

Minutes from the October 20, 2020 County Commission Meeting

October 20, 2020

1:00 p.m.

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
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.)

Sharon Artlip came up and stated that she noticed that they are doing work at the rest area for the EV charging stations and she has no problem with that, but the head frame that was installed there was installed in that particular place so people could take pictures of it without having modern items near it. The charging station is right on top of that. She is requesting that they move the head frame to a different to a different part of the parking lot because tourism is what helps the town.

3. ***APPROVAL OF EXPENDITURES.**

Batch 1: \$41,769.76
Batch 2: \$1,635.74
Insurance: \$1,025.34
NV St. Cntrlr. \$79,101.87
Payroll: \$85,997.93
Total: \$209,630.60

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

4. ***DISCUSSION/DECISION/APPROVAL:** Rejected Vendor Bills from Auditor's Office. None.

5. ***FINANCIAL REPORTS**

A. Assessor	\$22,430.40	09/30/2020
B. Clerk	\$1,762.50	10/02/2020
C. Justice Court	\$32,132.18	10/05/2020
D. Recorder/Auditor	\$62,867.25	10/05/2020

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E. Sheriff	\$2,675.00	10/13/2020
F. Taxes	\$51,700.50	10/01/2020
G. Goldfield Utilities	\$20,439.52	10/01/2020
H. Silver Peak Utilities	\$6,300.26	10/01/2020

6. *TREASURER'S REPORT

LaCinda stated she is working on the election at this time.

7. *AUDITOR'S REPORT

Vera stated that the commissioners have the report in front of them and to let her know if they have any questions. Commissioner Hipp asked her where the professional fees fund is. What page it is on. Vera said she will look it up for Commissioner Hipp

8. 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.)

Commissioner Keyes: Has a NACO meeting on Friday and that water meeting that day. He said the Park Board has reviewed their by-laws and their use policy for the community center so that will be on the agenda for the next meeting. Commissioner Keyes said he drove around Fish Lake Valley with Tony Moreno yesterday.

Commissioner Hipp: Commissioner Hipp said he met with Tony this morning. He said he had a meeting with the BLM on Friday and Wendy gave him a heads-up that we are out of compliance on the air strip at Lida Junction. There is a big trench and there is also no wind sock. She said we need to get this fixed or they are going to start fining us for it. She also said we need to make sure the one in Fish Lake Valley is up to snuff too.

Commissioner Winsor: Commissioner Winsor said he spent about 5 minutes with Tony Moreno yesterday. Showed him the whole town in about 5 minutes. He said he has a LEO meeting on 11/6.

9. 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.)

ESMERALDA COUNTY SOLID WASTE DEPARTMENT UPDATE

October 20th, 2020

1. Some time ago, we asked for assistance through RCAC, Community and Environmental Services, to help Esmeralda County Solid Waste develop a rate structure for operating our landfill facility and transfer stations in Fish Lake Valley, Silver Peak and Goldpoint. On 10/19/20, we reached out to

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Carmen Gonzales via email and enquired where we are in the scheme of things. She emailed back and requested we have a phone conference this week to discuss.

2. We are moving forward with cleanup at the landfill. Once the scrappers come in, the landfill should be squared away. Time permitting, we will be starting our new expansion within our permitted area and then start excavating new cells. As for the equipment at Solid Waste, the new compactor has made a significant difference in proper compaction. Our excavator needs a gear drive seal replaced (Long has ordered parts). Our new trash roll-off truck has a starter being replaced. Other than that, the new equipment is a great help.

I'm prepared to take the SWANNA test in the next 2 weeks. Wish me luck

Danielle Johnson came up and talked about attending NACO's Indigent Defense meeting. She said she found out that it was not required that the counties pay for public defenders; it is the State's responsibility. The State is required to provide funds and/or representation for indigent people. So now, the county only has to spend a certain amount of money and then the state has to start kicking on money. So that is good news for the county. There are a lot of other changes. NACO did not get in-depth on this.

Judge Johnson said she also found out that when she has to appoint a conflict attorney because our public defender has a conflict; the Justice Court has been paying that. That should be paid out of the Public Defender's budget.

Michelle brought up that we have an indigent defendant right now who has stand-by counsel. Judge Johnson said stand-by counsel and that should be coming out of the public defender budget. Michelle said right now it is just coming out of District Court. Judge Johnson said we definitely need to talk about this at budget time.

10. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide to hire Grant Administrator and sign contract/agreement. (Commissioner Hipp)

Commissioner Hipp said the plan is to pay \$20,000 out of Economic Development and then in the next budget, we bump it up where it should be, but until then, we get the other \$30,000 out of the Professional Services. That is why he wanted to make sure that we had enough in that fund. Vera said it depends on how much we spend on Dan McArthur because that is where he is paid as well.

Bob Glennen said he put the wrong company name on the signature line but Commissioner Keyes has the corrected version.

The list of projects Mr. Moreno will be working on are as follows:

- CDBG Goldfield Street Phase 2
- CDBG Goldfield Street Phase 3
- CDBG County Generator Project Phase 1

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USDA Silver Peak Restroom Grant
CARES Act Grant

Grants to be applied for:

CDBG County Generator Project Phase 2
CDBG County Fiber Optics
CDBG Telecommunications Project
Goldfield and Silver Peak Meters State Funds or EPA Funds
Fish Lake Valley Freezers
County Addressing System
Silver Peak/Goldfield Sealing Project
Town of Silver Peak Road Project
All of the projects on the Housing Needs Statement

Commissioner Keyes made the motion that we contract for professional services with independent contractor, Tony Moreno & Son, to finish existing grants currently on this contract and to continue in the future; paid quarterly with the balance starting November 1 through the end of 2020 pro-rated and then quarterly until the end of the fiscal year. Commissioner Hipp seconded and added that we will take funds from the Economic Development until those are depleted and then Professional Services for any remainder to get us to the end of the fiscal year. All in favor: Motion carried.

11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss/Decide to accept awarded Travel Nevada grants and authorize Vice Chairman Timothy Hipp to sign the necessary paperwork. (Commissioner Hipp)

Commissioner Hipp said this won't be ready under early November and asked Commissioner Winsor to sign it because he is the chairman. Commissioner Winsor asked D.A. Glennen if that would be ok. He said yes.

Commissioner Hipp made the motion to accept award Travel Nevada grants and have Chairman Winsor sign and if Chairman Winsor is not available then Vice Chairman Timothy Hipp can also sign the necessary paperwork. Commissioner Keyes seconded the motion. All in favor: Motion carried.

12. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** First reading of Ordinance approving of Esmeralda Diesel Tax of Five (5) Cents a Gallon, Repealing All Laws in Conflict and Consideration, Discussion and Possible Approval of That Ordinance. (Robert E. Glennen, III)

Commissioners agreed to change the wording to "up to 5 cents per gallon. Commissioner Keyes wants to be able to change the rate in the ordinance.

Commissioner Hipp made the motion to accept the first reading of Ordinance approving of Esmeralda Diesel Tax of Five (5) Cents a Gallon, Repealing All Laws in Conflict. Commissioner Keyes seconded the Motion. Commissioner Winsor not in favor: Motion carried.

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

Kenneth Haskew came up and talked about the 40-foot roads, easements said there were some encroachments. He said they shifted it around so all of those are dealt with and those 40-foot roads work. He said he has Wiley Road all mapped out. Commissioner Hipp said the letter got sent out and he believed yesterday was the deadline for the letters to be returned. D.A. Glennen said he and Ruth got together last Friday and she didn't like some of the language in what he sent out so we sent them back out last Friday so they got a new deadline.

Commissioner Hipp said that when he was at the BLM meeting with Wendy, she had gone out to Gold Point and she said that somebody went and pushed the air strip; extended it. He doesn't know if that was us. And then she also said that what's going on is there's new people going out there, basically stating new claim outside of what we agreed to purchase and the process is starting all over again and she is saying we cannot do this over again, where people just do a land-grab. Commissioner Keyes said they are in trespass; they need to be kicked off. Commissioner Hipp said he doesn't know how to deal with that and Commissioner Keyes said that's not our problem, it's the BLM's problem, it's on BLM property. We can tell the people they are not inside the town if we know that. Commissioner Winsor said that's up to BLM. That's why we are doing this, is to incorporate that town, because they have been in conflict with BLM for a lot of year now. Anything outside of that, they will have to deal with BLM, not us.

