

# Minutes from the August 18, 2020 HIGHWAY Commission Meeting

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August 18, 2020

1:00 p.m.

Esmeralda County Courthouse

Commission Chambers

233 Crook Ave., 2<sup>nd</sup> Floor

Goldfield, Nevada

## 1. CALL TO ORDER AND ROLL CALL:

Ralph Keyes - Chairman  
Timothy Hipp - Vice-Chairman  
Delon "De" Winsor - Commissioner  
Robert Glennen - District Attorney  
Cheri Bickham - 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.)

No public comment.

## 3. \*APPROVAL OF EXPENDITURES.

### FY20:

Insurance: \$5,711.09

Batch 1: \$1,897.52

### FY21:

Batch 1: \$37,912.50

Batch 2: \$132.11

Total: \$45,653.22

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

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

None.

## 5. \*APPROVAL OF MINUTES from the August 04, 2020 meeting of the Esmeralda County Board of Highway Commission.

Commissioner Hipp made the motion to approve the minutes from the August 04, 2020 meeting of the Esmeralda County Board of Highway Commission. Commissioner Winsor seconded the motion. All in favor: Motion carried.

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### **6. UPDATE OF CURRENT AND FUTURE MEETINGS AND ACTIVITIES OF ELECTED OFFICIALS AND DEPARTMENT SUPERVISORS.** (This is only an update. No decisions will be made.)

Commissioner Keyes said there was a meeting with Loneer regarding the Cave Spring Road and Hot Ditch Road and there is an agenda item further down the agenda on this. Deven came up and said there were some meetings with Loneer and Jack Stone for the gas station.

### **7. UPDATE OF ESMERALDA COUNTY ROAD DEPARTMENT CURRENT AND FUTURE PROJECTS.** (This is only an update. No decisions will be made.)

#### ESMERALDA COUNTY ROAD DEPARTMENT UPDATE

August 18<sup>th</sup>, 2020

1. Crews are currently: In Silver Peak, the crew has just finished up grading Coyote Pass/Oasis Pole Line Road and will be staging out on Pole Line Road in the Goldfield District. As you know, we are adjusting due to losing our lead operator in Goldfield, so the Silver Peak crew will be doing some heavy lifting filling in from time to time. Until things get started in Goldfield, we are asking the Goldfield residents to be understanding during this time. In Fish Lake Valley, Kenny and Eddie just finished up sweeping the Valley roads. Eddie is up to Pigeon Springs making his way back down to Sylvania Canyon and Palmetto upper and lower loops. Kenny will be heading up McAfee Canyon then working his way over to White Wolf Canyon to eventually tie in with Eddie. Then both operators will bang out as many roads as possible to complete the south end of Fish Lake Valley District. In Goldfield, as previously mentioned, we are down a couple of operators. Also, as you know, we moved Steve from the Landfill to the Road Department however he is currently training the new guy, so just bear with us while we make these adjustments, as best we can.
2. Silver Peak Road Project/FLAP (Federal Lands and Access Program): As mentioned, Herback Engineering completed the new section of road heading into Silver Peak. However, there is still a final walk-through to be done before signing off on the project. It's been brought to my attention by the Sheriff Department that the signs posted are incorrect as far as speed limits, along with their suggestions to correct them. I would like to state for the record that I've already been in contact with the Feds and Herback concerning the signage before talking with the Sheriff Department to address replacing the signs in this area. They have agreed to replace the speed limit signs.
3. Best in the Desert: The Best in the Desert (BITD) Race will be held August 12<sup>th</sup> to August 15<sup>th</sup>. The race repairs will start soon after. I've got all my operators staging along the route after the race to start repairing roads. Again, this will take away from the districts, as far as grading around towns, so please, be aware.

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4. Loneer Mine: Recently, we received a Memorandum of Understanding (MOU) from the mining company wishing us to sign into an agreement with us performing road upgrades and maintenance on Hot Ditch Road and Cave Springs Road in Fish Lake Valley. We currently share a Right of Way (ROW) from the Bureau of Land Management (BLM) with Mineral Ridge on these sections of road and maintain them to a standard agreed upon with BLM. **In my opinion**, it would be a hardship on the county to do anything above what we currently do on this section of road. Furthermore, as the Road Supervisor, I can't give special treatment to this area over other areas. As you know, we've got approximately 3,400 miles of roads to maintain. If we were to dedicate 24/7 service to this mine, as their MOU suggests, what's to happen to the rest of the district? We met with Loneer back 4 or 5 months ago at the BLM office with Ralph Keyes, Bob Glennen, myself and BLM staff. At that time, I suggested they apply for a shared ROW, just like Mineral Ridge did, or just apply for their own ROW and contract out. That was my recommendation back then and it's my recommendation now. Bottom line, we don't have the manpower, equipment or resources to take this on.
  
8. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion and decision whether or not to approve the MOU draft from Loneer. (Deven Thackeray)

Commissioner Keyes said we have been in contact with Loneer several times over the last few weeks; we have met with Bob Glennen, the BLM and Loneer representatives and they have presented us with an MOU to maintain or do additional work on the road. He said we are kind of at a stalemate with them because we don't know what the road is going to be like. We don't know what the plan of operation is for the mine. They did a traffic study and they did a potential traffic count on the road and they said possibly 75 or more vehicles per day. That puts them in a different classification than some of the other mines that don't have near as much traffic, so he thinks that puts the road designation to be set at a higher standard for upgrades.

Commissioner Keyes said himself, at every meeting he's had with their engineers, going over this road, he has always suggested they get their own right of way and make their own road, or they'll have to pave this one; that was his suggestion; his thoughts. He said we can't keep up with them taking 50 big rigs down this road every day. We can't keep up with that. He said they want us to grade it and they will pay us. Commissioner Keyes said we don't have the staff or equipment. He said they really want us to sign some type of an MOU but he doesn't think it is a wise idea at this time because we don't know what their plan of operation is really going to call for. He said they've offered to pay for an engineering firm, up to \$75,000 to do some studies/engineering work, and then actually possibly fund some upgrades to the road, with our oversight, but then they want us to maintain it afterwards.

Commissioner Winsor said we can't treat them any different than any other mine in this county; and we don't do this for the other mines in this county for that very reason. We can't get tied up with maintaining roads for the mines. Commissioner Keyes said we do have agreements with other mines, though.

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Commissioner Hipp asked, if we say no to this, what is stopping them, just for general knowledge, from just using the road? It is just going to get really, really torn up and then we are only going to continue fixing it on our schedule.

Deven Thackeray came up and said we do have agreements with other mining outfits and he should have included it with his backup. An example is Gemfield. They came in and paid for everything. They paid for engineer studies, they paid for resident inspectors, we got to choose the engineers on our roads here. Loneer's MOU suggests that we submit to them our invoices quarterly. So, we are fronting money out of our budget. Number 2, this is a 26-50-year mining project and they are proposing major upgrades on Cave Springs and Hot Ditch Roads. The maintenance agreements we have with other outfits don't include major upgrades on the roads and if they do, they pay for it 100 percent holding the county harmless. Candelaria Mine paved a road going to their mine. Round Mountain Gold bought a town and built a town. Mineral Ridge Resources; we wanted to enter into an agreement with them, holding the county harmless and they said no, and BLM had them apply for their own right-of-way.

Deven said in their MOU, Loneer wanted Esmeralda County to be responsible for their hazardous spills on the road. They wanted us to be responsible for "EA". They wanted us to be responsible for traffic control. They wanted us to be responsible for everything, holding them blameless, basically. Deven said there is no way that anybody would enter into anything like this in their right mind if they read this. It is a bloodletting, it is not an MOU, in his opinion. This is just something that he strongly suggests we don't do. He said they can go to the BLM and exercise their rights and apply for a shared right-of-way or apply for the own right-of-way and enter into the NEPA process and at that point, we are cooperating agency and we will work with them, gladly. But this is something that we just can't take on.

Commissioner Keyes said we have entered into MOU's with mining companies, but not to this extent.

Commissioner Hipp asked what would happen if they said they don't want an agreement with anybody and just use the heck out of the roads. Deven said we maintain that road to a standard though a title 5 with perpetuity; a standard that BLM sets forth. That is his job as a supervisor. He said he maintains it to a pretty darn good standard with the people he has. He said if they go ahead and run 75 haul trucks up and down, not counting their person vehicles, not counting Mineral Ridge's traffic and not counting the public and "Little Suzie" was to come along in her Kia and get dead? At that point BLM would get involved, the federal government would get involved, and they would take care of legal steps at that point. Commissioner Hipp asked, if poor little Suzie gets hurt, can the county step in and say that they are using the road too much? D.A. Robert Glennen came up and said it is his understanding that BLM will not let them use the road like it is.

