

# Minutes from the June 15, 2021 County Commission Meeting

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June 15, 2021  
1:00 p.m.  
Esmeralda County Courthouse  
403 E. Crook Ave., 2<sup>nd</sup> Floor  
Goldfield, Nevada

APPROVED

7/20/21

~~DRAFT~~

1. **CALL TO ORDER AND ROLL CALL.**

Delon "De" Winsor - Chairman - Present  
Timothy Hipp - Vice-Chairman – By Phone  
Ralph Keyes - Commissioner - Present  
Robert Glennen - District Attorney - Present  
Michelle Garcia - Clerk of the Board

2. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None.

3. **\*RECESS TO ESMERALDA COUNTY BOARD OF HIGHWAY COMMISSION:**

Commissioner Keyes made the motion to recess to the Board of Highway Commission. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Back to Order.

12. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION: TIMED ITEM: 1:15PM** – Esmeralda County Board of Commissioners will hold a public hearing on Wiley Road pursuant to NRS 403.040, and discuss and decide on possible reclassification of and mapping of road bed of Wiley Road in Gold Point, Nevada, which is currently a Standard County Road, which runs through Lots 2 and 3 of Block 12 of the Gold Point Townsite, purportedly owned by John Morrissey and Sherry Morrissey, and through Lots 3 to 6 of Block 25 of the Gold Point Townsite, purportedly owned by John J. Kennedy or his heirs. (Robert E. Glennen, III, District Attorney)

Item tabled until later in the meeting.

13. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION: TIMED ITEM: 1:30PM** – Regarding the moving of the Nuke Repository Conex building without approval, and who approved the use of the Road Equipment and Maintenance personnel to facilitate moving of the Conex. Also, what has happened to the Nuke repository office equipment? Is there any damage to the building and equipment? (Commissioner Winsor)

Commissioner Winsor said there has been quite a bit of disturbance from the community about this building being moved and that is why it is on the agenda.

Commissioner Hipp said he went into this building 2.5 years ago when he first came into office and there was nothing in it, other than the repository stuff. It sat there for 2.5 years. No one's been using it. He said back in January he met with Mike Anderson and they're trying to clean up the historical district and

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he said he'd like to have that container moved outside of the historical district, which is 2 blocks north and south of the highway. So, it's something that they've been planning for a while now. He said he had no idea that this was going to be such a huge ordeal; for people to have had the reaction they. He said it's in his district, he thinks he has the right to moving a shipping container. He said he doesn't think it's that big of a deal. He said he should have given the commissioners a heads-up but he didn't know that this was going to be the end of the world to some people.

Commissioner Winsor asked Commissioner Hipp if he authorized the use of the equipment also. Commissioner Hipp said he asked Mike Anderson to move the container. He said all the different parts of that, he is not aware of. He said he doesn't micro-manage everything that Mike Anderson does. Mike asked the Road Department to use the truck to move the container because we had no other way to move it. He said that is common, they do it every day, without coming to the commissioners and asking for use or trading equipment. It never happens. Michelle asked who Mike had asked at the Road department. He said that Carl knew, Mike Long knew, and Deven knew before he left.

Commissioner Winsor said the reason it was an issue was that it wasn't really brought before the commissioners and then all of the sudden it was being moved. That's one of the problems. Mike said a commissioner asked him to move it and it's a commissioner's container.

Commissioner Keyes said he personally doesn't have a problem with the way things went because after talking to Mike it made sense that they moved it in the evening because they can't really move it in the middle of the day. He doesn't know all the rhyme or reasons it was moved, other than Tim's explanation. He said staff's hours were adjusted as well. He said they could have done a better job of getting it out to everybody's office, if they had any objections of it being moved, though. He said he doesn't know why it is such a big deal, personally.

Michelle said the reason it is such a big deal is that we had a conversation about it 2 days before that and all of a sudden it disappeared. She said she had specifically said it needed to be used for office space and 2 days later it disappeared. She said she believes that is why it is such a big deal right now.

LaCinda Elgan came up and said for open meeting purposes there are other items that are related, so she requested that items 14, 15 and 16 be opened together so they could all be discussed. She asked the D.A. if that was proper and he said yes.

Items 14, 15 and 16 were read into the record.

14. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION: TIMED ITEM: 1:30PM** – Why was an ex-contracted employee and a non-county personnel involved in the movement of a county building? The ex-contracted employee has not had a valid contract with the county since 2001, yet was driving county equipment. (Vera Boyer)
15. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Explanation on why the Conex building work order was stopped when there was an understanding it could be possibly used for elections storage, training and testing (pre-lat). (LaCinda Elgan)

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16. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Decide where election equipment can be stored and secured, but have the necessary accessibility to the computers and equipment for training and pre-lat functions. (LaCinda Elgan)

ALL ITEMS OPEN:

Judge Johnson came up and said approximately 2 years ago there was a big push to get all of the documents out of the basement and as all of the commissioners are well aware, 90 percent of those documents are hers. She has been asking for the commissioners to tell her where she can put said documents. She didn't know that that building was an option until now. She said we're talking about spending all of this money to buy Conexes when we have a perfectly viable option. She said the communication is horrible and it is frustrating for the elected officials that are in this building.