Deven Thackeray came up and said that Wendy Sealy brought this up to him 4 months ago. 5 months ago, when his senior operator was still here with us in Goldfield. He's got more knowledge than just about anybody, he's been doing the roads out here; specifically, that area, for 20+ years. Todd went out there with him and nobody has gone out of the width disturbance for what was priorly done there. Todd says it's the same it's always been. Commissioner Hipp said this might have just happened in the last two weeks. Commissioner Winsor said someone in the town went out there with some tires and basically went back over and tried to smooth it out because it wasn't in too good a shape because we haven't bladed it in a long time. Deven said that's just it, he thinks that someone went out with a drag. He said he will go out there and make sure that someone hasn't trespassed. He said he also wanted to bring up that he has a blade on route right now down to the Goldfield airport so we are going to address that too. Commissioner Keyes said that part of the air strip is part of the town that we purchased and part of it is not. We can always ask to lease the balance of that strip if want to use that strip later.

There was a town hall meeting last Sunday. There was a discussion on opening up the mine out there. Jon Viljoen sold some of his mine. There is already a shaft there. There are still in the prospection, exploration mode. It would probably be 3-5 years before they could get this mine going. There were a couple of properties there that might have to be dealt with. It is not it the townsite. It is a pit mine.

Commissioner Keyes asked Mike Anderson if what the Water Engineer's office is doing is going to affect what we are trying to do with Gold Point. He knows it is Lida Basin. Mike said it is mentioned in

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the paperwork, yes. Susan said that, about a year ago, we filed for the rest of the water rights in that basin and they haven't acted on it yet.

13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve for Mike Anderson to receive an employment review and, upon satisfactory completion, to approve a raise of up to \$5,000, as budgeted in the Public Works Salary and Wages budget. (Mike Anderson)

Mike Anderson came up and said he didn't put this on the agenda.

Commissioner Hipp said he thinks Mike is doing a great job. The only concern he has is with the water and we have the agenda item that we are going to get to. He said it just seems like that last 18 months or so, the water situation in Goldfield has been deteriorating and he doesn't remember getting letters prior to that. That's one thing that he would like to see is, us focus in on what is causing the issues and how we fix them. He just wants to focus on the water and make sure that we are doing everything that we can to keep it good. He said other than that, Mike has been extremely helpful and supportive of him and his projects and he really appreciates that. He said he supports a raise, but doesn't know about \$5,000. He said we had the \$2.00 that they approved at the previous meeting for the other employees and that would be \$4160 for Mike's position so he would support something similar to that.

Commissioner Hipp said he knows Mike's been busy. He's probably been working 3,000-4,000 hours a year, instead of 2,080 standard hours and doesn't get paid overtime, so he's earned the \$5,000 raise as far as he is concerned, just because of the amount of work he's had to put in getting water trucks filled up, working on the mining project out here, trying to keep everything running smooth, all of the construction going on, meters. He's so busy that he doesn't spend enough time in Commissioner Keyes' district, but he knows why. There are some things he'd like to get working on in his district, but he knows Mike is busy.

Commissioner Keyes made the motion to give Mike the full \$5,000 raise. Commissioner Winsor said he would have to go with Ralph to an extend because with this mine coming in Mike has put in a lot of time and it is hard to see that sometimes and sometimes, he is out there at midnight. He said it would like to have a little more communication from him. He said he would go with the \$5,000 raise at this time. Commissioner Hipp said we are trying to keep everything fair and if you are going to get a higher percentage than all of your employees, you should get the same raise as your employees. Commissioner Keyes said we don't pay Mike overtime, and because of that he should get the \$5,000. Michelle said she has zero problem with the supervisors getting raises. Mike got a \$5,000 raise last year as well, so this would make \$10,000 in 11 months.

Deven Thackeray came up and said being a supervisor is a privilege here in this little town. You wear a lot of different hats and he can tell the commissioners; he wants to speak on Mike's character; there are a lot of things that he does that people are not aware of. He has seen him go out at 1 and 2 in the morning and start wells out there because, quite frankly, he's the only one that can do it. He's watched him take guys that are green from the start and train them up to do the best they can in this community. For years, his department has not had the affordability to get people that are journeymen

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maintenance men and electricians and Mike trains them up on all of that. He helps all the departments, he helps Deven's department greatly, Deven has learned a lot from him. So, when you look at that, you look at character, you look at morale, you look at experience, and then you look at where he is at this point in his life. What would it be to replace him, versus what he is making now? We just seen what we went through with another department that we had to replace. He said for the position that Mike is doing he should be making \$180,000 a year. We know that we can't afford that here but that is just the simple facts. He should be rewarded. Mike thanked Deven.

