The Honorable Board of Lyon County Commissioners met this day, Thursday, June 01, 2023 at 9:00 AM in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call

Present: Commissioner Wes Henderson, Commissioner David Hockaday, Commissioner Scott Keller, Commissioner Robert Jacobson, Commissioner Tammy Hendrix

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli and District Attorney Steve Rye

Via Zoom: None

2. Invocation Given By Irene Albritton of First Christian Church

3. Pledge of Allegiance

4. Public Participation

There was no response to the call for public comment.

5. For Possible Action: Review and Adoption of Agenda

Commissioner Henderson moved to adopt, seconded by Commissioner Hendrix.

RESULT: Motion Passed 5-0

AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix

NAY:

6. Time Certain

6.a. Time Certain at 9:00 A.M: Public Hearing- Bill No. 23-02: For Possible Action: Approve an ordinance amending Lyon County Code Title 15, the Lyon County Land Use and Development Code; table 15.320-1; table 15.320-2; table 15.320-3; table 15.320-4; identifying which zoning districts allow restricted gaming and non-restricted gaming; when an ADR is required, and, when a CUP is or is not required for the restricted or non-restricted gaming; and other matters properly related thereto.

There was no response to the call for public comment.

Community Development Director Louis Cariola gave a brief presentation on the ordinance change, which was presented during the last BOCC meeting.

Commissioner Keller moved to approve, seconded by Commissioner Henderson.

RESULT: Motion Passed 5-0

AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix

Commissioner Hendrix
**NAY:**

6.b. Time Certain for 9:15am - For Possible Action: Presentation on the National Center for Public Lands Counties from Jonathan Shuffield, Legislative Director for Public Lands at the National Association of Counties; and to approve or deny a request for one time funding for the National Center for Public Lands Counties in the amount of $41,205.49 to be transferred from contingency.

Legislative Director for Public Lands at NACO, Jonathan Shuffield, gave a presentation on the objectives, fundraising goals, and governance of NACO. Their fund raising goal is $15,000,000.00 over the next two years. The funds would be put in a trust and the interest from the trust would be used for finances.

Comm. Henderson verified that this is to document and prove information and that this will be a one-time contribution.

Comm. Hendrix stated her concern with spending out of the contingency fund with flooding right now and requested to wait for a later date.

Comm. Jacobson and Comm. Keller also stated their concern with spending money at the moment with the flooding.

All Comms. support NACO, but agree it is bad timing

Comm. Henderson noted that money has been received from the LATCF and what NACO is asking for is 1% of this. The County has received a lot of money they would not have gotten if it were not for NACO.

County Manager Andrew Haskin recommended the money to come out of the contingency fund because LATCF money can’t be used for lobbying purposes.

Comm. Henderson questioned if they could give half of the money now and half next year. Mr. Shuffield stated that could be done.

Comm. Hendrix asked if this item could be tabled until August.

There was no response to the call for public comment.

Comm. Hendrix made a motion to table the item until the first meeting in August.

Comm. Keller stated that he did not believe this item needed a motion to be tabled because following the Open Meeting Law, if they do not take action it could be brought up as a future agenda item.

County Manager Andrew Haskin stated they would need a second on the motion to table the item or Comm. Hendrix would need to pull the motion. Comm. Hendrix pulled the motion.

Comm. Henderson stated that this is a one-time deal to fund and provide all Western Counties with data and research to better interact with federal agencies and made a motion to approve a request for a one time funding for the National Center for Public Lands Counties in the amount of $20,602.75 made from a transfer from contingency.

Motion was not seconded. Comm. Keller stated that he would not second the motion because if it did fail it would not be able to be brought up later.
RESULT: Motion 0-0
AYE:
NAY:

6.c. Time Certain at 9:30AM: For report and update only from the Bureau of Land Management (BLM) and current activities.

The Field Manager from BLM gave a brief presentation on the Yerington Anaconda mine site, Vero fiber optic line, Minister Road project, El Dorado Dam, Off Highway Vehicle (OHV) race special recreation permits and the renewable energy projects.

Comm. Jacobson questioned if the camping closure was due to the homeless camps. The representative stated it was due to people living in RVs. BLM land has a 14-day camping period. Comm. Jacobson asked if when people are told to leave do they have to clean up or does BLM have to clean up the mess. The representative stated they work with law enforcement and Human Services to not only get the people moved but to get them help also.

Comm. Jacobson also asked if there was anything the BOCC could do to help with the cleanup.

Comm. Henderson talked about the difficulty obtaining statewide RMP, mentioned that the fencing has helped with horse and vehicle collisions and also asked about the current population of wild horses.