LaCinda thanked Commissioner Winsor for reading all of the items into the record and said this is a multi-faceted issue. She talked about item 15. LaCinda had requested to have the electricity put back into that building so that we could start using it or possibly assess it to see what we could do. She said she has explicit permission from Ed Mueller, who was the gentleman who bought that building with the Nuke Repository money. She said that Carol Fitzpatrick got in contact with him twice and he gave clear and concise permission for her to use that building for the purposes of elections.

LaCinda asked why she submitted a work order to the Utilities Department and then was told a couple of days later; not by the Utilities Department, but by Maureen. She asked why there was no email or phone call to say that her work order was cancelled.

She said we are trying to solve a problem. She said she has a problem, as an elected official, being responsible for election equipment. She talked to the Secretary of State's office and they gave her a lot of information but the concern that they have right now is that where she has her equipment stored now is not very secure. The biggest thing we have to worry about is the integrity of our elections. If someone comes into where we have it stored and accidentally or purposely hurts that election equipment, it will destroy the whole system. It will not be able to certified. That means our county would have to pay for all of that equipment, software and peripheral equipment and start again. This is a ticket of around \$60-70,000. If we have the building across the street, we can comply with questions like "do you have it in a secured location? Yes. Do you have it in a situation where you can monitor the building? In the day and age, yes, we do, so this would be in compliance with the requirements of how to protect election equipment.

LaCinda said we would also have a place where we could set up the election equipment. She reminded the commissioners that every election cycle she has to set all of the machines up to update them and then also do pre-lat. Last year, due to Covid, we were able to use the Commissioners Chambers and the Jury Room for this. These are all reasons she thought this building was a wonderful option.

LaCinda reiterated that communication needs to be clearer and more concise and asked that the building be put back so she can use it for elections.

Ruth Lee came up and said she was really amazed as how quick the Conex could be taken out of there when she has one over at the yard that has been sitting there for the last 5-7 years that can't seem to be put anywhere so she can use it. She said she would like that explained.

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Commissioner Winsor said there is another item that talks about using non-county personnel to drive the equipment to move the building.

Mike Anderson came up and said he asked Mike Long to operate the truck. He said he is not charging the county to do that. He also said there was no overtime. He also said that Ed Mueller bought it but Esmeralda County paid for it; one for the county and one for Ruth Lee and he told Ruth if she would tell him where she wants it, he will put it there.

Mike said that he and Tim have been planning on moving this for a long time; Tim was talking about putting a park where he even planted trees over there. He said he didn't know everyone in the world had their fingers claim on it. He said the power was off since February.

Commissioner Winsor said LaCinda had put in a work order to get the power hooked back up again. Mike said why would he hook power up to it when they were moving it? LaCinda tried to say that that was just it, no one had told her anything, but Mike said he didn't know it was hers, or Danie's, that it was the commissioners'. Judge Johnson said she never said it was hers.

LaCinda said she was not blaming Mike for doing his job. Both Judge Johnson and LaCinda said this was not an attack on Mike Anderson. Mike said they can get somebody else to put it back. He said he wasn't going to take it out to put it back.

LaCinda said that it was not Esmeralda County funds that bought that building. It was Nuke Repository funds. Mike said those funds were given to Esmeralda County. LaCinda said it was no different than the general fund giving funds to the Road Department. LaCinda said the point is that we have funds that are for certain things. She said the point is that if we don't work together, we have issues, and this is one of them, and why we are discussing them. She said when we don't talk and don't realize what other responsibilities are out there to get there to be accomplished, we fail as a county.

Commissioner Hipp said he wants to talk to SHPO and see what their opinion is. He said the container can be used for whatever purpose, anywhere it's located. He said there is a little white house across the street that has power and water connected. They are not turned on, but can be right away. He said another option.

Commissioner Hipp said another option is that the Justice of the Peace has two separate offices. If you need an office that needs to be secure and you can control, maybe an option is to use that upstairs office. He said Juanita was in that office for 38 years and she didn't need two separate offices, but apparently now, they do. He also said he had Conexes in the budget and we had a Conex for every department so they would have someplace to put their stuff, but that was shot down. If your department needed storage space, in the last budget period, you should have had a Conex or type of storage facility included in your request. The only request for document storage was his request, which got shot down. He said it took him 6 months of begging and pleading Deven and Mike to get that container moved, so it didn't happen overnight, all of a sudden. He just wanted to get it out of the historic district. He was even going to tell the other two commissioners that if they needed storage facilities, he is open to moving it to Fish Lake Valley or Silver Peak.

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Commissioner Hipp said nobody cared about this Conex until he moved it. He wanted to move on to other items. He said he gave two options of where the election equipment can go. He wanted to move on and not try to micro-manage every little thing that happens in Goldfield.

Judge Johnson came up and said that Commissioner Hipp just micro-managed her courtroom and what she does with her office.

Commissioner Winsor asked if we already have these Conexes, why do we have to buy more?

Commissioner Hipp said we can use that building but we got this \$800,000 grant for the roads for the historical district to improve the look of the historical district and then we're going to keep a bunch of shipping containers in the center of town across from the courthouse. He said we can do better than that. Then he gives the option of using the little white house that's over there.