Commissioner Winsor asked if we have an agreement with Mineral Ridge right now to use this same road. Deven said no, we don't. He said they did a right-of-way agreement with BLM.

Commissioner Keyes said we need to give Loneer an answer either way at this point. Commissioner Winsor suggested we tell them to go to the BLM and make the same arrangement that Mineral Ridge

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has made. Deven Thackeray said that was exactly what was said in the telephonic meeting yesterday with them and BLM.

Commissioner Keyes said his opinion is that they need to go through the BLM, submit their engineer plans for their access to get there and we need to be a cooperating agency in that to oversee and agree with what the BLM wants in the agency reports. He said we need to put the BLM in charge of this project and not us.

Commissioner Keyes made the motion that we do not accept loneer's MOU regarding the Cave Springs Road and Coyote Road MOU and ask them to go through the BLM process to get their own right-of-way and, once they get through their plan of operation and record of decision that we will be a cooperating agency to look at a possible maintenance agreement in the future, once the road is engineered, designed and approved by the BLM and the county.

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

### **GOING BACK TO ITEM #5 ON THE ROAD SUPERVISOR REPORT:**

5. Goldfield Gas/Truck Stop: As you recall, the Road Department had ASAP Surveying do a survey of the project to protect county interests. After further review, it appears that the contractor pushed material passed their property lines and onto both Lida and South (county ROWs) and private property. This was discussed with the contractor. As far as Lida and South, I suggested that they simply take the dirt off the county road and leave it as they found it. At a previous Commissioner's meeting, Stone mentioned wanting to upgrade both Lida and South. We requested engineered plans regarding this upgrade. It also appears that they covered up an additional alley way. We are referring this matter to the District Attorney for guidance. We do want to assist in any way possible to help this project move forward.

Deven had a side note: He said he did meet with Jack Stone and in Bob's office and they requested a stamped set of engineer grading plans regarding this project and Ruth Lee was there. He said they will need to go through the process for everything that he is in trespass on as far as either purchasing it or making it right with the county, whatever needs to be made right, and the private property owner; and Jack agreed to do that. He is in the process of doing that. So that is moving forward.

Commissioner Hipp made the motion to make Deven's report part of the record. Commissioner Winsor seconded the motion. All in favor: Motion carried.

9. **\*FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve purchase of (2) front-end loader and a street sweeper and broom from State Purchasing for a total of \$15,800.00. (Deven Thackeray)

Deven said he wanted to use the refund from Herback for this purchase.

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Commissioner Keyes asked Vera if there was any problem with this. Vera asked if the refund was old year or new year. Deven said it was just received 30 days ago, but was for something that was done in last year's budget. Commissioner Keyes said it is something we need so we need to find the funds. Vera asked Deven what was on his capital outlay this year. Deven said he didn't know and was not going to give her numbers that he can't speak about.

Commissioner Hipp made the motion to approve the purchase of 2 front-end loaders and a street sweeper and broom from State Purchasing for a total of \$15,800.00 and that the funds be taken out of the refund from the agreement with Herback and if those funds are not available, then they will be taken out of the Road Equipment fund. Commissioner Winsor seconded the motion. All in favor: Motion carried.

Deven asked for a check cut as soon as possible. Commissioner Keyes when he can get a check cut.

Commissioner Hipp restated his motion to include State Purchasing. And approve that we cut a check to State Purchasing for said equipment.

LaCinda came in and stated that Vera brought up a very good point. On the agenda request forms, we ask questions; have the departments been notified, have they been provided back-up, etc. If you are talking about money, that should have gone to the Auditor. That is the department you should be talking to. Deven said he would have thought that would have been a no-brainer since they just got the \$32,400.00 check that we talked about at the prior commission meeting. LaCinda said we just try really hard to make sure everything is transparent as far as what we do, and that means the cooperation of everyone. Deven said not for one second was he not trying to be transparent. LaCinda said she was not saying that, she was just saying that's why we've come up with forms, etc., to make sure we have everything covered.

**10. 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.)

Sgt. Kirkland came up and said to buy the Road employees boots.

**11. \*ADJOURNMENT:**

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