

Minutes from the September 01, 2020 Commission Meeting

September 01, 2020

1:00PM

Esmeralda County Courthouse

Commission Chambers

233 Crook Ave., 2nd Floor

Goldfield, Nevada

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

Delon "De" Winsor - Chairman

Timothy Hipp - Vice-Chairman

Ralph Keyes - Commissioner

Robert Glennen - District Attorney – not 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. Commissioner Hipp seconded the motion. All in favor: Motion carried.

4. ***APPROVAL OF EXPENDITURES.**

Batch 1: \$195,271.81

Insurance: \$33,568.32

Payroll: \$73,883.68

Grand Total: \$302,723.81

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

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

September 01, 2020

TO: The Honorable County Commissioners

RE: Rejected Vendor Bill

Minutes from the September 01, 2020 Commission Meeting

I have received a past due invoice for Advance Surveying from Maureen Glennen, Esmeralda County Commissioner Secretary. This bill totals \$6,000, which is a past-due amount.

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. 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 invoices and designate if \$6,000 is approved or rejected for payment.

Sincerely,
Vera Boyer
Auditor/Recorder

Commissioner Keyes said this is for the Gold Point project for the surveying. Commissioner Keyes made the motion to pay the bill. Commissioner Hipp seconded the motion. All in favor: Motion carried.

6. ***APPROVAL OF MINUTES** from the August 04, 2020 meeting of the Esmeralda County Board of County Commissioners.

Commissioner Keyes made the motion to approve the minutes from the August 4, 2020 meeting of the Esmeralda County Board of County Commissioners. All in favor: Motion carried.

Deven Thackeray came up and stated that on page 5, paragraph 3, on the 2nd sentence, specifically about the chip seal, it should read six years, not just six. (Michelle has since fixed this)

Commissioner Keyes made the motion to recess for 4 minutes until 1:30. Commissioner Hipp seconded the motion. All in favor: Motion carried.

9. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION: TIMED ITEM 1:30 PM:** Presentation of the CS Pozzolan-Perlite Project to commissioners. (Patrick Cheetham)

Mr. Cheetham, Executive Chairman for SR Minerals, was on the phone and gave his presentation regarding the CS Project, which is a new project developing a new source of Perlite and Natural Pozzolan in Esmeralda County.

Commissioner Keyes said he was trying to do some rough calculations on how much truck traffic was going to be coming in and out of their location off of highway 6. He asked Mr. Cheetham if he had any calculations. He asked Deven if he had any calculations, based on their use permit. Michelle said Mr. Cheetham said it is not clear as yet, but at full production, maybe 30 a day.

Deven Thackeray came up and said SR Minerals has signed a maintenance agreement with Esmeralda County. He read it into the minutes as follows:

Minutes from the September 01, 2020 Commission Meeting

Now, therefore it is agreed as follows: SR Minerals agrees, whilst operations are in effect, to maintain the county road to a standard reasonably acceptable to the county, such standard being not less than the standard to which the road has been maintained up to the date of this agreement. Such maintenance to allow, but not be limited to grading, watering and adding gravel as required.

SR Minerals agrees to notify the county by email and certified mail when it intends to start operations and commence maintenance of the county road. SR Minerals may, at its discretion, water the county road and apply mag chloride polymer or other commonly-used dust suppressant as required.

SR Minerals may also make improvements to the county road, including, but not limited to, road widening, providing that such improvements are first approved by the county.

SR Minerals will not, in any event, perform any maintenance or improvements outside of the boundaries of the county's existing federal right-of-way and acknowledge that if they do so, it put them in trespass.

SR Minerals shall not do anything that prevents public access over the county road.

SR Minerals further agrees to keep the county road free of any and all dangerous and hazardous conditions and agrees to post signage for safety and speed.

SR Minerals further agrees to adhere to all applicable federal, state and Esmeralda County laws, safety standards, codes and regulations.

SR Minerals further agrees that they will address and resolve any environmental concerns that may be brought about by any local, state or federal agency that arise due to its maintenance of the county road.

SR Minerals acknowledges that any other mining companies may have agreements with the county to maintain the county road or parts thereof for their own hauling operations and SR Minerals agrees to work cooperatively in good faith with such companies to agree appropriate shared maintenance programs and cost-sharing agreements where required.

SR Minerals agrees that in the event that operations are temporarily halted, they will notify the county by mail and certified mail and county will resume normal maintenance activities, including maintenance required under the road maintenance agreements to which the county is a party.

SR Minerals to notify the county by email and certified mail when it intends to resume operations that have been temporarily halted and resume maintenance of the county road.

