

EUREKA COUNTY BOARD OF COMMISSIONERS

September 20, 2018

STATE OF NEVADA)
 :ss
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on September 20, 2018. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Fred Etchegaray; District Attorney, Ted Beutel; and Commissioner Clerk, Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Two items were removed from the agenda. The request to use the Crescent Valley Community Center for 4-H meetings was not needed. The Natural Resources' item regarding Gold Bar Exploration Project EA will be placed on the next agenda. Commissioner Sharkozy motioned to approve the agenda as amended; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

APPROVAL OF MINUTES

September 6, 2018: Commissioner Etchegaray motioned to approve minutes of the September 6, 2018, meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

September 12, 2018: Commissioner Etchegaray motioned to approve minutes of the special meeting held on September 12, 2018; Commissioner Sharkozy seconded the motion; motion carried 3-0.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Maureen Garner. Commissioner Etchegaray motioned to approve expenditures in the amount of \$274,919.53 for accounts payable, \$306,810.92 for payroll expenses, and \$921.25 for Yucca Mountain expenses, for a grand total of \$582,651.70. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fund Balances Report: The Board reviewed the report showing current fund balances.

COMMISSIONERS

Importer/Wholesaler Liquor License: Application for a State Importer/Wholesaler Liquor License was made by Joseph & Lauren Luby, owners of Two Bitch Spirits Ltd., to change their current Wholesaler Liquor License by adding 'Importer' and moving the location of their operation to 11 North Spring Street. Pursuant to NRS 369.200, the State will not issue such a license without written approval from the local Board of County Commissioners.

Commissioner Etchegaray motioned to provide written approval to the Nevada Department of Taxation for Two Bitch Spirits Ltd. to obtain a State Importer/Wholesaler Liquor License to operate a business at 11 N. Spring Street in Eureka. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Propose Changes to Personnel Policy: A redline version of recommended changes to the Eureka County Personnel Policy was provided to the Board prior to the meeting. Assistant Comptroller, Kim Todd, gave a brief overview of the anticipated changes. She explained there are minor language edits throughout, but the main updates will address information technology and social networking. Other affected sections include drugs and alcohol, FMLA, and the layoff policy (which simply had language added that was inadvertently missed in the last revision).

Commissioner Sharkozy motioned to propose the recommended changes to the Eureka County Personnel Policy, including proposing the required resolution to amend and update the policies; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Set Public Hearing for Personnel Policies: Commissioner Etchegaray motioned to set a public hearing October 5th at 10:15 a.m. to consider adopting the resolution to amend and update the Personnel Policy; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Cancel October 19th Meeting: Commissioner Sharkozy motioned to cancel the October 19th meeting due to a scheduling conflict, and motioned to set an additional meeting on October 18th beginning at 9:30 a.m.; Commissioner Etchegaray seconded the motion; motion carried 3-0.

EUREKA NEWGEN FARMS

Planned Cannabis Facility: Mike Tangreen, Owner/CEO, and McKenna Hines, Executive Assistant, were in attendance to introduce Eureka NewGen Farms and discuss plans to build a facility in northern Eureka County at 420 Old Victory Highway (near Carlin) for the cultivation of marijuana and production of medicinal products to be sold wholesale in northern Nevada.

Ms. Hines shared a presentation that offered background on Mr. Tangreen's interest in starting this type of business and told of future plans for the facility. The presentation included plans for building, cultivation, production, and security. Mr. Tangreen plans to begin cultivation in trailers, eventually converting to a warehouse. A hydroponic system will be used to conserve water. He plans to have a fully-equipped production building and an extensive security system.

Chairman Goicoechea asked about water rights. Mr. Tangreen responded that he has agricultural water rights about three miles from the site and is in the process of having those transferred. In the meantime, he plans to transport water by truck.

Chairman Goicoechea referenced the County's ordinance prohibiting commercial growth of marijuana (Eureka County Code, Title 6, Chapter 60, Section .050), which states, "*...any commercial purpose in Eureka County remains prohibited, including but not limited to commercial cultivation, testing, product manufacturing, wholesale distribution, and retail distribution within Eureka County.*" After reading this section of the ordinance, the Chairman reaffirmed that the proposed endeavor is illegal in Eureka County.

Mr. Tangreen acknowledged that they were aware of the law and had "looked into it," but felt it was dated and hoped the Board might consider changing it or granting a variance. He felt a lot of new information had come forward since Nevada first legalized medical marijuana.

