



**JOINT MEETING OF THE
NYE COUNTY BOARD OF COMMISSIONERS
NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS
NYE COUNTY LICENSING AND LIQUOR BOARD
NYE COUNTY BOARD OF HEALTH**

**AS THE GOVERNING BODY OF THE UNINCORPORATED TOWN OF PAHRUMP
AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY GABBS MANHATTAN
AND AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

2100 E. Walt Williams Drive, Pahrump, NV 89048

March 21, 2023

10:00 a.m.

Subject to technical difficulties, people may participate by calling 1-888-585-9008 and entering conference room number 255-432-824. Technical difficulties may occur before or during the meeting preventing your ability to call in.

The Chair of the Board of County Commissioners will open public comment periods by announcement. Commenters must press *9 on their telephone keypads to notify Administration they wish to speak.

The teleconference is also viewable at www.nyecountynv.gov. There is a 30 to 40 second delay between the teleconference and the meeting video.

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendaized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on March 21, 2023 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on March 21, 2023 will be for all matters off the agenda and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougher Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](https://www.usda.gov/program-discrimination-complaint) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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Additional Posting Locations: Amargosa Valley Community Center, 821 E. Amargosa Farm Rd., Amargosa Valley, NV; Beatty Community Center, 100 South A Ave., Beatty, NV; Gabbs Town Hall, 503 Brucite St., Gabbs, NV; Round Mountain Community Center, 650 Civic Dr., Round Mountain, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website, or by calling Administration at (775) 482-8192

WEBSITE: www.nyecountynv.gov

Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8192 prior to the meeting.

- 1. Pledge of Allegiance**
- 2. 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 (FIRST).**
- 3. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
- 4. Approval of the Agenda for March 21, 2023 (Non-action item)**
- 5. For Possible Action – Emergency Items**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

- 6. 10:00 a.m. – [For Possible Action](#) – Discussion and deliberation regarding the monthly statement of county treasurer pursuant to NRS 354.280 including receipts, balances in funds, money on deposit, outstanding checks, and cash on hand.**
- 7. 10:00 a.m. – [For Possible Action](#) – **Continued Public Hearing**, discussion and deliberation to issue an Outdoor Festival License to Louis Baker for the Iron Horse Stampede to be held May 19 through 21, 2023, at Petrack Park located at 150 N. Highway 160, Pahrump, NV.**
- 8. 10:00 a.m. – [For Possible Action](#) – **Public Hearing** on results of Public Works identification and determination of improved roads and streets maintained by Nye County as of December 31, 2022, for the purposes of compliance with NRS 365.550(8) regarding Proceeds of Tax Levied pursuant to NRS 365.180; and other matters properly related thereto.**
- 9. 10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-12: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.805 Mobile Food Vending; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.**
- 10. 10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation on ETSU-23-1: An application for a Special Use Permit to allow a Cannabis Establishment (Cultivation) located at 2600 W. Nevada State Highway 372, Pahrump, NV. Assessor's Parcel Number 036-461-13. Happy Cabbage, LLC. / John Harp – Property Owner / Applicant.**

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- 11. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation on ZCMP-22-24: An application for a Conforming Zone Change to change five (5) parcels from Village Residential (VR-20), Neighborhood Commercial (NC), and Business Opportunity (BO) to General Commercial (GC) on property located at 2341 S. Mallard Avenue, 2321 S. Mallard Avenue, 2280 S. Nevada Highway 160, 2310 S. Nevada Highway 160, and 2360 S. Homestead Road, Pahrump, NV. Assessor’s Parcel Numbers 042-312-03, 042-312-04, 042-312-05, 042-312-13, and 042-312-11. GNSL Pahrump, LLC/Ryan Nestman – Property Owner. Impulse Civil Engineering & Planning / Peter J. Laas, P.E. – Applicant/Agent
- 12. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation on ZCMP-22-26: An application for a Conforming Zone Change to change one (1) parcel totaling approximately 6.91 acres from Light Industrial (LI) to Heavy Industrial (HI) on property located at 250 N. Kittyhawk Drive, Pahrump, NV. Assessor’s Parcel Number 035-221-13. D & T Partners, LLC. – Property Owner. Brian R. Hardy, Esq., agent for D & T Partners/Area 51/Blackjack Fireworks – Applicant.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

GAMING

- 13. **[For Possible Action](#)** – Discussion and deliberation to approve a Gaming License for Best Bet Products, Inc. for a gaming slot route located at Coyote Corner, 4960 E. Manse, Pahrump, NV. Shawn Holmes and Louis Sposato, Applicants.

