



**JOINT MEETING OF THE
NYE COUNTY BOARD OF COMMISSIONERS
NYE COUNTY BOARD OF ROAD COMMISSIONERS
NYE COUNTY LICENSING AND LIQUOR BOARD
AND AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY, BELMONT,
GABBS, MANHATTAN AND RAILROAD VALLEY
2100 E. Walt Williams Drive, Pahrump, NV 89048
TUESDAY, June 18, 2013
10:00 AM**

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 June 18, 2013 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 June 18, 2013 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.

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.

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
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June 18, 2013

1. Pledge of Allegiance
2. Approval of the Agenda for June 18, 2013.
3. **GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).**
4. For Possible Action - Discussion and deliberation of Minutes of the Joint Nye County Board of Commissioners, Board of Road Commissioners, Licensing and Liquor Board and as the Governing Body of Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan and Railroad Valley meeting for [May 7, 2013](#).

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. Announcements (first)
6. For Possible Action - Emergency Items
7. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

TIMED ITEMS

8. **10:15 - Sitting as the Board of County Road Commissioners – [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:
 - a. South Penelas Mine Road No. [991975](#)
 - b. Shoshone Wood Road No. [991980](#)
 - c. South Underdown Road No. [991985](#)
 - d. West Yomba Road No. [991990](#)
 - e. North Riley Canyon Road No. [991995](#)
 - f. Shoshone Plug Road No. [991999](#)
 - g. Warner Spring Road No. [992100](#)
 - h. Shoshone Spanish Spring Road No. [992110](#)
 - i. Shoshone Spanish Spring Spur Road No. [992111](#)
 - j. Mitchell Canyon Road No. [992115](#)
 - k. Mudhole Spring Road No. [992120](#)
 - l. Bradley Spring Road No. [992125](#)
 - m. North Ione Prospect Road No. [992130](#)
 - n. Unnamed Road No. [992183](#)
 - o. Unnamed Road No. [992205](#)
 - p. Unnamed Road No. [992458](#)
 - q. North Cold Springs Road No. [992500](#)
 - r. Upper Phillips Well Road No. [992505](#)
 - s. Cobble Cuesta Road No. [992510](#)
 - t. Phillips Wash Road No. [992515](#)

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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June 18, 2013

9. **10:45** – [For Possible Action](#) – Continued public hearing, discussion and deliberation to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2013–05: A Bill proposing to amend Nye County Code Title 17, the Zoning Ordinance of the Pahrump Regional Planning District, by adding Section 17.04.870 “Emergency Abatement Procedures” providing for the severability, constitutionality and effective date hereof; and other matters properly relating thereto; and 2) set an effective date.
10. **11:00** – [For Possible Action](#) – Public Hearing on Appeal Case No. AP-13-0002: Appeal of the Pahrump Regional Planning Commission’s denial of Conditional Use Permit Application CU-12-0020 for a Class III Construction and Demolition Landfill, on property located in the Heavy Industrial (HI) Zoning District, at 1810, 1811 and 1941 E. Simkins Road, further described as the Northeast ¼, Northwest ¼ and the Southwest ¼ of the Northeast ¼ of the Northeast ¼ of Section 26, Township 19 South, Range 53 East. Efrain Rene Morales – Property Owner/Applicant/Appellant. AP#’s 27-361-01, 27-361-02 & 27-361-04.
11. **11:00** – [For Possible Action](#) – Public Hearing on Master Plan Amendment, Zone Change, and Conditional Use Permit Applications:
 - a. MP-12-0009: (Minor) Master Plan Amendment application to change an approximately 0.9 acre portion of a 4.72 acre parcel from the Low Density Residential land use category to the General Commercial land use category, located at 780 W. Gamebird Road, further known as Palo Verde Ranchos, Lot 4. Michael Barawid – Property Owner. Lys L. Barawid – Applicant. AP# 35-542-04.
 - b. ZC-12-0011: (Non-Conforming) Zone Change application to change an approximately 0.9 acre portion of a 4.72 acre parcel from the Rural Estates (RE-1) Zoning District to the General Commercial (GC) Zoning District for property Master Planned as Low Density Residential, located at 780 W. Gamebird Road, further known as Palo Verde Ranchos, Lot 4. Michael Barawid – Property Owner. Lys L. Barawid – Applicant. AP# 35-542-04.
 - c. CU-12-0024: Conditional Use Permit application to allow a 3-story Assisted Living Facility and Independent Senior Housing Facility in the Rural Estates (RE-1) Zoning District, per NCC 17.04.225.E, located at 780 W. Gamebird, further known as Palo Verde Ranchos, Lot 4. Michael Barawid – Property Owner. Lys L. Barawid – Applicant. AP# 35-542-04.
12. **11:00** – [For Possible Action](#) – Public hearing, discussion and deliberation to adopt, amend and adopt, or reject the revisions to the Project Priority Ranking List for roadway and transportation improvements as contained within the Streets and Highways Capital Improvement Plan (CIP), part of the Capital Improvement Plans and Impact Fees for the Pahrump Regional Planning District, Nye County, Nevada.
13. **11:30** - [For Possible Action](#) – Discussion and deliberation regarding a renewal proposal from the Nevada Public Agency Insurance Pool (POOL).