Minutes from the September 01, 2020 Commission Meeting

SR Minerals further agrees to sign a waiver holding the county harmless for any damages to persons or property that may occur during the operations or as a result of its actions under this agreement.

SR Minerals will, before the start of operations, make the county an additional insured party in the amount of a minimum of \$1,000,000.00 in comprehensive general liability insurance. Proof of such insurance will be provided to the county. Premiums then will be paid throughout the term of this agreement by SR Minerals. Should a dispute arise between the parties with respect to this agreement, the prevailing party in any proceeding related therefore shall recover reasonable attorney fees and cost incurred, in addition to any other relief to which such a party may be entitled.

This agreement will terminate on closure of the CS Mining Project and may be terminated by SR Minerals by providing notice of termination to take effect 60 days after delivery of such notice.

The county may terminate this agreement with immediate effect if SR Minerals, Inc. is in breach of its obligations under the notice and has not redeemed this breach within 60 days of receiving notice of such breach of the county.

Mr. Thackeray said, in his opinion, this is a very good maintenance on behalf of SR Minerals to Esmeralda County and that is why he wanted to read it in.

Cheri Bickham asked Mr. Thackeray to give a copy of the agreement to the Clerk's office for the agreements book.

10. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION: TIMED ITEM 2:00 PM:** Discuss and entertain any comments on potential application identified on August 4, 2020 listed below for funding under the FY20/21 State Community Development Block Grant program as follows. Also solicit any additional projects for consideration. (Maureen Glennen)

- a. Radio Read Meters for Esmeralda County (Goldfield and Silver Peak Utilities) \$334,221.00
- b. Generators for courthouse and other emergency sensitive functions \$350,000
- c. Silver Peak Top Coat (Chip Seal) \$300,000
- d. Address system for entire county \$150,000
- e. Fiber optics upgrade to infrastructure for communications \$400,000
- f. Teleconference equipment for the county \$150,000
- g. New Jail/Property purchase (Previously \$5,000)

Maureen came up and read all items.

- a. She said radio read meters is not eligible.
- b. Generators for the courthouse and other emergency functions, the courthouse is not eligible, but other needs are available. Ralph said we could add the fire barn and the

Minutes from the September 01, 2020 Commission Meeting

- ambulance barn in Fish Lake Valley to the list. Mike Anderson said we need them in the fire house and EOC.
- c. Chip seal not eligible
 - d. Addresses not eligible
 - e. Fiber optics is eligible
 - f. Teleconference equipment could be CDBG eligible
 - g. New jail/property purchase – not eligible

No decision needed.

11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approval of past performance by Esmeralda County with Community Development Block Grant funding. (Maureen Glennen)

Commissioner Hipp made the motion to approve past performance by Esmeralda County with Community Development Block Grant funding. Commissioner Keyes seconded the motion. All in favor: Motion carried.

12. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Selection of project(s) for consideration to make eligibility applications to CDBG FY21 process – eligibility application to be prepared and presented for approval at the October 6, 2020 commissioner meeting. (Maureen Glennen)

Commissioner Keyes made the motion for the following list of projects:

1. Generator Project: Fire barn/ambulance/EOC barn in Goldfield. The Fish Lake Valley fire barn and the Fish Lake Valley ambulance barn. The Silver Peak ambulance/fire barn. Fish Lake Valley Multi-purpose building.
2. Teleconference equipment, county-wide with Fiber Optics infrastructure, county-wide.
3. CDBG Covid grant
4. Chip Seal for the Silver Peak Road, about 21 miles (phased?).

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

13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve setting up a fund for steel-toe boots for reimbursing staff after purchase for safety requirements for working in or around heavy equipment. (Deven Thackeray)

Deven Thackeray came up and stated he will put this on a future agenda.

14. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Possible approval of amendment #6 to the Shaw Engineering agreement dated February 17, 2015 for the Goldfield Utility project,

Minutes from the September 01, 2020 Commission Meeting

with all cost of services provided under this amendment to be reimbursed by Gemfield Resources. (Michael Anderson)

Mike Anderson came up and stated that this is the sixth amendment to the Shaw Engineering Agreement. He handed out a hand-out. There was a letter of commitment from Gemfield in the amount of \$1,480,000.00. Gemfield committed to reimburse the county in the amount of \$1,110,000.00 with amendment number five. With amendment number six the amount of \$370,000.00 brings the amount Gemfield will reimburse county to \$1,480,000.00. They've already paid the amount of \$582,000.00 of that commitment, leaving the amount of \$898,000.00 to be paid all the way through the construction.