Each Commissioner stated they were not willing to consider a change to the ordinance and were opposed to a variance as well.

Mr. Tangreen inquired whether the Board might be persuaded to consider a change to the ordinance if there were changes to the federal laws prohibiting marijuana. The Chairman agreed it was a possibility in the future, but the seated Board was not inclined to consider it at this time.

Mr. Tangreen replied that he had not expected to change the Board's mind in one discussion, but had hoped to help educate on the subject stating, "*...we definitely want to, proceed in a respectable proper manner.*" Mr. Tangreen and Ms. Hines concluded by inviting the Commissioners to visit the site or to contact them anytime if there are questions or concerns.

AMBULANCE & EMS

Report on Activities: EMS Director, Kenny Sanders, reported on recent activities. Several employees are attending the Rural Nevada EMS Conference September 20th-22nd in Elko, so EMS will be short-staffed on those days. EMS is processing an application for a volunteer EMT in Crescent Valley, Melynda Sharkozy, who was recently certified. The MCI Bus was delivered to Elko County and their Board of Commissioners voted on September 19th to accept the donation.

Mr. Sanders contacted the State Board of Health to coordinate free flu shots with the upcoming Health Fair, but found that requests for a flu shot POD (point of dispensing) must be submitted by March. If other areas have remaining vaccines following their respective flu shot clinics, the State will try to make those available to Eureka. Mr. Sanders is now on the distribution list and will receive future notifications.

EMT Reimbursement: Mr. Sanders explained that a student EMT has nearly completed the required training and inquired if a portion of the County reimbursement could be paid now.

Chairman Goicoechea stated he understood that these courses can be expensive, but it has been County policy that the process must be completed before reimbursement is made. Commissioner Etchegaray agreed. The Chairman added that the County will work to issue payment quickly, as soon as the individual qualifies.

CLERK & TREASURER

Treasurer's Report: The Treasurer's Report for August was submitted by Clerk & Treasurer, Beverly Conley, showing an ending General Fund balance of \$24,748,434.32. This was an increase of \$972,774.33 over the previous month.

PUBLIC WORKS

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities.

Utilities: All utility systems are in good working order.

Spring Street Ditch: Fred's Tree Service has completed the tree clearing project in the Spring Street Ditch. Once fire season ends, honor crews from the NDF Conservation Camp will finish clearing the ditch and problem areas will be sprayed with herbicide.

MCI Bus: The MCI Bus was delivered to Elko County on September 11th.

Free Dump Days: Mr. Damele reminded everyone that Free Dump Days will be offered every Saturday in October – October 6th, 13th, 20th, 27th – at the Eureka Landfill and the Crescent Valley Laydown Yard (8:00 a.m.-12:00 noon & 1:00 p.m.-4:00 p.m.).

Facilities: Public Works continues working with Silver State Elevator Company to evaluate repair options for the elevator at the Opera House. Total replacement may be necessary.

The facilities remain very busy. The Swimming Pool had 437 swimmers in August; the Sentinel Museum had 488 visitors; and the Opera House had 654 visitors (including attendance at meetings and events).

US ENVIRONMENTAL PROTECTION AGENCY

Cleanup Efforts: Tom Dunkelman, EPA On-Scene Coordinator, gave an update on efforts to remediate properties contaminated with elevated levels of lead and/or arsenic, resulting from historic smelter activity in the Eureka Townsite.

Mr. Dunkelman was happy to report that crews were currently working on the final residential parcel, a huge milestone for the EPA since residential properties were the largest component of the planned work. This will result in cleanup of 53 residential parcels in the 2018 field season, for a total of 183 properties over six years (soil testing began in 2012 and cleanup began in 2013). Crews will remain in Eureka until mid-October, or as weather allows, to continue work on the hillsides behind the senior housing complex. The repository on the south side of Ruby

Hill Avenue will be covered and closed. Adjacent to that, a smaller repository will be constructed for storage of materials excavated by residents in the future.

Future Plans: For the 2019 field season, the EPA would like to complete the hillsides by covering them with a cap of material and would like to address the slag piles on either end of town. There are ongoing conversations with the County and Nevada Division of Environmental Protection concerning the slag piles and the appropriate course of action. Future work is entirely dependent upon federal funding, which can be hard to predict from year to year.