SITTING AS THE NYE COUNTY BOARD OF ROAD COMMISSIONERS

14. For Possible Action - General [road report](#) by Public Works Director
15. [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:

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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June 18, 2013

- a. Big Spring Road No. [992965](#)
- b. North Berlin Mine Shaft Road No. [992970](#)
- c. Ione Pit Road No. [992975](#)
- d. Unnamed Road No. [993058](#)
- e. Kelly's Well Road No. [993100](#)
- f. Derringer Well Road No. [993105](#)
- g. South East Gabbs Jeep Road No. [993110](#)
- h. McGery Canyon Road No. [993115](#)
- i. Gabbs Valley Road No. [993120](#)
- j. Unnamed Road No. [993146](#)
- k. Unnamed Road No. [993157](#)
- l. Peppercorn Spring Road No. [993180](#)
- m. Unnamed Road No. [993256](#)
- n. Unnamed Road No. [993267](#)
- o. Unnamed Road No. [993278](#)
- p. Ford Well Road No. [993289](#)
- q. Unnamed Road No. [993300](#)
- r. Unnamed Road No. [993356](#)
- s. Unnamed Road No. [993366](#)
- t. Unnamed Road No. [993443](#)

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

LIQUOR

- 16. [For Possible Action](#) – Discussion and deliberation regarding a Retail Liquor License for The Hole in The Wall Group LLC dba Carmelo's Bistro Pizza-Fine Pasta, 1440 E. Hwy 372, Pahrump, NV. Leonardo Blundo Applicant.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

- 17. [For Possible Action](#) – Approval of Elected Official Collection Report
- 18. [For Possible Action](#) – Approval to set the date and location of the second meeting of the Board of Commissioners for Tuesday, September 17, 2013 in Pahrump, Nevada.

ASSESSOR

- 19. [Presentation](#) of projected expenditures of money in the Assessor's Technology Fund (collections in the 2013-2014 fiscal year to be added to previously encumbered or unused balances from fiscal year 2006-07, through 2012-13).

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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June 18, 2013

BOARD OF COMMISSIONERS

20. 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.
21. 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.
22. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.
23. [For Possible Action](#) – Discussion and direction to staff regarding the process to submit correspondence to the Battle Mountain BLM relating to the update of the resource management plan.
24. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) set a date, time and location for a public hearing on Nye County Bill No. 2013-07: a Bill Proposing to amend Title 3 of the Nye County Code by adding a new Chapter 3.52 Imposing a One-Half of One Percent Sales and Use Tax to Support Public Safety Services within Nye County; providing for the severability, constitutionality and effective date hereof, and other matters properly relating thereto; and 2) reading of the title of bill into record.

CLERK

25. [For Possible Action](#) – Discussion and deliberation to appoint one (1) member to the Beatty Library District due to one (1) resignation.