LIQUOR

- 14. **[For Possible Action](#)** – Discussion and deliberation to approve a Retail Liquor License business name change from The Bearded Lady Saloon, LLC. dba The Bearded Lady to The Lady, LLC. dba The Lady World Famous Watering Hole located at 1330 Fifth Street, Suite B, Pahrump, NV. Kelli Sater, Owner/Applicant.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

- 15. **[For Possible Action](#)** – Discussion and deliberation to: 1) Determine that a public purpose may be served by the acquisition of the real property more particularly described as Assessor’s Parcel Numbers 038-153-01, 038-191-21, 038-191-41, 038-191-44, 038-202-06, 038-202-09 and 041-271-01 for the purpose of future expansion of the Nye County Fairgrounds and Town of Pahrump Arena; 2) Consider the application made to the Board of County Commissioners by the Town of Pahrump for permission to acquire the real property described as Assessor’s Parcel Numbers 038-153-01, 038-191-21, 038-191-41, 038-191-44, 038-202-06, 038-202-09 and 041-271-01; 3) Adopt, amend and adopt, or reject Nye County Resolution No. 2022-05: A Resolution Directing The Transfer Of Nye County Treasurer Trust Property Into Town Of Pahrump Ownership For Public Purposes; and 4) Fund an amount not to exceed \$1,916.49 in delinquent tax amount with funding to be determined by the Comptroller.

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SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

16. [For Possible Action](#) – Approval of the Elected Official Collection Report regarding fees collected from elected county departments for services rendered by or provided to county citizens.
17. [For Possible Action](#) – Approval of the meeting minutes from the joint meetings on November 1, November 15, and November 18, 2022.
18. [For Possible Action](#) – Approval to: 1) Accept the U.S. Department of Housing and Urban Development (HUD) Economic Development Initiative, Community Project Funding (EDI-CPF) Grant Award in the amount of \$1,000,000.00 to provide funding for the construction of the Tonopah Child Development Center. There is no match required; 2) Execute the grant award; and 3) Fund to 10340 Grants.
19. [For Possible Action](#) – Approval to: 1) Accept the United States Department of Justice Drug Enforcement Administration’s (DEA’s) Domestic Cannabis Eradication/Suppression Program (DCE/SP) Agreement Number 2023-83 in the amount of \$35,000.00 for the period of October 1, 2022 to September 30, 2023 to defray costs relating to the eradication and suppression of illicit cannabis. There is no County Match required; 2) Execute the agreement; and 3) Fund to 10340 Grants.
20. [For Possible Action](#) – Approval to: 1) Accept the Notice of SubAward budget adjustments for the Nevada State Immunization Program Grant through the State of Nevada Department of Health and Human Services, the requested budget adjustment is to allow for travel expenses and consulting for the purpose of implementing COVID-19 vaccination services. There is no County match required, the award amount is unchanged; and 2) Execute the adjusted SubAward agreement.
21. [For Possible Action](#) – Approval to adopt, amend and adopt, or reject Nye County Resolution No. 2023-06: A Resolution Authorizing the Submittal of a Proposal or Proposals With the Nevada Department of Transportation for Grants Through the US DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law and Funds Available From the Nevada Public Transportation Grant Program and Executing a Contract With the Nevada Department of Transportation (NDOT) Upon Grant Proposal Acceptance.
22. [For Possible Action](#) – Approval to adopt, amend and adopt, or reject Nye County Resolution No. 2023-07: A Resolution Directing the Levy of a Special Assessment on Each Water User Situated Within the Confines of the Duckwater Creek Distribution for Fiscal Year 2023-2024.
23. [For Possible Action](#) – Approval of an application to release 85% of the financial security bond related to Mountain Falls Planning Area 7, located in the Mountain Falls Master Planned Community. Taylor Morrison / William Lyon Homes, Inc. - Applicant.

CLERK

24. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Pahrump Library Board due to a resignation from the following list of applicants: Mathew Morris, and Helen Schneider; and/or 2) Readvertise for the appointment.

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SHERIFF

25. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject Contract No. FA8240-22-PR009 with the United States Department of the Air Force, Directorate of Contracting for the purposes of Nye County providing law enforcement services in the amount of \$195,543.59 to the National Test and Training Range (NTTR) Security Forces; 2) Execute the Contract; and 3) Fund to 10340 Grants.