LaCinda said the building Commissioner Hipp is referring to is probably full of building materials that was full of asbestos so before we do anything with that building, we are probably going to have to have that building checked out. That is a liability to anyone moving into that building blindly.

LaCinda also said that regarding the historical district, if Commissioner Hipp is going to start to pick and choose what complies or doesn't comply, then you need to apply the law, not only to ourselves but other people in this historical district.

She also said we can take that Conex building and, as long as the exterior looks historical, we can make it work.

Commissioner Keyes asked Mike Anderson about another storage container sitting over at the Road yard. Ruth said that was hers.

D.A. Glennen came up and said that no matter what district you are from, you can only act by two of you at an open meeting. He said they have delegated some of these duties to the road and public works guys. They can do things without coming before the commission, but he is telling the commissioners that rule number one should be, when in doubt, when it's something any commissioner wants to do, let's get it to an open meeting and see if two of you agree on it.

Carl Brownfield came up and said that storage containers are really inexpensive and he thinks each department should have their own. Commissioner Hipp said we did have that in the budget and we were going to put in on the side of the new fire house. There are some drainage issues there that we haven't fixed yet. But we were short funds this year so we had to scrap that plan. Michelle said that the other problem with putting them on the other side of the fire house is that the fire engines and ambulances can get around. Judge Johnson said they also have no parking. Goldfield Fire Chief Travis Smalley came up and said next to the fire house is not where they need to go. The lot next to the fire house is designated for parking. Getting emergency equipment in and out is also the issue. He said we have plenty of property around the county where we can put Conexes. They just haven't had the funds to get the ground leveled off and paved.

Commissioner Keyes wanted to comment on the Conexes that were taken off of the budget. He said we did have to cut our budget considerably this year to accommodate our finances.

LaCinda came up and said that this particular building had climate control, it had file cabinets, it had office furniture and things she needed. She said she was concerned because there were pictures taken

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that were shared with her and when they moved the building, they left the door unlocked and a window open. She doesn't know what the condition of the building is now. She asked if they secured the items in the building before they moved it. Mike said they put everything down that was going to fall down. They laid them down.

Sharon Artlip asked if there were properties on the auction list that could be used. LaCinda said the commissioners have not pulled any properties off the list.

Commissioner Hipp said he agreed with Ralph, that we are not going to solve this today and need to put it on another agenda. LaCinda came up and said item number 16 was a discussion/decision item. The audience was saying to put it back.

Commissioner Winsor was saying we need to find a spot for the building that is close enough to use and he doesn't know if we have any other locations except for the one other than across the street. Michelle asked why we are not just putting it back. People in the audience were agreeing. Commissioner Keyes said he just though; is there any other place with water or power that we could hook it up real close by? He said we need to look at that, but it makes the most sense at the time right now, across the street. He said apparently, it's not that hard to pick up and move.

Commissioner Winsor said Ruth also has one that needs to be moved and Commissioner Keyes suggested putting them side-by-side.

Carl Brownfield came up and said the school district owns property next to the parking lot that we may be able to trade, as well as a couple of lots together just on the other side of the maintenance yard.

Commissioner Keyes said the most convenient places are the closest to the courthouse. That makes the most sense; so, across the street is a very good place to put it. Or, someplace very nearby.

LaCinda came up and proposed that we move the building back. She said security is the main thing. Commissioner Keyes asked if we could make it look like an old storefront or something. LaCinda said that's what they were talking about.

Commissioner Hipp said he wants to reach out to SHPO before they try putting it back there. He said again we need to move on with this agenda.

Commissioner Keyes said if he was to vote today, he would vote to put it back. Commissioner Winsor agreed.

Commissioner Winsor said we need a motion to put it back and the audience agreed. Commissioner Hipp said the agenda item doesn't say anything about moving the shipping container. Commissioner Keyes said it says decide where election equipment can be stored. That can be across the street. Commissioner Hipp said you could put it in Danie's office. He asked why one public official needs two separate offices. Judge Johnson came up and said if Commissioner Hipp wants to discuss the law and why she is not on her bench; she said he fails to listen, he talks over everyone. She said when he would like to come and talk to her about the law, he can do that. She said until then, she doesn't have to justify anything to him.

Commissioner Winsor again asked if they needed a motion.

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Commissioner Keyes made the motion to put the building back across the street and restore the power for the use of the building for the Clerk.

D.A. Glennen came up and said they can decide to store it there with Ruth's storage container, but was deciding if it could be decided upon to move it without an independent agenda item. Commissioner Hipp said it needs a separate agenda item and it can wait for the next meeting. D.A. Glennen said they can vote to store the equipment in the building with the building with the window across the street.

Michelle said she would do an agenda item to move the building for 07/06.

Commissioner Winsor said the motion would be to put the election equipment in that building when it is moved back into place. Commissioner Keyes said that is his motion. Commissioner Winsor seconded the motion. All in favor: Commissioner Hipp voted Nay – Motion carried.

17. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION: TIMED ITEM: 2:00PM** – Discuss/Decide and approve the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2021 – 2022 funds. (POOL/PACT: Stephen Romero, Marshall Smith, Mike Rebaleati and Wayne Carlson)

Marshall Smith. Pool/Pact. We have his proposal.

