



**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 Dr, Pahrump, NV 89048  
Tuesday, December 16, 2014  
10:00 A.M.**

**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 December 16, 2014 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 December 16, 2014 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](http://www.nyecounty.net)

The Nye County Board of Commissioners may take a short break every 1½ 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.**


"Nye County is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)."

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

1. **Pledge of Allegiance**
2. **Approval of the Agenda for December 16, 2014.**
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 Highway Commissioners, Licensing and Liquor Board and as the Governing Body of Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan and Railroad Valley teleconference on November 3, 2014 and regular meeting on November 12, 2014.**


[Item.04.2014.11.03](#) 

[Item.04.2014.11.12](#) 

#### **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. **10:00 - Swearing in Ceremony for Newly Elected Nye County Officials. The Oath of Office will be administered by Nye County Clerk, Sandra "Sam" Merlino**
9. **10:45 - For Possible Action - Discussion and deliberation to: 1) address all comments that have been received by the public; 2) make recommendations for any changes to the proposed projects; 3) make a final selection on two of the applications for submittal to CDBG.**  
[Item.09](#) 
10. **11:00 - For Possible Action - Discussion and deliberation to: 1) reject in its entirety; 2) adopt in its entirety; 3) adopt parts of; or 4) refer with recommended changes, to the planning commission for a report thereon, regarding Nye County Resolution No. 2014-17: A Resolution adopting the 2014 Pahrump Regional Planning District Master Plan Update dated May 1, 2014.**

**Document size is large and has been divided into separate links.**

[Item.10.Section 1](#) 


[Item.10.Section 2](#) 

[Item.10.Section 3](#) 


- [Item.10.Section 4](#) 
- [Item.10.Section 5](#) 
- [Item.10.Section 6](#) 
- [Item.10.Section 7](#) 
- [Item.10.Section 8](#) 
- [Item.10.Section 9](#) 
- [Item.10.Section 10](#) 
- [Item.10.Section 11](#) 

**11. 11:00 - For Possible Action - Public Hearing, discussion and deliberation on the following Planning and Zoning matters:**


- a. For possible action - ZC-2014-000001: Public hearing, discussion, and deliberation on a request for a Conforming Zone Change (ZC) application to change 171.96 acres (net) from the Specific Plan (SP) Zoning District to the Light Industrial (LI) Zoning District, situated approximately 5,349 feet east of the intersection of Hafen Ranch Road and Thousandaire Blvd., located at 7251 & 7370 E. Thousandaire Blvd., further described as the North ½ of the Northwest ¼ Township 21 South, Range 54 East, Section 14 and South ½ of the Southwest ¼, Township 21 South, Range 54 East, Section 11. Desert Badger LLC - Property Owner/Applicant. Dan Scott - Agent. AP#'s 047-071-03 and 047-041-09.

[Item.11a](#) 

- b. For Possible Action - Public Hearing, discussion, and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2014-30: A Bill proposing to amend Nye County Code 16.24.030 "Duties and Authority of the Pahrump Regional Planning Commission" by removing 16.24.030.C.2.b "Review Authority of the Board of County Commissioners" in its entirety, due to a conflict between 16.24.030.C.2.b and 17.04.920.C "Conditional Use Permits Decided by Planning Commission" and because 16.24.030.C.2.b cites Nevada Revised Statutes 278.317 which has been repealed and is no longer in effect; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

[Item.11b](#) 

- c. For Possible Action - Public Hearing, discussion, and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2014-31: A Bill proposing to amend a development agreement between Nye County and PV Land Investments, LLC; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

[Item.11c](#) 

- d. (Continued from November 12, 2014 BOCC public hearing):
  - i. For Possible Action MP-14-0004: Public hearing, discussion and deliberation on a request for a (Major) Master Plan Amendment application to change 55-acres from the Mixed Use and Low Density Residential land use designations to the General Commercial land use designation, located at 600 S. Leslie Street, a portion of the East ½ of Section 18, Township 20 South, Range 53 East. American Eagle RV & Resorts, LLC - Property Owner. Rene Morales, Managing Member, American Eagle RV & Resorts, LLC - Applicant. Civilwise Services, Inc. - Agent. AP# 36-171-28.

ii. For Possible Action ZC-14-0008: Public hearing, discussion and deliberation on a request for a (Non-Conforming) Zone Change application to change approximately 32-acres of a 55-acre parcel from the Rural Estates (RE-1) Zoning District to the General Commercial (GC) Zoning District located at 600 S. Leslie Street, a portion of the East ½ of Section 18, Township 20 South, Range 53 East. American Eagle RV & Resorts, LLC - Property Owner. Rene Morales, Managing Member, American Eagle RV & Resorts, LLC - Applicant. Civilwise Services, Inc. - Agent. AP# 36-171-28.