Comm. Hockaday asked about the Wilson Canyon Deferred Maintenance and stated BLM needs to work with NDF to make sure campers are not dumping sewer into the river etc. They are at phase 2 of addition of boulder and re-vegetation to deter campers.

Comm. Hockaday also questioned Atlantic Richfield’s reason for purchasing public land. The representative stated it would allow them to implement their clean up faster with less restrictions. The representative stated he probably worded that wrong and will get back to the Board with details.

There was no response to the call for public comment.

6.d. Time Certain at 9:45 AM – For Possible Action: Approve designating an insurance agent for Lyon County for property, casualty, liability and workers’ compensation coverage. (Requested by Comm. Jacobson)

Tina Petersen, Sales Executive from LP Insurance gave a presentation on reasons to change from POOL/PACT to LP Insurance.

Brad Pearce and Kayla Woods from A & H Insurance, current insurer of Lyon County, gave a brief history of their business and their history with Lyon County. Kayla Woods gave a presentation on the local business and how much they value Lyon County. Kayla also questioned if the County has applied for any of the risk management grants available for flooding. Kayla also pointed out that A & H Insurance is right across the street.

There was no response to the call for public comment.
Comm. Jacobson asked Comptroller Josh Foli about rates. Josh stated he would be negotiating rates with whichever company the board chooses.

Comm. Henderson asked if Comptroller Josh Foli was happy with the current company. Josh stated he is but he has no issues working with either company.

Commissioner Henderson moved to approve A & H insurance as the company used for Lyon County’s property, casualty, liability, and workers comp coverage, seconded by Commissioner Hockaday.

RESULT: Motion Passed 4-1
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Hendrix
NAY: Commissioner Jacobson

6.e. Time Certain at 11:00 AM – For Possible Action: Determine the preferred site location of the future Dayton Government Complex and possibly direct the County Manager to negotiate a lease/purchase agreement for a developer-built building to bring back to the Board of Commissioners for consideration.

Commissioner Henderson moved to approve, seconded by Commissioner Hendrix.

RESULT: Motion Passed 5-0
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix
NAY:

7. Presentation of Awards and/or Recognition of Accomplishments

There was none.

8. Commissioners/County Manager Reports

Comm. Hendrix attended the Lyon County School Board meeting, the NACO Public Lands meeting, the Sutro Tunnel event, Memorial Day at the Dayton cemetery, visited Mason Valley a few times to check on the flooding, attended the Silver Springs drainage master plan panel and public meeting and the Silver Springs 8th grade graduation.

Comm. Henderson attended the NACO Public Lands steering committee meetings, the Dayton Valley Conservation District meeting and will be meeting with Mr. Holly who is the Director to get a tour and learn more about what projects they have. He was also honored to be a speaker at the Memorial Day ceremony at the Dayton cemetery.

Comm. Jacobson attended the Econ Summit for Lyon County Schools and thanked County Manager Andrew Haskin and staff for working hard all weekend on flood control. Comm. Jacobson also congratulated all Lyon County graduating Seniors.

Comm. Keller attended the Silver Springs drainage master plan stakeholders meetings, the NACO meetings, the Fernley Memorial Day celebration, the Silver Stage 8th grade graduation and toured flooding areas with the County Manager.
Comm. Hockaday attended the Smith Valley Memorial Day ceremony, toured flood areas and responded to calls in his district regarding flooding and other issues.

County Manager Andrew Haskin gave an update on the flooding issues and preparations. He also expressed his gratitude to all the County workers, Peri and Sons and volunteers. They have built up the berms, removed debris and installed drainage pipes along the river. Andrew met Wednesday with WRID and the River Forecast Center. Temperatures have been cooler than expected and this has helped slow down the natural flows upstream. The safety siphons in Bridgeport are no longer expected to kick on. This could change based on the weather. Flows were predicted to peak at 4200cfs now 3800cfs to 3900cfs is expected. Andrew met with the Army Corp of Engineers who made a report of recommendations, which include building the berms a little higher.

There was no response to the call for public comment.

9. Elected Officials Reports

Sheriff Brad Pope gave a report on Lyon County schools. Next week is the beginning of a four-day class session on how teens abuse medications and opioids, which is open to the public. The Junior Deputy program is expanding. The Sheriff’s office is still filling sandbags for the residents of the community. The next saturation patrol will be coming up in Silver Springs and Sheriff Pope will have a full report at the next meeting.

Comms. thanked Sheriff Pope and staff for filling sandbags, having extra officers on school campus’ and keeping them updated on CCW data.