- Safety Data Sheets
- Grants (sidewalks)
- Detention Facility Audit - first follow-up was in March 2021 and resulted in \$10,000 grant.

Tina with LP Insurance was on the phone and said if anyone has any questions to let her know.

Commissioner Keyes wanted to make sure any new property or equipment gets added to the policy. Tina said they just need something from Maureen regarding the generator project.

RK made motion to approve the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2021 – 2022 funds. DW, 2nd, M/C

12. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION: TIMED ITEM: 1:15PM** – Esmeralda County Board of Commissioners will hold a public hearing on Wiley Road pursuant to NRS 403.040, and discuss and decide on possible reclassification of and mapping of road bed of Wiley Road in Gold Point, Nevada, which is currently a Standard County Road, which runs through Lots 2 and 3 of Block 12 of the Gold Point Townsite, purportedly owned by John Morrissey and Sherry Morrissey, and through Lots 3 to 6 of Block 25 of the Gold Point Townsite, purportedly owned by John J. Kennedy or his heirs. (Robert E. Glennen, III, District Attorney)

D.A. Glennen came up and said we had it advertised at 10:30 and on the agenda for 1:15. It is his understanding that the commissioners' secretaries went out to both rooms at 10:30 and nobody was here and nobody came to ask about the timed item, so he is comfortable with us publishing for 10:30 and waiting until now to discuss.

Ruth Lee came up and said the commissioners can do what they'd like but she knows for a fact that there is an attorney that is not happy with this and is looking for the heirs for these people right now to either stop this or be compensated for it. She just wanted to let the commissioners know.

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Commissioner Keyes asked if this item should be on the Road agenda. Commissioner Winsor said that we have had this going for a while now and have never found anyone opposed to it. Ruth said there is now because they published it correctly.

Moving to the next agenda and will put on both agendas.

24. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discussion/Decision on Airstrip on Public Lands Adjacent to the Town of Goldfield. (Perry B. Wickham, Field Manager, Tonopah Field Office, Bureau of Land Management)

Ruth Lee came up and said he is in a training class and requests to return to this item later in the meeting. Going to table this item for now.

18. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discussion/Decision on which land sale parcels to remove from the sale list. (LaCinda Elgan)

LaCinda came up and said she hadn't received any feedback from the commissioners. Commissioner Hipp said he had nothing to be removed. Commissioner Keyes said he had nothing to be removed.

No parcels for removal. No decision needed.

19. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Cancel credit card for Robert Glennen, District Attorney, for non-payment of charges. (LaCinda Elgan)

Mr. Glennen came up and said he thinks he is about 6-7 months behind in paying. LaCinda said this needs to be done as soon as possible. Commissioner Keyes said they had a previous discussion about this and they made a recommendation to the District Attorney that might expedite this process. LaCinda said she does appreciate that because the way the commercial card system works is that if you don't have the cards paid in full, they take it out of our bank account and she has an agreement now that we will have it paid in full all the time and that might get rescinded if we don't get our payments in. Mr. Glennen said all of his bills will be on the agenda for the 07/06 meeting.

Commissioner Keyes made the motion to put the credit card on hold until it is brought current.

Commissioner Hipp seconded the motion. All in favor: Motion carried.

30. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Add 2 more port-a-potties = total of 10. Add 1 more wash station = total of 4. Asking the County Commission to approve payment for the above port-a-potties and wash stations from the festival fund or other applicable fund. (Carl Brownfield)

Mr. Brownfield said the extras are for the car forest.

Commissioner Keyes made the motion to approve adding 2 more port-a-potties = total of 10. Add 1 more wash station = total of 4. Asking the County Commission to approve payment for the above port-a-potties and wash stations from the festival fund. Commissioner Hipp seconded the motion. All in favor: Motion carried.

31. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Approve requested road closures for Goldfield Days – Euclid from East at Ramsey to West at Myers. Fifth Avenue from Crook to Myers (2-4 Hours only). Columbia from East at Ramsey to West at Myers. (Carl Brownfield)



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Holly Isenhour from the D.A.'s office stated this will need to be put on the Highway Commission meeting on 07/06.

Mr. Brownfield said Barbarossa and Bear will be sponsoring a car show this year.

25. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Look at the quote from Towbin Dodge for repairs and recalls on Goldfield's rescue truck. Approve Chief Smalley to complete repairs. (Travis Smalley)

Chief Smalley said he took it down to Towbin Dodge since it hadn't been serviced in 11 years. He said there are also 8 recalls on the vehicle.

Commissioner Keyes said it is not necessary for him to bring it before the commissioners but it is nice to know about it.

Commissioner Keyes made the motion to approve getting the repairs done per the quote.

Commissioner Hipp seconded the motion. All in favor: Motion carried.

26. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Possibly leasing SCBA's for Goldfield and Silver Peak Fire Departments. Current SCBA's have not been serviced since 2014. (Travis Smalley and Dustin Trahan)

Self-Contained Breathing Air. They expired in 2019 and are not compliant at this time. They have to be tested every two years. The shelf life on these is 15 years.

Commissioner Keyes said we have gotten grants for these in the past. Chief Smalley said they have offered us a lease program with several options for annual payments. If we make the payment and then a grant comes up, they will help us file for the grant and whatever is left, the grant will pay off. There is no grant currently available. The quote he has not is just for Goldfield.