Mike said the total agreement that the commissioners see there includes projects that were also completed prior to Gemfield and were paid through funding agencies CDBG, USDA, NDEP, in the amount of \$1,170.82.

Mike said at the last meeting the commissioners approved the drilling report, which was completed for the location of the new wells to be built and able to provide water to service the Gemfield Resources. The report included an addition to a new Klondike Wells 3 and 4, the need to drill a new well to replace Klondike well number 1, to provide the increase in the amount of water Gemfield is requesting. The report also identified, in order to provide Gemfield the needed water, they are requesting improvements need to be made to both booster stations and the service line from booster station number 2 to the mine site, which goes through a casing that is already in place under the highway. He said the hand-out he gave the commissioners explains the total cost of the agreement.

This agreement covers the additional engineering cost in the amount of \$370,000.00 related to the infrastructure and improvements identified in the drilling report, new K1 booster station 2 upgrades and the service line. Engineering costs include engineering admin, engineering construction, resident inspector, geo-tech work, material testings and surveying.

Commissioner Keyes asked Mike what NTP means. Is it Notice to Proceed? Mike said yes, that is what that means.

Commissioner Hipp made the motion to approve amendment #6 to the Shaw Engineering agreement dated February 17, 2015 for the Goldfield Utility project, with all cost of services provided under this amendment to be reimbursed by Gemfield Resources.

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

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

7. UPDATE OF CURRENT AND FUTURE MEETINGS AND ACTIVITIES OF:

Robert Glennen – District Attorney - Nothing

Minutes from the September 01, 2020 Commission Meeting

Ken Elgan – Sheriff – Not present
LaCinda Elgan – Clerk/Treasurer – Not present
Ruth Lee – Assessor – not present
Vera Boyer – Auditor/Recorder – Not present
Mike Anderson – Goldfield Utilities/Es. Co. Public Works Supervisor –
Report will be attached to minutes in the record.

Maureen Glennen – Administrative Assistant

Maintenance and repairs are being done on the Senior Trans vehicles. Senior Transportation is running smoothly.

Sylvia Rich – Public Administrator – not present
Robert Glennen – Public Guardian – not present
Esmeralda County Land Use Advisory Committee - Nothing
Kenneth Elgan – DEM Coordinator – not present
Fish Lake Valley Park Board –

Commissioner Keyes said the board is having a workshop on September 4th to start the revision of some of the by-laws of the board and also draft a new policy for the use of the community center and the wi-fi system that's been provided by Valley Electric.

Esmeralda County Library Board – Nothing.

8. Update of Current and Future Meetings and Activities of Commissioners Winsor, Hipp and Keyes (This is only an update. No decisions will be made):

Commissioner Winsor stated he had a meeting just the other day with Senator Cortez. He said he brought up a couple of items, such as the courthouse, seeing if they could help us with grants for the courthouse, and he also brought up Covid-19, seeing if we could get more money for that. He said he also brought up the geo-thermal, why they are not pushing more geo-thermal. She said she was in talks with people because they have a geo-thermal system there just outside of Silver Peak. He said another thing he brought up was the power line and the railroad. If we can get the railroad in, we don't need the interstate 11. We have to start fighting this interstate 11 now to keep it from going through because once it goes through there are going to be a lot of jobs lost. All of these small towns are going to be by-passed. He said the reason for interstate 11 is to help out Canada and Mexico. He doesn't see why we should support them at the cost of Nevada, and we were to put the railroad beside the power system, and they are going to put a power grid from L.A., through Las Vegas to Reno anyway, then that train can be run off electricity. If the railroad were to come through here these mines would be better access to that and we wouldn't have nearly as many semi's coming through here and other traffic.

Minutes from the September 01, 2020 Commission Meeting

Commissioner Keyes commented that the I-11 corridor is going to unload the traffic out of California into Nevada. He said Highway 5 is getting crowded so they are going to basically transmit some of that traffic to our state. He said it may bring some economic development, but it would by-pass the small towns. Commissioner Winsor said it won't bring any more development here. It will bring traffic out of California here. Commissioner Keyes said look at Route 66. When they built interstate 15, it killed all the small towns and business there.

Commissioner Keyes said we need to not worry about Canada and Mexico he believes, we need to worry about Nevada. His number one priority is Nevada and taking care of our priorities.

Commissioner Winsor said he also has a meeting with LEO coming up on 09/08 virtually.