TREASURER

26. [For Possible Action](#) – Discussion and deliberation regarding: 1) The online Trust Property auction held February 28 through March 3, 2023 for properties that did not sell during auctions in previous years; and 2) Approval of Return of Sale and Affidavits of Publications per NRS 361.595.

JUSTICE(S) OF THE PEACE

27. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-08: A Resolution Authorizing the Change of Signers for the Beatty Justice Court Bank Account Located at American First National Bank.

COUNTY MANAGER

28. [Update](#) on the 2023 Nevada Legislative Session including Nye County priorities, impacts to counties and actions that counties are required to take pursuant to new legislation.
29. [For Possible Action](#) – Discussion and deliberation regarding Nye County Proclamation No. P2023-01: A Proclamation Recognizing the Month of April 2023 as National County Government Month “Counties RISE”.

FINANCE

30. [For Possible Action](#) – Discussion and deliberation regarding the budget status for January 2023, for Nye County and all sub-entities for fiscal year 2023.
31. [For Possible Action](#) – Presentation, discussion and deliberation to approve, amend and approve, or reject the program funding request from Pahrump Valley Public Transportation under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Mental Health Initiatives in the amount of \$60,700.00.

INFORMATION TECHNOLOGY

32. [For Possible Action](#) – Discussion and deliberation to: 1) Accept Google's Terms of Service to upload Nye County GIS data to Google to potentially use for updating Nye County address points and mapping information; and 2) Delegate authority to Information Technology Director, Brad Adams or his designee to accept the Terms of Service online and share GIS data with Google.

PLANNING/BUILDING/CODE COMPLIANCE

33. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject a Novation Agreement between Nye County; Farr West Engineering; and DOWL, LLC. for the purpose of transferring the Professional Services Agreement dated January 7, 2019 for land surveying and map review services; and 2) Execute the Agreement.

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34. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject the Assignment of the Development Agreement between Nye County and Cedar Trees, LLC. as Assignor, and Mountain View Farms, LLC. as Assignee, for the real property located at 290, 330, 370 and 410 E. Simkins Road, Pahrump, NV, commonly known as North Canyon Homes; Assessor’s Parcel Numbers 027-331-06, 027-331-23, 027-331-24, and 027-331-25.

PUBLIC WORKS

35. [For Possible Action](#) – Discussion and deliberation to: 1) Determine that a public purpose may be served by the acquisition of the real property more particularly described as Assessor’s Parcel Numbers 028-111-03, 029-923-10, 035-032-26, 035-032-27, 035-033-32, 035-255-14, 045-242-06, and 018-243-05; 2) Consider the application made to the Board of County Commissioners by Nye County Public Works for permission to acquire the real property described as Assessor’s Parcel Numbers 028-111-03, 029-923-10, 035-032-26, 035-032-27, 035-033-32, 035-255-14, 045-242-06, and 018-243-05; 3) Adopt, amend and adopt, or reject Nye County Resolution No. 2023-04: A Resolution Directing the Transfer of Nye County Treasurer Trust Property into Nye County Ownership for Public Purpose.
36. [For Possible Action](#) – Discussion and deliberation to: 1) Approve the purchase of a parcel needed for drainage improvements consisting of .15 acres located at 411 East Valiant Avenue, Pahrump, NV 89060 Assessor’s Parcel Number 038-163-29; 2) Approve compensation for the parcel to the property owner based on the appraisal in the amount of \$11,500.00; 3) Direct staff to prepare and record the documentation necessary to transfer property; and 4) Funding to be determined by Comptroller.
37. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-09: A Resolution Approving an Application and Signatory Authorization for the Nye County - Gabbs Sewer Rehabilitation Phase 3 for Clean Water State Revolving Fund Funding.
38. **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).**
39. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
40. **ADJOURN**

Nye County Board of County Commissioners Meeting Participation Information:

- Call **1-888-585-9008** and enter conference room code **255-432-824**.
- Public comment periods will be opened by announcement.
- Commenters must press *9 if they wish to speak. You will hear “the organizer sees your raised hand” when the control has been properly engaged.
- When it is your turn to give comment, you will hear “you may now speak” and must identify yourself by saying and spelling your first and last name.

Notes:

- The meeting is viewable at http://nyecounty.granicus.com/ViewPublisher.php?view_id=4 there will be a 40 second delay from the video to the call.
- Report issues to Nye County Admin at nyeadmin@co.nye.nv.us or by calling 775-482-8192