No decision at this time as Chief Smalley will need to get two more quotes.

27. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discuss/Decide and sign an Interlocal contract between Esmeralda County and Nevada Division of Forestry for Goldfield Fire. (Travis Smalley)

Commissioner Keyes made the motion to approve to sign the Interlocal contract between Esmeralda County and Nevada Division of Forestry for Goldfield Fire. Commissioner Hipp seconded the motion. All in favor: Motion carried.

28. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discuss the operational plan for NDF and Esmeralda County. (Travis Smalley)

Chief Smalley said this is the plan with having the NDF truck and that they can use us for 24 hours before they have to start paying.

No decision needed on this item.

29. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discussion/Decision if Goldfield Fire Department can auction off 3 trucks at this year's land sale auction. 1. 1979 FMC Ford Engine. 2. 1993 Ford Engine. 3. Unknown Year GMC Engine. The Department would like a Capital Outlay fund set up so that they can use this money to purchase a new engine. (Travis Smalley)

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Commissioner Keyes made the motion to approve to auction off the 3 trucks at this year's auction (after first offering them to FLV Fire). A Capital Outlay fund is to be set up to use this money to purchase a new engine. Commissioner Hipp seconded the motion. All in favor: Motion carried.

22. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Approval to auction off 2 ambulances at the land auction in August. Funds received from the sale will go into an ambulance capital project fund. (Danielle Johnson)

They are pulling the 1994 F-350. They will offer it to FLV.

Commissioner Keyes made the motion to auction 2 ambulances at the land auction in August with the stipulation that they will offer it to Fish Lake Valley. Funds received from the sale will go into an ambulance capital project fund. Commissioner Hipp seconded the motion. All in favor: Motion carried.

24. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discussion/Decision on Airstrip on Public Lands Adjacent to the Town of Goldfield. (Perry B. Wickham, Field Manager, Tonopah Field Office, Bureau of Land Management)

Mr. Wickham came up and said he wanted to discuss a concern that has come to his attention regarding the use of an airstrip on public lands. He said he wanted to make it really clear that his investigation has determined that use of that land is not authorized. He said that the United States does allow for use of airstrips and other things on public lands but there are certain processes that need to be in place. In this case, if the county did decide that they want to continue with the use of the airstrip, they could apply for the 27F11 airport lease with the United States. That process would involve a rental payment to the United States for the use of those lands. It would then become a public airport that would have to be maintained for the purposes of the public to utilize. It is a very old law. It was from before airplanes could fly across the United States. It was for the benefit of the public, but also for the benefit of the military and other departments of the military that may find a need to use that airport at any time, be it for military purposes, fire attack, etc.

Mr. Wickham said that one thing that does concern him at this point is the fact that the airport is currently registered with AIRNAV.com through the Federal Aviation Administration and it states that it is privately owned. It also states that if the airport were to be utilized permission would be required prior to landing. He said it is true that they don't have any laws or in their resource management plan that precludes people from the use of the playa. People are able to use their quads, ATV's, side-by-sides, camping, on public lands and those don't require permits or actions, but it doesn't fit well when there are people claiming them privately and they control whether people can use that airstrip or not.

Mr. Wickham provided a map to the commissioners and the clerk. He said about 99 percent of the air strip is on public lands. He said there are a couple of small pieces that are encumbered by private parcels and perhaps patented mining claims. He said it was his understanding that in the past the county had expressed an interest in using the airstrip but they were told that since they were encumbered by mining claims that would be impossible. He said that is not typically how mining claims work. He said the claims would reserve the minerals to the claimant but not necessarily control the surface. The county would take a chance on investing money belonging to the citizens of Esmeralda County in the development and rental to the United States and if the claimant were to

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decide to come in and remove their minerals the county would be put off to the side as having the junior rights. Commissioner Keyes asked if this was on the Gemfield mining project and Commissioner Winsor said yes, it is.

Mr. Wickham said the registered owners were Mr. Delbert D. Williams with an additional owner, Mr. Timothy Hipp.

Ruth Lee came up and said that the airstrip was never legally put there. They were told no.

Mr. Wickham said that in light of being informed by Public Safety that this is a safety concern to the community he would like to know the commissioners take on this. Is this something that they want to pursue? He wouldn't want to go out there and scarify and recontour the right-of-way, replant, seed, remove the fence, and all of that if that is something that they would be interested in pursuing and going forward. Otherwise, if it is not, he would ask the claimants here that claim that they have this privately owned airstrip contact the FAA, remove this designation and the Bureau of Land Management would then scarify the airstrip, place boulders, rocks and remove the fence and have the FAA remove it from its rolls as an airstrip.

Commissioner Keyes said that since he's been a commissioner there have been lots of questions about this airstrip. He asked Ruth if some of this property was sold at a land auction years ago, where the airstrip is now. Ruth came up and said that at the time that was what was told, per say. The airstrip never really was in the townsite. There was kind of a path that went up to the hangar that a citizen had put in. She said this was brought up 20 years ago by a citizen in Fish Lake Valley and they were told that there were a lot of things that needed to be done and it was not correctly ever done and they were told to cease and desist.