Commissioner Winsor said that the \$4160 doesn't include any overtime. Commissioner Keyes asked Mike when the last time was that he took vacation. There was no real answer. Commissioner Keyes said he is available 24/7. Commissioner Keyes said his motion stands at \$5,000. Commissioner Winsor said he agrees with Tim to an extent as well as it is not that different.

Commissioner Hipp asked if he could make a motion for the \$4160. Michelle said there is already a motion on the floor. Commissioner Keyes asked if there was a second to his motion. Commissioner Winsor said no, he agrees with Commissioner Hipp. Commissioner Hipp said he took the \$2.00 that the other employees could get and multiplied that by 2080 hours and came up with the \$4160. Michelle said that he works much more than 2080 hours so that wouldn't apply here. Vera Boyer said that his budget does allow for the \$5,000 as it comes from two different departments. Vera said if you break it down, it does add up to the \$5,000. Commissioner Hipp said he doesn't see how that is possible. If you multiply \$2.00 times 2080 it comes to \$4160.

Commissioner Hipp made the motion to give Mike a raise of \$4160. Commissioner Winsor said he agrees with both other commissioners. Commissioner Hipp said that if you are going to give your lower-ranking employees who are making less money per hour a certain raise, (Commissioner Keyes interrupted and said this is a whole different category), Commissioner Hipp said right, the supervisor, who is already making more than they are, shouldn't get a higher percentage increase. Commissioner Keyes said he disagreed because he works more hours than that. Commissioner Hipp told Commissioner Winsor the motion is on the floor. There was no second.

Commissioner Keyes said that Mike has gone up and above what most every other employee has ever done for the county. He's dedicated, he does his job. Goldfield is here because Mike is here. We don't have big issues here. Small ones, but they get fixed.

Commissioner Winsor made the motion to approve the \$5,000 raise for Mike Anderson. Commissioner Keyes seconded the motion. Commissioner Hipp said Nay. Motion carried. The effective date would be 10/11/2020.

Commissioner Hipp made the motion to take a 5-minute recess. Commissioner Keyes seconded the motion. All in favor: Motion carried.
Back to Order

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14. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** On Friday, October 23, 2020 at 9:00am, at the Goldfield Community Center will be a Hearing on Proposed Orders for Hydrographic Basins within Esmeralda, Mineral and Nye Counties. Following is the proposed order: (Mike Anderson)

- Hearing on Proposed Orders within the Columbus Salt Marsh Valley (118), Monte Cristo Valley (136), Lida Valley (144) and Oriental Wash (232) Hydrographic Basins.

Mike asked that we open item number 15 at the same time. That item was read into the record.

Mike came up and said he didn't know if all the commissioners have had time to look at the order for each basin. He handed out the map to everyone. He just wanted to bring up the fact that, when they designate these basins there will only be the Grapevine Canyon 231, which we share with Nye County and California and a little bit of Sarcobatus Flats, which we share with Nye County. Those are the only places that will be undesignated in the county.

He said he thinks that the Lida Basin (Gold Point); the annual perennial yield is 360-acre feet of use. They're saying that 279.78-acre feet annually has already been committed. On the west side, it said 186.05 has been committed. We filed an application for the west side for 350 feet, which was 164-whatever acre feet. In the order, they say there is an application to appropriate water from the groundwater source of 163.95-acre annual feet; that's us. But they say that they've already committed 279 so in their order, what's on the website isn't corresponding to each other. That's why it is so important to go to this hearing.

Mike Anderson said he wanted to make it clear that this is not a meeting, this is a hearing. When they are done with the hearing, they can designate the basins right after the hearing.

No action on this item.

15. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** On Friday, October 23, 2020 at 9:00am, at the Goldfield Community Center will be a Hearing on Proposed Orders for Hydrographic Basins within Esmeralda, Mineral and Nye Counties. Following is the proposed order: (Mike Anderson)

- Hearing on Proposed Order within the Queen Valley Hydrographic Basin (116).

Handled on item #14.

16. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion/Decision and approval to award the bid for Esmeralda County Generator Project with cost of the award to be paid with CDBG funding. Approval for the Chairman to sign the agreement and all other necessary documents related to the award. (Mike Anderson)

Mike said the bid tabulations were in the packet. They have evaluated the lowest bidder and found no reason not to award the bid to Lakeland Electric. We have forwarded the bid and bid tab and letter of

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recommendation to CDBG and they concurred that we can award the bid to Lakeland. The D.A. was given it for review. The D.A. said he found nothing wrong with it. The base bid included an item for 2 sites in Fish Lake Valley, 2 sites in Silver Peak and 3 sites in Goldfield. The alternative bid was 1 of the 3 sites in Goldfield. Mike said he recommends to award the base bid for 2 sites each of the 3 areas for a total of \$170,700.00 and the alternate bid for \$8,450.00 for a total bid award of \$179,150.00.

