

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 101 Radar Road, Tonopah, Nevada 89049.

John Koenig, Chair
Debra Strickland, Vice-Chair
Lorinda Wichman, Commissioner
Donna Cox, Commissioner
Leo Blundo, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Chris Arabia, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Savannah Rucker, Comptroller; Samantha Tackett, Administrative Manager; Marla Zlotek, Chief Deputy District Attorney

Not Present: Sharon Wehrly, Sheriff

Commissioner Cox was present via telephone.

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for August 28, 2019 (Non-action item)

Tim Sutton advised there was nothing to remove.

3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).

Ammie Nelson said she observed Ronni Boskovich in the courtroom and was impressed by what a fine job she was doing. However, Ms. Boskovich had cases she worked on as a District Attorney that would now need to have another attorney assigned, which Ms. Nelson felt was going to be an ongoing problem. She thought the Attorney General should make the appointments instead of the Commissioners because of those types of issues.

4. Commissioners'/Manager's Comments

There were none.

5. 10:00 – For Possible Action – Public Hearing, discussion and deliberation pursuant to NRS 244.360 on a complaint alleging the existence of a nuisance located at 5 Warrior Road, Tonopah, Nevada, and adopt, amend and adopt, or reject Nye County Resolution No. 2019-26: A Resolution Finding the Existence of Nuisance Conditions; or Nye County Resolution No. 2019-27: A Resolution Finding Nuisance Conditions Do Not Exist.

Commissioner Koenig opened and closed the public hearing.

Teresa Madsen confirmed the Commissioners had received her e-mail with the high resolution images. She felt the images spoke for themselves and there was nothing more she could add.

Commissioner Wichman asked if Mrs. Madsen had talked with her neighbor.

Mrs. Madsen said yes with no resolution.

Hubert Newberry, the owner of the property, said when the neighbor set her house in 1991 and converted it to real property she should have been cognizant that there was a warehouse there listed as commercial property. The odor referenced had not happened. He advised the complainant had called him one night and said there were people running around on the property with flashlights. Deputy Cobb responded and found no one. At a later date she called Mr. Newberry to come up to her property and said she could not sell her house because people looked over the fence down into his area. Mr. Newberry explained he bought travel trailers and motor homes to rebuild. He said he had been on the property for five years and was never judged to have a problem before the house went up for sale. He also denied having anyone living in the fifth wheel. Mr. Newberry stated the complainant trimmed their trees and mowed their grass and threw the debris over the fence onto his property, but he had not complained about her using his property as a disposal area.

Commissioner Wichman asked if the property was fenced.

Mr. Newberry said there was a six foot chain link fence clear around the property with two accesses. He noted in the complaint she said there were used refrigerators and propane bottles. To see those two items someone would have to enter the property because there was a Cadillac and another car around it. No trespassing was also posted and there was a camera. Mr. Newberry explained he would not take the refrigerators to the dump until he cut out the freon lines, after which he would dispose of them in the landfill.

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Commissioner Wichman was concerned with the refrigerators not being secured so kids could not get in them. She asked about household garbage.

Mr. Newberry said he made a run to the landfill once a week with anything that would attract rodents.

Commissioner Wichman thought she saw a picture of a refrigerator standing up with its door on and no padlock. She asked if someone was paying attention to that.

Mr. Newberry said he looked yesterday and the two that were there were lying on the ground.

Janice Six explained where the property sat along Highway 6. If there were young children there she would wonder where the parents were because they could not get there without being driven. Also, she had been on the property several times over the years and had never smelled an odor.

Commissioner Koenig said no matter how this went he would recommend that Mr. Newberry had to take the doors off the refrigerators. He believed it was against the law to have them outside with the door on them.

Planning Director Brett Waggoner said when this was on the agenda last time he was asked to drive by the property and give an opinion from the code enforcement perspective. As they would not go on property without permission when there was a no trespassing sign, Mr. Waggoner did not see anything from outside of the property that they would typically consider a nuisance. The property was entirely fenced, but he did not see a gate on the entrance from Warrior Lane which would be a concern because of all of the abandoned vehicles, trailers and appliances. The only other concern Mr. Waggoner had was according to the Assessor's records there were fuel pumps and tanks on the property. If they were no longer in use they needed to be properly put out of commission per the 2012 Fire Code. Also, appliances stored outside, refrigerators or ovens, must have the doors removed.

Commissioner Koenig felt not knowing if there were tanks constituted a public nuisance.

Commissioner Wichman said she did not see a public nuisance with the responses given. However, because there were some concerns for safety she asked Mr. Newberry if he would agree to put a gate on, go through the property to make sure there were no intact refrigerators with the doors on or make sure they were padlocked,

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and allow code compliance in to help him determine what the law required for underground fuel tanks and to look at the property.