9.b. For Report Only: Dayton Justice Court Statistics

10. Appointed Officials Reports

Doug Homestead reported that the district court job would be starting in July and they are planning it will be done before a year is up. The ARPA funded paving at the fairgrounds has started and they are looking for extra funding to make it ADA compliant from the entry to the grandstands. Doug and his crew have been very busy filling sandbags with the inmates. He thanked Dustin Homan and his crew and Peri and Sons and appreciates the job they are doing protecting the city.

Comm. Hockaday stated the tree removals at the Smith Valley cemetery made a huge difference, and it looks great. Comm. Hockaday asked for direction on someone spraying weeds. Doug stated he is in contact with soil conservation and they will be taking care of this issue.

Comptroller Josh Foli also wanted to give his appreciation to everyone helping with flooding issues. He attended Kindergarten graduation where his wife was a presenter. A lot of kids want to be firefighters, police officers, and government workers.

Josh has also been working with the Lyon County School District and they want to leave a fuel tank behind after some construction. He questioned if the County wants to purchase it and stated this will come back before the board at a later date.

Josh also reported the fiber optic project between the Administrative Complex and the Justice Complex is complete. There is now a 40gb connection which is 4 times faster.
Comm. Jacobson sat in on interviews with the City of Fernley for the Public Works Director and agreed County staff is doing an amazing job.

Shayla Holmes, Director of Human Services reported that staff has been reaching out to community members in flood areas to see if they needed any assistance and to let them know what assistance and resources are available.

There was no response to the request for public comment.

Louis Cariola reported on the drainage master plan and future meetings. He gave an update on code enforcement and will be having a meeting with the code enforcement team regarding complaints about people living in RV’s and criminal trespassing. Louis stated they are hoping to have a plans examiner in house in June, and are having an interview for the planner position, and hope to be fully staffed by the end of the month.

Comm. Hendrix questioned if she or other Comms. can attend the meeting with the code enforcement team. Louis will send invites to the Board members to join the meeting.

11. Advisory Board Reports

There were none.

12. CONSENT AGENDA

Comm. Hendrix asked to pull 12.d. the May 18th Minutes.

Commissioner Jacobson moved to approve the Consent Agenda items 12.a. -12.i. pulling item 12.d. seconded by Commissioner Henderson.

RESULT: Motion Passed 5-0

AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix

NAY:

12.a. For Possible Action: Review and accept claims and financial reports.

The cash balance as of May 15, 2023 was $115,716,369.61. County claims totaled $1,570,889.91 and payroll totaled $1,423,169.73.

12.b. For Possible Action: Review and accept travel claims.

Travel claims for May 15, 2023 totaled $8,359.84.

12.c. 12.a. For Possible Action: Approve the minutes from the Board of County Commissioners meeting held on April 20, 2023.

12.d. For Possible Action: Approve the minutes from the Board of County Commissioners meeting held on May 18, 2023.

12.e. For Possible Action: Approve the Lyon County Debt Management Policy and Five-Year Capital Improvement Plan for fiscal year 2024.
12.f. For Possible Action: Review and approve the Smith Valley Friends of the Library proposal to sponsor a student worker for the Summer of 2023 at the Smith Branch.

12.g. For Possible Action: Accept a donation from the friends and family of Mr. Richard “Dick” Bein for a memorial park bench and to include all associated costs for the installation at the Dressler Park in Smith Valley.

12.h. For Possible Action: Accept an amendment to the grant award from Aging and Disability Services Division (ADSD), State of Nevada, for FY2023 Nutrition Services Incentive Program (NSIP) increasing the amount from $57,788.00 to $60,521.20.

12.i. For Possible Action: Approve amended contract between Lyon County and Nevada Division of Public and Behavioral Health to provide public health services in Lyon County, extending the termination date from June 30, 2023 to June 30, 2025 and increase the maximum amount from $341,972.80 to $647,972.80.

13. PUBLIC HEARING ON PLANNING ITEMS

13.a. For Possible Action: To approve the request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot commercial office building on a 80.45-acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010.

Senior Planner Bill Roth gave a presentation on the proposed Lyon County School District office building at Dayton High School, which will be replacing two old modular buildings.

Commissioner Henderson moved to approve, seconded by Commissioner Jacobson.

RESULT: Motion Passed 5-0
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix
NAY:

13.b. For Possible Action: To approve the request from Microsoft Corporation for the Abandonment of a 60 feet wide easement known as Rhyolite Lane for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on four (4) parcels in Silver Springs (APNs: 018-551-03, 018-551-04, 018-552-01, 018-552-02) PLZ-2023-005.