Mike said the grant amount was \$360,000.00, from which the bid awarded in the amount of \$179,150.00 would be paid, leaving a grant balance of \$180,850.00. We have contacted CDBG about the possibility of adding additional buildings by way of a change order after the agreement has been signed in the bid amount of \$179,150.00. CDBG has no problem with that concept. We would recommend we would recommend adding 1 building in Goldfield and Silver Peak; the Goldfield Fire House, which also has the EOC.

Mike said when we were trying to get Valley Communications, they said on their proposal we are going to have sticker shock if they are going to do it one way and we are going to need a rectifier. He said if there is a generator there, it would eliminate a need for a rectifier.

Mike said in his discussions with Commissioner Winsor they think the ambulance and fire barn training center in Silver Peak. There may need to be an upgrade to the generator at the community center to include the library, as well.

Mike said both these areas adding additional buildings would probably be around \$75,000.00. We also want to change orders to the contract amount to include the cost of the pads, which would be approximately \$10,000. The county was going to do the pads as an in-kind match, but we're still going to work for the in-kind match. We're going to do all the ditches and compacting of the ditches after lay the conduits. The remainder of the funding of approximately \$95,000.00 could provide generators to as many facilities in the Fish Lake Valley as we can. Commissioner Keyes asked if we could include replacing the panel at the community center in FLV. Mike said yes. He said the road shop here too.

If the commissioners agree, Mike has the agreement to sign.

Commissioner Hipp made the motion to award the base bid for 2 sites in each of the 3 areas for a total of \$170,700, and the alternate bid in the amount of \$8,450 for a total bid award in the amount of \$179,150 to Lakeland Electric. Approval for the Chairman Winsor to sign the agreement and all other necessary documents related to the award. Commissioner Hipp seconded the motion. All in favor: Motion carried.

17. *FOR POSSIBLE ACTION: DISCUSSION ONLY: Update the recent issues with the Goldfield Town water. (Mike Anderson)

Mike said, as the commissioners know, we were high in arsenic. He said we did several things to correct that, including changing the media, which was coming to the end of its life. Since then, we've been under the maximum contaminant level.

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Mike said they have been tweaking the plant, making adjustments to the plant so they are under the maximum level, but not using as much chemicals as possible.

He said they had the vendor for the plant come down and he didn't find that we were doing anything wrong, except for the fact that we needed to super-chlorinate the media and we had done that before he had even gotten there and it was working really well when he was there. He said we had an issue with the chlorine pump that was designed for the plant and we have since replaced that with a whole different style of pump and it seems to be working really well. He said the chlorine has to oxidize that manganese dioxide sand. When you first put it in there, it consumes a lot of chlorine. Commissioner Hipp said he did get some complaints about the chlorine; that there is an excess amount and it is clogging up some stuff. Mike said he can tell you that the chlorine is not going to do that. That is the alkali and we do adjust the pH levels. He said they are continually adjusting.

Mike said anytime there is a problem let him know so he can look into it. Cheri asked that Mike let the public know where there is a problem with the water. Danielle Johnson came up and said she has complained for the last 2 years about her water pressure. She was told she had to buy a residential booster. She said she is not going to do that. Mike asked her who told her that and she said he did. He said he did not say that. She said there is an issue with the water in south Goldfield and it needs to be solved. Commissioner Hipp said it was a completely different problem. Danielle said it was a water issue. She said there is no water pressure at her house or at Jeff Hicks' house. Mike said the issue is that they are the closest ones to the tank and it runs on gravity. Danielle asked why that would be her issue. Danielle said it's not just her. Commissioner Hipp asked Mike if there is some kind of fix for this. He asked Mike to look into it and try to fix it. Mike said the pressure from the tanks is going to be less than what she's got.

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

Back to Order.

19. ***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

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

N/A

21. ***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.

Previous closed session.

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

HHS Issue – Direction to write letter.

23. **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.)

Sharon Artlip came up and stated that she owns the car forest as of January, 2021.

Maureen said she will be putting an item on for senior drivers to get a \$2.00 raise and change the pay schedule.

24. ***ADJOURNMENT:**

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