SHERIFF

26. [For Possible Action](#) – Discussion and deliberation to apply for the US Department of Justice, Bureau of Justice Assistance: Byrne Justice Assistance Grant (JAG) to provide for overtime monies for narcotics highway interdiction.
27. [For Possible Action](#) – Discussion and deliberation regarding a Display Fireworks Event Permit for the Amargosa Valley Town Board. Mike Cottingim, Applicant.
28. [For Possible Action](#) – Discussion and deliberation regarding a Display Fireworks Event Permit for The Pahrump Nugget. Elizabeth Cory, Applicant.
29. [For Possible Action](#) – Discussion and deliberation regarding a Display Fireworks Event Permit for Lantis Fireworks & Lasers. Jeff Adams, Applicant.
30. [For Possible Action](#) – Discussion and deliberation regarding a renewal Wholesale/Retail Fireworks Permit for Vegas of Pahrump, Inc. dba Phantom Fireworks. Raechelle Speaker, Applicant.
31. [For Possible Action](#) – Discussion and deliberation regarding a renewal Wholesale/Retail Fireworks Permit for D & T Imports, Inc. dba Area 51 Fireworks. Tim McKoy, Applicant.
32. [For Possible Action](#) – Discussion and deliberation regarding a renewal Wholesale/Retail Fireworks Permit for Alamo Fireworks, Inc. Patrick James, Applicant.

COUNTY MANAGER

33. [Ongoing Project Report](#)

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34. [For Possible Action](#) – Discussion and deliberation to approve an Assignment of Lease, a certain lease dated December 7, 2010 between Nye County and Madonna I. Gallagher for property at the Tonopah Airport, more particularly described as Assessor's Parcel No. 012-722-21 Lot 21, Block B, of the Tonopah Airport Estates for residential use.
35. For Possible Action – Discussion and deliberation regarding the purchase of the Pahrump Utility Company, Inc.
- [Item.35](#)
- [Item.35 more](#)
- [Item.35.additional backup](#)
- [Item.35.additional backup more](#)
36. [For Possible Action](#) – Discussion and deliberation regarding a: 1) grant award from the US Environmental Protection Agency for a Brownfields Coalition Revolving Loan Fund to establish a revolving loan fund for cleanup activities at brownfields sites; and 2) Memorandum of Agreement with Esmeralda, Lincoln, and White Pine Counties to document the roles and responsibilities of the parties involved in the Coalition with regard to the grant award.
37. [For Possible Action](#) – Discussion and deliberation to ratify the County Manager's selection of Director of Management Information Services.
38. [For Possible Action](#) – Discussion, deliberation and direction to staff to approve the advertising and filling a Client Support Technician, NCEA Grade 13.
39. [For Possible Action](#) – Discussion and deliberation to appoint one representative from Nye County to the Nevada Land Management Task Force.

EMERGENCY SERVICES

40. [For Possible Action](#) – Discussion and deliberation regarding a one-year Contract for Professional Services with Fred A. Jones to provide technical support for the multiple communications and short wave radio issues in the Emergency Services Department.

FACILITIES

41. [For Possible Action](#) – Discussion and deliberation to surplus and dispose of excess Nye County personal property no longer in use.
42. [For Possible Action](#) – Discussion and deliberation regarding a replacement heat pump for DA's office area in Tonopah.

FINANCE

43. [For Possible Action](#) – Discussion and deliberation regarding RFP # 2013-09 – Autopsy Services.
44. [For Possible Action](#) – Discussion and deliberation regarding resolutions to augment the Fiscal Year 2012-2013 budget.
45. Budget to Actual [Expenditure Analysis](#)
46. Budget to Actual [Revenue Report](#)
47. [Fund Balance Report](#)

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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HEALTH & HUMAN SERVICES

48. [For Possible Action](#) – Discussion and deliberation to accept the Community Services Block Grant (CSBG) to provide assistance for Nye County’s very low to low-income population.
49. [For Possible Action](#) – Discussion and deliberation regarding a Memorandum of Understanding between NyE Communities Coalition and Nye County for the purpose of providing community members with adequate nutritional food.
50. [For Possible Action](#) – Discussion and deliberation regarding a Memorandum of Understanding with Nye County Senior Nutrition Program, Inc. for the purpose of adopting the Zero Tolerance Drug and Alcohol Testing Policy.