Commissioner Keyes said the commission did have a sub-committee to look into re-activating the airport and it kind of just fell apart and never got anywhere. Mr. Wickham said from the discussion he had with Commissioner Hipp, the county was told that the lands were subject to mineral claims and that would not preclude the use of the surface, but if the claimant wanted to claim their minerals, the county would be out a lot of money.

Ruth said that the Gemfield project is going to be right on top of this anyway.

Commissioner Hipp said that back in 2016 he and Mr. Williams went before the commissioners to form a citizens committee to reopen the airstrip, and they contacted Curt with NDOT, who is over all the airstrips and they started the process. He said it took about a year to do the paperwork. They submitted the paperwork and then had a meeting with Wendy Seeley at the BLM with him, Delbert Williams and Kurt with NDOT and they were told at that meeting that in order to move forward with the airstrip the mining companies would have to relinquish their mining claims before they would move forward. He said he believed that was in 2018. He said at that point everything came to an abrupt halt. He said he believed that Kurt was at the meeting and could answer questions about the forms. He also said he didn't want to do anything that would cancel out the future possibility of re-opening the airstrip.

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Mr. Hipp said he has a map that does show the mining claims. He said there is only one mining claim that crosses over the airstrip. He said the rest of them are really small little areas around the edges. He agreed that 99 percent of it is BLM land.

Kurt (the clerk could not understand the last name) with the State of Nevada Department of Transportation. He is the State Aviation Manager. He said he has a different understanding of the history. More from the airport perspective. He said the county applied for a grant year ago to site an airport in this town. He said it took some time for the FAA and the state to determine that no one had a lease or clear title to the property. He said it was hard times, and the county turned in their grant. Nancy Boland was a commissioner here and Kurt said they came in suggested that the county re-register the airport or put it back into public use and register it as county-owned, and then proceed with the grant to re-locate the airport. The county decided to turn in the grant because they couldn't come up with the matching funds and it just stopped from there.

Mr. Wickham said he wants the private land designation removed as this is public land. Commissioner Hipp asked if they could set up a meeting with Mr. Wickham, Kurt, Delbert and himself. Mr. Wickham asked if this would be representing the county or a personal matter. Commissioner Hipp said it was the citizens that were allowed to start the process in 2016. He said he basically wants to know what the options are, what the process is, what needs to happen. He said when they approached the BLM, prior to Mr. Wickham being there, they were just shut down, told that it could not happen because of the mining claims. He said because Mr. Wickham is saying it can happen even though there's mining claims; they want to know more about that and what the process is to make it happen and what the estimated costs are to make it happen.

Commissioner Keyes confirmed with Commissioner Hipp that before he became a commissioner that he was interested in the airport and was on the committee with Delbert. Commissioner Hipp said that was correct. Commissioner Keyes asked him who else was on that committee. Commissioner Hipp said they had Jody and Malek Davarpanah and they actually went around town and got a petition to do the airstrip and had over 100 signatures on it. They then started the process and then went to the BLM and they told them about the mining claim and the BLM said they could not move any further because of the mining claims. He said what Perry is saying is actually good news that the mining claims should not stop the moving forward with the airstrip.

Commissioner Keyes wanted clarification. He said if there is an unpatented mining claim and they've got a permit that's already been approved to mine the area that this airstrip would be on, that would pre-empt the airstrip from being completed. He asked Mr. Wickham if that was correct. Mr. Wickham said they have the right to remove those minerals and those minerals would be underneath the airstrip and the airstrip would be gone. Commissioner Hipp said there is one claim and he doesn't know if it is Gemfield. He said the rest of the claims are maybe 5 feet or 10 feet at the corners and won't have a huge affect if they came in and went after the minerals. He said as far as he knows, he doesn't know if the airstrip is where the large pit that Gemfield is working is. He believes it is in a different area.

Commissioner Hipp said that Wendy Seeley with the BLM said the only way they could move forward is if the mining companies relinquished any of the claims that might possibly be somewhere on the property. So, the information that Perry is providing where because these mining claims are not the surface, but just the minerals and not that they shouldn't but can't stop the airstrip, that opens more

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questions. This is a 180-degree change in what they were told in 2018 so he would like to look into it further and know more.

Mr. Wickham said they are entirely open to a meeting and having discussions on what the processes are for establishing a public airport on public lands. But he would encourage the parties that are claiming it to be a private airstrip and indicating its private land have that designation removed because it does not bode well when you're trying to negotiate and come up with a process that would be considered legal.

Commissioner Hipp said he doesn't have a problem with that and doesn't think Delbert has a problem with that. He said they can get that fixed.

23. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discussion/Decision – Approve the Occupancy Permits for the Goldfield Truck Stop. (Mike Anderson)

Commissioner Keyes said this should be on the Highway Commission meeting. They discussed it anyway. D.A. Glennen said this does need to be on the highway and reminded the commissioners that they need to have the backup available for the packets before the meetings. They continued to discuss it.

