19 Juvenile Probation

GENERAL NYE COUNTY ADMINISTRATIVE STAFF

20 County Manager

- a. [For Possible Action](#) – Discussion and deliberation to ratify the County Manager’s selection of Comptroller.
- b. [For Possible Action](#) – Discussion and deliberation regarding amendments to the Town Advisory Board Operating Guidelines.
- c. [For Possible Action](#) – Discussion and deliberation regarding directing the transfer of Nye County Treasurer Trust property for public purposes. (This document has been divided into two parts.) [Tonopah](#), [Pahrump](#)

21 Emergency Services

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

22 Facilities

- a. [For Possible Action](#) – Discussion and deliberation to approve purchase of a Dodge 4-wheel drive ¾ ton diesel crew cab truck with a bed cover to be used for fleet mail and towing services from Nevada State Purchasing and can be funded from Fund 10401 Capital Projects.

23 Finance

- a. [For Possible Action](#) – Discussion and deliberation regarding Bid #2011-31 – Replacement of Jail Control Panel and awarding of bid and can be funded from Fund 10402 Special Capital Projects.

24 Health & Human Services

25 H/R and Risk Management

26 Information Technology

27 Nuclear Waste Repository Project Office/Natural Resources

- a. [For Possible Action](#) – Discussion and deliberation regarding submission of scoping comments to the Bureau of Land Management (BLM) Western Region Sage Grouse Planning Strategy and Instructional Memorandum 2012-043.

28 Planning/Building

- a. Ex Parte Communications and Conflict of Interest Disclosure Statements
- b. [For Possible Action](#) – Discussion and deliberation on a request for approval of 1.) An application for a Parcel Map proposing to divide approximately 2.74 acres into one 1.18 acre parcel and one 1.56 acre parcel, Kapital Hospitality Management LLC & Western Development LLC – Owners, AP# 08-271-06, located in Tonopah (PM-10-0008), and 2.) One new street name of Carson Street pursuant to Nye County Code 16.20.115.A.5 (SN-12-0001).
- c. [For Possible Action](#) – Discussion and deliberation on a request for approval of 1.) An application for a Parcel Map (pursuant to NRS 278.4925 merger and re-subdivision of land without reversion to acreage) proposing to divide approximately .450 acres (19,602 square feet) into one .208 acre parcel, one .132 acre parcel and one .100 acre parcel. Mary I. Dillwith, Trustee of the Ned and Mary Dillwith Trust dated September 19, 2001 – Owner, AP# 08-311-08, located in Tonopah (PM-11-0006), and 2.) Two waivers as follows:
 1. Waiver of the requirement to provide contour information pursuant to Nye County Code 16.20.115.A.6 (WV-12-0001)
 2. Waiver of the requirement that minimum lot size shall be six thousand (6,000) square feet excluding dedicated road and street rights of way pursuant to Nye County Code 16.20.160.B (WV-12-0002).
- d. [For Possible Action](#) – Discussion and deliberation on a request for approval of a waiver of the landfill maintenance fees pursuant to Nye County Code 8.24.240.B.3, M. Lee & Tona Renegar – Property Owners, AP# 19-121-33, located in Amargosa Valley (LF-12-0001).

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

- e. [For Possible Action](#) – Discussion and deliberation concerning a request to release 100% of the financial security related to the Subdivision Improvement Agreement (SIA) for the Brabham Business and Light Industrial Park Subdivision, located within the Pahrump Regional Planning District, with an effective retroactive date of May 19, 2011. Edward L. & Janis M. Brabham Trust – Property Owner/Applicants (IA-00-0002.1).

29 Public Administrator

30 Public Works

31 Senior Services/Veteran Services

- a. [For possible action](#) – Discussion and deliberation regarding a Memorandum of Understanding between the Nevada Office of Veterans Services and Nye County Veterans Services wherein the Nevada Office of Veterans Services will provide funding for an interim Veterans Service Officer to serve Nye County while the Veterans Service Officer is on medical leave.

OTHER BUSINESS

32 Town Boards/Town Advisory Boards

- a. [For Possible Action](#) – Discussion and deliberation to appoint three (3) members to the Gabbs Town Advisory Board due to three (3) expired terms. These terms will expire January 2015.
- b. [For Possible Action](#) – Discussion and deliberation regarding directing the donation of Nye County property to the Town of Tonopah for public purposes.

33 Public Petitioners

- a. [For Possible Action](#) – Discussion and deliberation to appoint one (1) person to the Nye County Water District Governing Board “at Large” position for a term of 2 years that will expire on December 31, 2014.

34 GENERAL PUBLIC COMMENT (second)

35 ANNOUNCEMENTS (second)

36 ADJOURNMENT

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

AGENDA
NYE COUNTY BOARD OF ROAD COMMISSIONERS

101 Radar Rd, Tonopah NV 89049
TUESDAY, February 7, 2012

10:15 A.M.

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

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

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.

TIMED AGENDA ITEMS

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

Indian Cabin Road No. [952900](#)
Morey Road No. [953935](#)
Gold Springs Road No. [928620](#)
Big Timber Spring Road No. [928625](#)
Shaft Road No. [928635](#)
Mt. Stirling Cutoff Road No. [928670](#)

Gold Spring Wash Road No. [928675](#)
Gold Spring Trail Road No. [928685](#)
Four Mile Canyon Road No. [954001](#)
Bullwacker Spring Road No. [954003](#)
Big Cow Road No. [953500](#)

1. For Possible Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting for January 3, 2012.
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. For Possible Action - General road report by Public Works Director

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

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

North Morey Road No. [954500](#)
Luther Waddles Road No. [962100](#)
Jumping Jack Road No. [982935](#)
North Beatty Wash Road No. [926026](#)
Oasis Bench Road No. [926029](#)
Wells Windmill Road No. [934115](#)
Devil's Gate Road No. [974500](#)
McCann Canyon Road No. [974700](#)
Spanish Spring Road No. [974800](#)
Toquima Indian Spring Road No. [974810](#)
East Baxter Road No. [974820](#)
Spanish Spur Road No. [974830](#)
Rocky Dell Road No. [974835](#)
Middle Spanish Road No. [974840](#)
South Ralston Valley Road No. [976201](#)
Far South Ralston Road No. [976500](#)

North Barker Creek Road No. [983905](#)
North Barker Spur Road No. [983910](#)
North Baxter Springs Road No. [984853](#)
North East Willow Spur Road No. [984857](#)
South Manhattan Road No. [984859](#)
Willow Spring Road No. [984899](#)
East Smoky Valley Road No. [984950](#)
Bald Mountain Road No. [984955](#)
Mariposa Creek Road No. [984960](#)
North Bald Mountain Road No. [984965](#)
Wall Canyon Spring Road No. [984980](#)
North Manhattan Road No. [984985](#)
Boyd Canyon Road No. [984990](#)
South Boyd Canyon Road No. [984995](#)
Antelope Canyon Road No. [984997](#)

5. Adjourn

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

February 7, 2012

AGENDA
NYE COUNTY LICENSING AND LIQUOR BOARD

101 Radar Rd, Tonopah NV 89049
TUESDAY, February 7, 2012

10:30 A.M.

Butch Borasky, Chair
Gary Hollis, Vice-Chair
Joni Eastley, Member
Lorinda Wichman, Member

Dan Schinhofen, Member
Tony DeMeo, Member
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

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. [For Possible Action](#) - Approval of Minutes for the Nye County Licensing and Liquor Board meeting for January 3, 2012.
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
4. Brothel
5. Gaming
6. Liquor
7. Adjourn