Louis Cariola informed the Board that he has included late back up.

Ms. Huggins gave a brief presentation on the abandoned easement. They have sent a letter to rescind the Deodar request. She requested the approval of the Rhyolite abandonment only today.

There was no response to the request for public comment.

Commissioner Keller moved to approve, seconded by Commissioner Henderson.

RESULT: Motion Passed 5-0
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix
NAY:
14. REGULAR AGENDA

14.a. For Possible Action: Appoint a member to the Debt Management Commission as the Member at Large with a term expiring December 31, 2024.

Commissioner Jacobson moved to approve the appointment of Deborah Ewing to the Debt Management Commission as the Member at Large with a term expiring December 31, 2024, seconded by Commissioner Keller.

RESULT: Motion Passed 5-0  
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix  
NAY:

14.b. For Possible Action: Approve a contract with Paul Cavin Architect LLC in the amount of $498,900 for design, construction documents and assistance in the remodel and expansion of the Fernley Justice Court.

Comptroller Josh Foli stated the Board has previously authorized $2,200,000 towards this project out of American Rescue Plan Act funding but they are coming back before the Board to request coverage of the extra expenses for the construction of this project.

Commissioner Jacobson moved to approve, seconded by Commissioner Henderson.

RESULT: Motion Passed 5-0  
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix  
NAY:

14.c. For Possible Action: Approve the allocation of $3,800,000 to the Dayton Sewer Rolling A Expansion Project from the Local Assistance and Tribal Consistency Fund.

Comptroller Josh Foli explained this is to swap LATCF funding with the reallocation of ARPA funding for the Dayton Sewer project.

Comm. Henderson asked if this will cause any construction delays. Comptroller Josh Foli stated there could be construction delays, but those have already been planned for.

There was no response to the call for public comment.

Commissioner Henderson moved to approve, seconded by Commissioner Keller.

RESULT: Motion Passed 5-0  
AYE: Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix  
NAY:

14.d. For Possible Action: Approve the reallocation of American Rescue Plan Act funding by decreasing allocations to the Dayton Sewer projects by $3,800,000 and increasing the allocation to the Fernley Justice Court Expansion by the same amount.
Comptroller Josh Foli explained that bond funding will be used first and by the time they get to ARPA funding they will be on the Dayton Sewer project. They may need some extra funding for these projects in the future.

There was no response to the call for public comment.

Commissioner Jacobson moved to approve, seconded by Commissioner Henderson.

**RESULT: Motion Passed 5-0**

**AYE:** Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix  
**NAY:**

14.e. For Possible Action: Approve a change order in the amount of $22,556 with Desert Engineering to add additional paving east of the barn at the Fairgrounds from the American Rescue Plan Act funding.

Comptroller Josh Foli explained this is to make the entire project ADA compliant and as Doug Homestead explained earlier, there is extra funding available for this.

Comm. Hockaday stated and that this is an excellent idea.

Comm. Keller questioned if this area is threatened by flooding. Doug stated it was not flooded in 1997.

Comm. Henderson thanked them for being proactive and making it ADA compliant.

There was no response to the call for public comment.

Commissioner Henderson moved to approve, seconded by Commissioner Keller.

**RESULT: Motion Passed 5-0**

**AYE:** Commissioner Henderson, Commissioner Hockaday, Commissioner Keller, Commissioner Jacobson, Commissioner Hendrix  
**NAY:**

15. **Future Agenda Requests**

Comm. Jacobson requested to invite the Bureau of Reclamation to speak on the Fernley Canal progress.

Comm. Hendrix requested Comm. and staff to look into if there is anything they need to do to protect themselves against the huge influx of solar panels coming into Lyon County.

Comm. Henderson requested an item be added to the first meeting in August for the National Center for Public Lands Counties.

Comm. Hockaday has talked to County Manager Andrew Haskin regarding resolutions sent from White Pine and Eureka counties regarding the wild burro and horse act and would like to present the resolutions.

16. **Commissioner Comments**

Comm. Hockaday thanked all those who are helping with the flooding and the allocation of ARPA funding.
17. Public Participation

There was no response to the call for public comment.

18. Closed Session Pursuant to NRS 241.015(3)(b)(2)

There was a closed session.

19. Adjourn

Comm. Hockaday adjourned the meeting at 11:36 a.m.

LYON COUNTY BOARD OF COMMISSIONERS

DAVE HOCKADAY, Chairman

ATTEST

STACI LINDBERG, Lyon County Clerk/Treasurer