Ruth Lee came up and asked how they were going to access anything when they still don't own all the property. Commissioner Keyes said this was just county roads. Ruth said we know full well this project isn't moving through with people having private ownership still. Commissioner Keyes said they cut out a lot of it. Ruth said they didn't. They are still on people's properties. Ruth said this agenda item makes no sense. You're asking for occupancy permits for what? Commissioner Keyes said it is for the right-of-way for that apron onto the highway from our county road. Ruth said the agenda item should read that. She said the commissioners may want to include the trespass issues in the negotiations because she has people calling her asking why they are bulldozing on their property and they haven't heard anything from them yet.

Tabled until the 07/06 Highway meeting.

20. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discuss/Decide to rescind the transfer from the General Fund to the County Capital Fund in the amount of \$330,000.00. This transfer was approved on April 12, 2021. (Vera Boyer)

Commissioner Keyes made the motion to rescind the transfer from the General Fund to the County Capital Fund in the amount of \$330,000.00. Commissioner Hipp seconded the motion. All in favor: Motion carried.

21. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Discuss/Decide on the approval of a budget transfer from the General County Fund to the County Capital Projects fund. The amount will be \$226,127.00. (Vera Boyer)

Commissioner Keyes made the motion to approve the budget transfer from the General County Fund to the County Capital Projects fund in the amount of \$226,127.00. Commissioner Hipp seconded the motion. All in favor: Motion carried.

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Commissioner Winsor asked D.A. Glennen what his input is on the subject. Mr. Glennen came up and said if we have a written contract, we have continued it by force of habit, even without a written contract. Should he be driving a car? That needs to go to the POOL/PACT guy that is in charge of our insurance. Commissioner Keyes said he dealt with this on a similar matter and yes, a private contract can drive a county vehicle providing they give that county vehicle ID to the POOL/PACT person. Vera asked if that had been done. No one knew. Commissioner Winsor said we need to get him out of our county vehicle because he should be providing his own vehicle for his mechanical services.

They asked D.A. Glennen if this could be discussed in a labor meeting or a legal non-meeting. Mr. Glennen said it would probably be a legal non-meeting.

Maureen said at a minimum we would need the insurance sheet for him that we have for anyone driving a county vehicle and we do not have one for him at this time.

22. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Best in the Desert Racing Association would like to provide information regarding their annual Maxxis Tires "Casey Folks" Vegas to Reno held on August 13, 2021. The course goes through the county a total amount of 256 miles. In addition, there will be 5 Pit Stops throughout the County as well. (Jeff Phillips)

Needs to be on the Highway meeting – Will be put on 07/06 meeting.

33. **\*FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Update on Gold Point

Wiley Road – Lawyer Michael DeLee is trying to find an owner. Will be put on Highway meeting on 07/06.

34. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None.

35. **CORRESPONDENCE:**

Maureen had distributed the latest information from NACO about the Sage Grouse issue.

Maureen said that Mat King from Valley Electric sent her a message today and said he is working with Vera tomorrow on equipment at the EOC and will stop by and look at what is needed here at the courthouse.

36. **\*FOR POSSIBLE ACTION** – Closure of meeting, pursuant to NRS 288.220 for purposes of conducting labor negotiations, conferring regarding labor negotiations, issues and other personnel matters.

Commissioner Keyes made the motion to close the meeting. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Back to Order.

37. **\*FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on labor negotiations, issues, and other personnel matters.

Went over a personnel matter and will bring back on 07/06.

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38. **\*FOR POSSIBLE ACTION** – Recess meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

Commissioner Keyes made the motion to recess the meeting. Commissioner Hipp seconded the motion. All in favor: Motion carried.

Back to Order.

39. **\*FOR POSSIBLE ACTION** – Discussion, deliberation and possible decision on conference with legal counsel regarding potential or current litigation presented in recessed meeting.

Talked about a contractor's contract to prevent litigation.

40. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None.

41. **\*ADJOURNMENT:**

Commissioner Keyes made the motion to adjourn. Commissioner Winsor seconded the motion. All in favor: Motion carried.

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Winsor – Has classes the next three days. He said they had some information they were supposed to get back to NDEP but they could not get them on the phone and they could not get into Deven's computer. It was due today.

Hipp – Had an impromptu meeting approximately 10 days to 2 weeks ago with the gas station owner and Mike's office about the water connection and Dwight (couldn't understand the name) is reviewing the plans and he send them notes in January and they had not come back with updates so everything had kind of stalled out. He said it was a good meeting and we should have had that meeting a long time ago.

### **11. Update of current and Future meetings and activities of Elected Officials and Department Supervisors as needed. (This is only an update. No decisions will be made.)**

Vera Boyer came up and said she sent everybody tax letters. Our budgets did get approved. We do have problems with them, though. The tax rate that the state is saying that we ok'd doesn't match what we truly need to have. She is currently working with the state to see how we get that corrected on our budgets. She said it should be 2.0655 and they have it at 2.0981. We just have to work with them to get it re-certified.

Commissioner Winsor asked that item #14 be re-opened.

### **14. \*FOR POSSIBLE ACTION/DISCUSSION/DECISION: TIMED ITEM: 1:30PM** – Why was an ex-contracted employee and a non-county personnel involved in the movement of a county building? The ex-contracted employee has not had a valid contract with the county since 2001, yet was driving county equipment. (Vera Boyer)

Vera said she brought this up because it is a huge liability issue and a huge worker's comp issue. She said this contracted employee is also the mechanic as well, so, if he doesn't have a valid contract and he gets hurt on the job, where is the liability for us? She said he's not bonded anymore.