Mr. Newberry agreed to those conditions and said he did not even know where the tanks were.

Commissioner Wichman made a motion to determine there was no public nuisance with the three conditions listed satisfied.

Marla Zlotek recommended the motion be to adopt or amend and adopt one of the resolutions and put the conditions within the resolution adopted.

Commissioner Wichman made a motion to adopt Resolution No. 2019-27 a resolution finding nuisance conditions do not exist with the understanding that there would be a gate installed, the refrigerators would be taken care of, and code compliance was allowed to do an inspection and help with the fuel tanks all within 30 days; seconded by Commissioner Strickland; 5 yeas.

Commissioner Wichman was not present.

COUNTY MANAGER

6. For Possible Action – Discussion and deliberation regarding the approval of the Declaration of Emergency for the Storm Area 51 event proposed for September 19, 20, and 21, 2019 pursuant to Nye County Code 8.28.90.

Trevor Dolby, an Amargosa Town Board member speaking for himself as the board had not taken action on this, thanked the Commissioners. He said the town did not have a police force, a road department or a code or ordinance like the County's, but they might be able to help.

Emergency Management Director Scott Lewis said he and Captain David Burochowicz believed this was prudent procedure to undertake as it gave the ability to get help in the event of a true disaster that overwhelmed the County's systems.

Commissioner Blundo asked if they had any updated information on what to expect.

Director Lewis said they received additional information daily though law enforcement intel and through the State, all of which remained speculative. The information they

6. For Possible Action – Discussion and deliberation regarding the approval of the Declaration of Emergency for the Storm Area 51 event proposed for September 19, 20, and 21, 2019 pursuant to Nye County Code 8.28.90-Cont'd.

received suggested there could be overwhelming population surges in various parts of the County and that was what they were preparing for. Their biggest concern was that there would an incident that would require all resources.

Captain Burochowitz said the advice was for people not to come and as law enforcement they were hopeful people would heed the law so this would not be an issue, but the information received indicated there would likely be a problem.

Commissioner Koenig advised people who were coming to be prepared to not have cell service, no internet, no water, no ice, no gas, and nowhere to go to the bathroom. He said anyone coming should be prepared because it was not going to be nice.

Commissioner Blundo made a motion to approve the Declaration of Emergency for the Storm Area 51 event proposed for September 19-21, 2019, pursuant to Nye County Code 8.28.90; seconded by Commissioner Strickland.

Commissioner Blundo told all Nye County residents to stock up, get water, fill their tanks, and be prepared.

The motion to approve the Declaration of Emergency for the Storm Area 51 event proposed for September 19-21, 2019, pursuant to Nye County Code 8.28.90 passed with 4 yeas.

PLANNING

7. For Possible Action:

7a. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Renewal Application RM-2019-000053: A request to approve the annual renewal of a Recreational Marijuana Establishment License (production) located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor's Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

7b. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2019-000080: A request to approve the annual renewal of a Medical Marijuana Establishment License (production) located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor's Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

7c. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2019-000081: A request to approve the annual renewal of a Medical Marijuana Establishment License (distributor) located at 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor's Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

Commissioner Blundo advised he spoke with the applicant prior to the meeting and his concerns were addressed.

Commissioner Blundo made a motion to approve items 7a-7c; seconded by Commissioner Strickland; 4 yeas.

Commissioner Koenig asked for public comment. There was none.

The vote was taken again and the motion to approve items 7a-7c passed with 4 yeas.

PUBLIC PETITIONER

8. For Possible Action – Discussion and deliberation to approve a Letter of Support for the University of Nevada Cooperative Extension to apply for a grant to develop alternatives for improving the resilience and quality of water, energy, and broadband in the Northern Nye County rural community.

Commissioner Blundo made a motion to approve; seconded by Commissioner Strickland.

8. For Possible Action – Discussion and deliberation to approve a Letter of Support for the University of Nevada Cooperative Extension to apply for a grant to develop alternatives for improving the resilience and quality of water, energy, and broadband in the Northern Nye County rural community-Cont'd.

Jacob Holloway from the Cooperative Extension said he was pushing this grant to build support, but a letter of support did not mean the County would necessarily get the grant as Tonopah was in competition with rural areas all over the country.

The motion to approve passed with 4 yeas.

9. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (second).

Joseph LaBossiere mentioned the picture that Good Morning America kept showing was the junction of Highway 373 and US-95. He felt people would drive by and stop at the building they had seen on the news for two months and something needed to be done to keep the people moving.

10. Commissioners'/Manager's Comments

There were none.

11. ADJOURN

Commissioner Koenig adjourned the meeting.

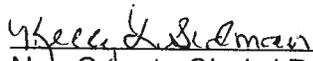
APPROVED this 17th day

ATTEST:

Of September, 2019.



Chair



Nye County Clerk / Deputy