NUCLEAR WASTE REPOSITORY PROJECT OFFICE

51. [For Possible Action](#) – Discussion and deliberation regarding twenty (20) Professional Service Agreements (PSA’s) to ensure Nye County receives any potential funds from the closure of Yucca Mountain.
 - a. Adams Ecology
 - b. Anderson, Thomas
 - c. BEC Environmental
 - d. ClarkHill PLC–R. Andersen
 - e. DRI
 - f. Foster, James
 - g. Geophysical Logging
 - h. Giampaoli, Maryellen
 - i. Gilmore, Kathy
 - j. Glorieta Geoscience
 - k. Great Basin Drilling
 - l. Jamienson Geological
 - m. Jaszczak, Casmier
 - n. Norwest Corporation
 - o. Thomas S. Buqo
 - p. TerraSpectra Geomatics
 - q. University Texas at El Paso
 - r. Voegele, Michael
 - s. Walton, John
 - t. Ziegler, Joseph

PLANNING/BUILDING

52. [For Possible Action](#) - Discussion and deliberation to direct staff to proceed with negotiations with the State of Nevada Department of Transportation (NDOT) for the purpose of constructing roundabouts at the intersections of Highway 372 and Blagg Road, and Highway 372 and Pahrump Valley Boulevard, utilizing funds from the Pahrump Regional Planning District Streets Impact Fees in an amount not to exceed \$900,000 which represents Nye County’s 50% contribution of the total cost of the improvements.

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June 18, 2013

53. [For Possible Action](#) - Discussion and deliberation to direct staff to proceed with arterial roadway improvements to a three (3) mile segment of Manse Road from Homestead Road to Hafen Ranch Road, utilizing funds from the Pahrump Regional Planning District Streets Impact Fees in an amount not to exceed \$900,000.
54. [For Possible Action](#) - Discussion and deliberation to adopt Nye County Resolution No. 2013-37: A Resolution amending the Bylaws of the Pahrump Regional Planning Commission.

PUBLIC WORKS

55. [For Possible Action](#) – Discussion and deliberation regarding a Change Order No.1 to the Professional Services Agreement (PSA) for d.b.a. MaryEllen C. Giampaoli for general environmental advice and technical support to the Public Works Department on issues relating to the County's landfills and roads.
56. [For Possible Action](#) – Discussion and deliberation to approve Change Order No. 1 to the Olympus and Associates, Inc. contract. The Change Order revises the Scope-of-Work and increases the funding level to replace the damaged floor of the water storage tank due to significant corrosion.

PUBLIC PETITIONER

57. [For Possible Action](#) – Discussion and deliberation to reconsider the Board's February 19, 2013 decision to direct staff to call Bond No. BCZ1757788 associated with the Street Improvements Construction, Maintenance and Warranty Agreement between the Stephen R. Rakower Trust (the DEVELOPER) and the County of Nye (the COUNTY), recorded document No. 690718.
58. [For Possible Action](#) – Discussion and deliberation regarding tuition assistance for one (1) Pahrump Valley High School drama student to take the Tech Camp class at the Utah Shakespeare Festival (through Southern Utah University) during summer 2013.
59. GENERAL PUBLIC COMMENT (second)
60. ANNOUNCEMENTS (second)
61. ADJOURN

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

June 18, 2013

CERTIFICATE OF POSTING

STATE OF NEVADA

COUNTY OF NYE

The undersigned deposes and says: That she is over the age of 21 years; that she posted or caused same to be posted, at the places below mentioned, the Agenda for the joint meeting of the Nye County Board of Commissioners, Nye County Board of Road Commissioners, Nye County Licensing and Liquor Board, and as the governing body of unincorporated towns of Beatty, Belmont, Gabbs, Manhattan and Railroad Valley Meeting for June 18, 2013, not later than 9:00 a.m. on June 13, 2013. The undersigned further deposes and says: That on or before June 13, 2013, she delivered or caused to be delivered, the notice of the Agenda to the above meeting to the Tonopah office of the United States Postal Service not later than 9:00 a.m.

This instrument was acknowledged before me
This 13th day of June, 2013

NOTARY PUBLIC

POSTED:

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
Commissioners' Chambers, 2100 E Walt Williams Drive, Pahrump, NV
Beatty Justice Court, 426 C Avenue South Beatty, NV