Commissioner Winsor said the other item on this too is that this person that we don't have a contract with is driving a county vehicle full-time. We can't allow him to drive a county vehicle anymore. He is the only person in the county that has a vehicle that he can drive anyplace in the state at any time. Commissioner Keyes said to call him in.

Vera said she didn't know if they should be discussing this during this agenda item, but there are other issues with this. Commissioner Keyes said if it is the contract employee he thinks, he needs to drive the vehicles to test drive them. Commissioner Winsor said he is driving it for his personal use.

Commissioner Keyes said we need to re-address that contract. Michelle said the contract hasn't been valid since 2002. Vera said we researched it.

Vera said that the Conex is sitting on a trailer, so if a piece of our equipment breaks, what are we going to do? Commissioner Keyes said that has tied up a piece of our equipment.

Vera said she is just bringing it up because of the liability. There are bigger issues, but she doesn't know how to go about those, but she just wanted to bring up the liability and bringing it to the commissioners' attention; having a non-contractor, non-employee after hours using county equipment.



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Commissioner Keyes made a motion to recess for 5 minutes. Commissioner Winsor seconded the motion. All in favor: Motion carried.

Back to Order.

#### 4. \*APPROVAL OF EXPENDITURES.

##### **FY21:**

Batch 1:	\$74,355.03
Batch 2:	\$32,739.54
NV Controller:	\$11,958.50
Utility/Bank Cards:	<u>\$2,840.76</u>
TOTAL:	\$121,893.83

##### **FY22:**

Batch 1:	<u>\$1,417.52</u>
GRAND TOTAL:	\$1,417.52

Commissioner Keyes made the motion to approve the expenditures. Commissioner Hipp seconded the motion. All in favor: Motion carried.

#### 5. \*DISCUSSION/DECISION/APPROVAL: Rejected Vendor Bills from Auditor's Office.

June 15, 2021

TO: The Honorable County Commissioners

RE: Rejected Vendor Bill

I have received a past due invoices from Maureen Glennen, Esmeralda County Commissioner Administrative Assistant, for Valley Electric for Visitor Center internet. This invoice totals are \$812.25, which are past due amounts. Invoice numbers as follows:

Account Number: 9026233001

\$89.95 – 4/24

\$89.95 – 5/14

\$89.95 – 6/15

\$89.95 – 7/14

\$89.95 – 8/14

\$89.95 – 8/25

\$89.95 – 9/24

\$89.95 – 10/26

\$1.25 late fee on 10/26

\$89.95 – 11/24

\$1.35 late fee on 11/24

I have rejected this invoice according to NRS 244.210, NRS 244.215 and NRS 244.250.

This invoice is past the time frame to be paid along with the County bills.

I have researched the above referenced bill and found that it has not been previously paid.

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This invoice can be approved by the County Commissioners if they so order, and only by a unanimous vote of its members and certified by the Clerk of the Board that all voted for its passage.

Please review the invoice and designate if \$90.00 is approved or rejected for payment.

Sincerely,

Vera Boyer  
Auditor/Recorder

Commissioner Keyes made the motion to approve payment of the bill for \$812.25. Commissioner Hipp seconded the motion. All in favor: Motion carried.

### 6. \*FINANCIAL REPORTS

A. Assessor	\$27,800.67	05/28/2021
B. Clerk	\$555.08	06/03/2021
C. Justice Court	\$42,620.50	06/01/2021
D. Recorder/Auditor	\$58,633.85	05/27/2021
E. Sheriff (Apr/May)	\$967.00	06/01/2021
F. Taxes	\$21,728.15	06/04/2021
G. Goldfield Utilities	\$12,960.28	06/04/2021
H. Silver Peak Utilities	\$4,803.10	06/04/2021

### 7. \*APPROVAL OF THE MINUTES from the 05/18/2021 meeting of the Esmeralda County Board of County Commissioners.

Commissioner Keyes made the motion to approve the minutes from the 05/18/2021 meeting of the Esmeralda County Board of County Commissioners. Commissioner Hipp seconded the motion. All in favor: Motion carried.

### 8. \*TREASURER'S REPORT

Michelle distributed LaCinda's April and May reports and had the commissioners sign that they received the reports.

### 9. \*AUDITOR'S REPORT

Vera came up and said the commissioners each have a copy of the report and asked for the signature page. She said she wanted to let the commissioners know that as the year comes to a close some of the budgets are getting a little bit tighter but for the most part we are in good standing. She said they are doing some fixing work in Tyler so that may adjust everything too.

### 10. Update of Current and Future Meetings and Activities of Commissioner's Winsor, Hipp, and Keyes. (This is only an update. No decisions will be made.)

Keyes – Will be presenting the CDBG grant for the tele-communications stuff tomorrow. He also attended the opioid meeting yesterday. He said he also attended the NACO meeting the previous Friday. There was a lot of discussion about the bills that were passed. There were a lot of bills passed that they were hoping didn't. AB116 was one of them. We don't know yet the impact that is going to have on our county. There will also be a CNRWA meeting next Friday he will be attending.