Commissioner Hipp said he called into the I-11 meeting. The meeting was about how to go around Las Vegas and the guy at the very beginning of the meeting said that whatever they decide, they are not going to do anything for at least 8 years. That is just moving around Vegas. They still have to go from Vegas up here. Commissioner Winsor said you still have to start right some communication saying that we don't want it now, by the time you think that period is here. Commissioner Hipp said the map currently shows that it is going to go through North Las Vegas and follow Beatty, follow Goldfield and then go to Tonopah and then when it gets to Tonopah; that is when it starts by-passing Hawthorne, Mina and all the other towns.

Commissioner Winsor stated that another thing that he brought up to the senator was the EMT problem we have in rural Nevada, and that is that they have made it so hard for the EMT's to get licensed. Schooling is so tough and it is almost the same as being a nurse and that has eliminated a lot of people who would like to do it because so few can pass it. Danielle Johnson came up and said that the Goldfield Ambulance will be holding an EMT basic class, starting in January. If anyone is interested in taking it, please get ahold of Danielle Johnson. She said it just comes down to getting people who are willing to take the class and following it through.

Commissioner Hipp said he also called in to the Division of Forestry's third workshop regarding the Tiehm's Buckwheat and he said he has some real concerns about this. He said typically when they try to place a plant on the endangered list, they go through Fish and Wildlife, but the Center for Biological Diversity are trying to circumvent the normal process and go through the Division of Forestry, which has not happened since 2005. If they were to get this passed, it would be bad for this project and for this county, but also any time in the future where there is a possibility of doing this, they could keep using the Division of Forestry to push through all of this stuff, kind of under the table, and not do it the traditional way and it can be a huge problem in the future every single project, every single time. So, Commissioner Hipp said he made public comment during the call and he would encourage in the community to reach out. One of his concerns is obviously with the mine that would benefit the county, but also the issue with had with the sage grouse we talked about last year where they might have seen some sage grouse in a very small part of Esmeralda County, but then they wanted to come out and restrict a much larger area of the county's land in case that was their environment. So, his concern is, with Tiehm's Buckwheat,

Minutes from the September 01, 2020 Commission Meeting

yes, it is a very small footprint, but who's to say that if it gets listed, that they try to lock highway pass and you can't use it anymore or that you could lose half the county land. Commissioner Keyes said that is defining habitat and that is the big question. Commissioner Hipp said he reached out and he is going to meet with the loneer POC who is dealing with the Buckwheat on Friday at 9:00 at Cage Springs on Coyote Pass Road so if anyone wants to go, they are going to do a tour.

Commissioner Keyes said he had an interesting phone call with Bernard Rowe and Matt Weaver with loneer (both Principle with loneer) after we made the decision to not make a deal with them on the road. They called him and they discussed putting something on a future agenda about having a point of contact person within the county so they are talking to many different people in the county. He said that is something that Bob will have to chime in on. He said this is something that we need to sort out because they are going to go to different commissioners to get different opinions, then they will use that against us in some way, he thinks, in the future. Commissioner Winsor said that Commissioner Keyes is going to a meeting this Friday with them. Commissioner Keyes said that is an information gathering meeting where no decisions will be made. He said maybe there could be a committee instead of a point person as well.

Commissioner Keyes said he attended the NACO meeting last Friday by telephone and COVID is an ongoing, ever-changing orders out of the Governor's office.

He said he met with the NV Energy CEO, Doug Cannon as part of the GreenLink Nevada thing. Mike Anderson was there, as well as Maureen. They talked about the 525 KV power line coming through our county, which will be good for economic development. We could have more solar, more geo-thermal, and where they are going to put it is still up in the air. That is pretty exciting. They said they had the cash on hand, 2.5 billion dollars. They want to come through Esmeralda, and they talked about the potential for geo-thermal and there's the loneer project that will actually generate an excess of up to 30 megawatts of power once they're operational so they can adjust their line according to where the demand is. They want to really harness the geo-thermal and solar energy in our county. This is will oncoming. They will be doing a presentation in the next couple of months.

Commissioner Keyes said there will be a Central Nevada Regional Water Authority (CNRWA) meeting later this month that he will be attending.

ELECTED OFFICIAL / DEPARTMENT SUPERVISOR / GENERAL PUBLIC ACTION ITEMS:

15. ***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.

Nothing.

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

Minutes from the September 01, 2020 Commission Meeting

N/A

17. ***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.

Nothing.

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

N/A

19. **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.)

Commissioner Winsor asked how many people got tested for Covid. Maureen said that Matt said 12 people, 3 in Fish Lake Valley and 4 in Silver Peak, for a total of 19 people.

20. ***ADJOURNMENT:**

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