[Item.11d.c](#) 

e.

i. For Possible Action - Waiver Application No. WV-2014-000002: Public Hearing, discussion, and deliberation on a request for a Waiver from Nye County Code to allow for an application for a Special Use Permit to be heard for a medical marijuana production establishment outside of the established once-per-year hearing schedule, for 8.09 acres located at 9680 S. Oakridge Avenue, Pahrump, Assessor Parcel #44-851-30. K&K Properties Group LLC - Property Owner. Nevada Natural Medicines LLC - Applicant. Champ Roach - Agent.

ii. For Possible Action - Special Use Permit Application No. SU-2014-000001: Public Hearing, discussion, and deliberation on a request for a Special Use Permit to allow a medical marijuana establishment (production) in the RE-2 Zoning District with the Business Opportunity Overlay Zone, on 8.09 acres located at 9680 S. Oakridge Avenue, Pahrump, Assessor Parcel #44-851-30. K&K Properties Group LLC - Property Owner. Nevada Natural Medicines LLC - Applicant. Champ Roach - Agent.

[Item.11e.c](#) 

**12. 11:30 - Willow Creek Remediation Update Report**

[Item.12](#) 

**13. 1:30 - For Possible Action - Discussion and deliberation to convert from our existing Volunteer Ambulance Service to a new program for Volunteer Ambulance Service in Nye County.**

[Item.13](#) 


[Item.13.EdTomanyComment](#) 

**14. 1:30 - For Possible Action - Discussion and deliberation regarding a resolution setting schedule of fees for Nye County Emergency Response Services.**

[Item.14](#) 

**SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS**

**15. For Possible Action - General road report by Public Works Director**

[Item.15](#) 

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

[Item.16](#) 


## 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

[Item.17](#) 

### 18. For Possible Action - Approval to set the date and location of the second meeting of the Board of Commissioners for Tuesday, March 17, 2015 in Pahrump, Nevada.

[Item.18](#) 

### 19. For Possible Action - Approval of Amendment Two to the Interlocal Contract for Medical, Core, and Support Services for HIV/AIDS Infected and Affected Clients in the Las Vegas, Ryan White, Transitional Grant Area to allow emergency financial assistance for Rent/Mortgage; Utilities and/or Deposits.

[Item.19](#) 

## 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 deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2014-51: A resolution saying "No" to the Bureau of Land Management.

[Item.23](#) 

[Item.23.MRANComments](#) 

### 24. For Possible Action - Discussion and deliberation to approve Friday, December 26, 2014, as a day off with pay for all employees and to declare the necessary offices closed.

[Item.24](#) 

### 25. For Possible Action - Discussion and deliberation regarding a contract with Akerman Senterfitt for all federal representational lobbying activities.

[Item.25](#) 

26. **For Possible Action - Discussion and deliberation regarding necessary action to remediate NDEP violations regarding the package plant for sewage treatment located on the former Willow Creek Golf Course property pursuant to NRS 445A.555.**

[Item.26](#) 

#### **CLERK**

27. **For Possible Action - Discussion and deliberation to appoint one (1) member to the Capital Improvements Advisory Committee due to one (1) term expiring December 2014.**

[Item.27](#) 

28. **For Possible Action - Discussion and deliberation to appoint seven (7) members to the Central Nevada Museum Board due to seven (7) terms expiring December 2014.**

[Item.28](#) 

29. **For Possible Action - Discussion and deliberation to appoint two (2) members to the Amargosa Valley Library Board due to two (2) terms expiring December 2014.**

[Item.29](#) 

30. **For Possible Action - Discussion and deliberation to appoint three (3) members to the Nye County Parks and Recreation Advisory Committee due to three (3) terms expiring December 2014.**

[Item.30](#) 

31. **For Possible Action - Discussion and deliberation to appoint two (2) members to the Belmont Town Advisory Board due to two (2) terms expiring December 2014.**

[Item.31](#) 

32. **For Possible Action - Discussion and deliberation to appoint three (3) members to the Railroad Valley Advisory Board due to three (3) terms expiring December 2014.**

[Item.32](#) 

33. **For Possible Action - Discussion and deliberation to appoint two(2) members to the Beatty Library District due to two (2) terms expiring December 2014.**

[Item.33](#) 

#### **SHERIFF**

34. **For Possible Action - Discussion and deliberation to approve purchasing a vehicle for Search and Rescue using funds from the South Area Command - Public Safety Sales Tax.**

[Item.34](#) 

35. **For Possible Action - Discussion and deliberation regarding a contract with Point & Pay to set up credit/debit card payments for the Nye County Sheriff's Office's.**

[Item.35](#) 

## TREASURER

### 36. Treasurer's Report

[Item.36](#) 

## DISTRICT COURT

### 37. For Possible Action - Discussion and deliberation regarding a request to modify Dept 2 District Court Chambers located in Pahrump, NV.

[Item.37](#) 

## COUNTY MANAGER

### 38. Ongoing Project Report

[Item.38](#) 

### 39. For Possible Action - Discussion and deliberation regarding a Resolution directing the levy of a special assessment within the confines of the Amargosa Valley Groundwater Basin for the Fiscal Year 2015-2016.

[Item.39](#) 

### 40. For Possible Action - Discussion and deliberation regarding a Resolution directing the levy of a special assessment within the confines of the Duckwater Creek Groundwater Basin for Fiscal Year 2015-2016.

[Item.40](#) 

### 41. For Possible Action - Discussion and deliberation regarding a Memorandum of Understanding with the Friends of the Belmont Courthouse to establish cooperative activities between the two parties.

[Item.41](#) 

### 42. Presentation by Nevada Rural Housing Authority for a proposed senior independent living project.

[Item.42](#) 

### 43. For Possible Action - Discussion and deliberation regarding a resolution to transfer Nye County Property to a political subdivision.

[Item.43](#) 

### 44. For Possible Action - Discussion and deliberation to enter into an Option to Lease and Lease Agreement with American Capital Energy, Inc. for a portion of property located at the Tonopah Airport for solar energy purposes.

[Item.44](#) 

### 45. For Possible Action - Discussion and deliberation regarding the appointment of a County Health Officer pursuant to NRS 439.290.

[Item.45](#) 

## FINANCE

### 46. Financial Reports

[Item.46](#) 

## NUCLEAR WASTE REPOSITORY PROJECT OFFICE/NATURAL RESOURCES

47. For Possible Action - Presentation, discussion, and deliberation: 1) on the status of Rural Desert Southwest Brownfields Coalition (RDSBC) activities across the Coalition area and in Nye County, including completion of the Area Wide Plan; and 2) to approve the draft Final Report for the 2011 U.S. Environmental Protection Agency (EPA) Brownfields Coalition Assessment Grant.

[Item.47](#) 

48. For Possible Action - Discussion and deliberation to submit the Certification of Expenditure of Funds under Public Law 111-85 of 2011.

[Item.48](#) 

## PLANNING/BUILDING

49. For Possible Action - Discussion, deliberation and possible direction to staff regarding a review of the Impact Fees for the Pahrump Regional Planning District.

[Item.49](#) 

50. For Possible Action - SW-2014-000001: Discussion and deliberation on a request for a Solid Waste Permit for a 10-acre portion of a 40 acre parcel, located on the south side of Cook Road in Amargosa Valley, a portion of the SW ¼ Section 7, T16S, R50E. Settlemyer Trust - Property Owner. B.A.E. Industries LLC - Applicant. AP# 021-441-11.

[Item.50.c](#) 

51. For Possible Action - Medical Marijuana Establishment License Application MM-2014-000003: Discussion and deliberation on a request for issuance of a Medical Marijuana Establishment License for a proposed medical marijuana (cultivation) facility located in a General Commercial (GC) zoning district at 1205 S. Loop Road, Pahrump, Assessor Parcel #035-381-35. Green Life Productions, LLC - Applicant. Mike Floyd - Agent.

[Item.51](#) 


## PUBLIC WORKS

52. For Possible Action - Discussion and deliberation concerning a request for the County to assume maintenance responsibility for all roadway pavement associated with the Cottonwoods at Hafen Ranch Subdivision.

[Item.52](#) 



- 53. For Possible Action - Discussion and deliberation to accept an Offer of Dedication for a 40' by 2,653' road Right-of-Way (ROW) (2.44 ac) along Homestead Rd as well as a 40' by 2,446' (2.25 ac) road ROW along Manse Rd adjacent to parcel 044-011-01 at no cost to the County.**


[Item.53](#) 

## **PUBLIC PETITIONER**

- 54. For Possible Action - Discussion and deliberation regarding Nye County Proclamation No. 2014-09: A Proclamation Recognizing January 2015 as Radon Action Month.**

[Item.54](#) 

- 55. For Possible Action - Discussion and deliberation regarding tuition assistance for five (5) Tonopah High School Student Council members to attend the Leadership Experience and Development (LEAD) Conference in Chicago, IL in February of 2015.**

[Item.55](#) 

- 56. GENERAL PUBLIC COMMENT (second)**

- 57. ANNOUNCEMENTS (second)**

- 58. ADJOURN**