Institutional Control Plan: The County has been working with NDEP to draft the Institutional Control Plan. Mr. Dunkelmann said the goal of the plan is to ensure long-term protection of the remedy that the EPA has put in place. He noted that this plan is unusual in that it is largely voluntary. In most communities where EPA work has been done, the requirements of the Institutional Control Plan are mandatory. Regardless, he is optimistic that the County and the State will implement an effective plan moving forward.

A Word of Thanks to Eureka: Mr. Dunkelmann thanked Eureka County, stating that none of the work could have been done without County support. He thanked the residents for tolerating the disruption, truck traffic, and noise over the past several years. He said the property owners were all great to work with and participated in the process. Mr. Dunkelmann thanked the County for providing land for the repository, space for the contractor to set up a staging area, and for allowing crews to quarry clean materials from the landfill.

EPA Management: Mr. Dunkelmann commended EPA management. He said they recognized the importance of this cleanup and prioritized it over other projects in the region. \$20 million was dedicated to this project over the past six years, which represents more than one-third of the entire Region 9 emergency response budget.

Thanks to EQM Employees: Lastly, Mr. Dunkelmann wished to personally and publicly thank the crews. Employees of EQM (Environmental Quality Management, Inc.) briefly paused their work to attend this portion of the meeting.

Mr. Dunkelmann stated, *“I think pretty much everybody in Eureka would recognize how hard these guys work, the quality of the work, the pride they take in their work.”* Most of them have been in Eureka multiple seasons, leaving their families and homes for months at a time. They have become a part of the community, making friends, playing on softball teams, spending money at local businesses, and treating the local people with respect. Mr. Dunkelmann concluded with, *“To whatever degree EPA has had any success in this town, it is entirely because of them, and I just wanted to thank them for that.”*

Thanks from the Board: The Commissioners agreed. Chairman Goicoechea stated that although the EPA’s presence in town has not been popular with many, he wanted to echo Mr. Dunkelmann’s sentiments. He thanked the crews for doing a great job, adding that it has not gone unnoticed, and he thanked them all for the respect they have shown the community.

EQM Employees: The EQM employees include: Jason Coury (Bremerton, WA); Susan Hunt (Dayton, NV); Janelle Burley (Salmon, ID); Ken Burley (Salmon, ID); Randy Rhoads (Kelso, WA); Chad Chambers (Murieta, CA); Luis Fula Jr. (Long Beach, CA); Conner Burley (Boise, ID); Casey Burley (Boise, ID); Eduardo Gonzales (Sparks, NV); Tad Miles (Twin Falls, ID); Luis Fula Sr. (Long Beach, CA); Louis Burley (Salmon, ID); Austin Rhodes (Benicia, CA); Chris Lucas (Vacaville, CA); Brad Richards (Pocatello, ID); Jade Burley (Salmon, ID); Robert Wiscombe (Buhl, ID); DeAndre Lee (Pittsburg, CA); John Webb (Kellogg, ID); Gavin Denshire (Eureka, NV); Brent Hardinger (Salmon, ID); Robert Wood (Spokane, WA); Brett Hepworth (Pine, ID); William Thomas (Antioch, CA); Brian Detrick (Farmington, NM); Bruce Holmes (Farmington, NM); Clint House (Osburn, ID); Dayne Evenson (Osburn, ID); Theresa Holz (San Louis Obispo, CA); and Neil Ellis (Sacramento, CA).

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities and meetings. He attended (via video) the Legislative Committee on Public Lands meeting on September 7th. The Committee incorporated many of the recommendations provided by Eureka County into their Summary of Recommendations.

Mr. Tibbitts attended a Cooperating Agency meeting on September 14th with the US Forest Service, and attended a Cooperating Agency meeting in Fallon on September 18th for the Fallon Range Training Complex Modernization (public Draft EIS is expected in November).

Pinyon-Juniper Update: The Eureka Conservation District will meet on September 25th. Mr. Tibbitts provided an update on biochar activities, part of the Conservation District's pinyon-juniper thinning project. Several loads of pinyon-juniper chips and one load of biochar in 'super sacks' were sent to a composting company in Minden several months ago. The resulting products (different mixes of biochar and compost) will be returned in late September and will be tested in soil, mostly pivot corners in Diamond Valley. As each load is delivered, another load of chips will be backhauled to Minden. This cycle will continue until the grant funds are exhausted.

Sage Grouse Issues: Nevada & Northeastern California Greater Sage-Grouse Resource Management Plan Amendment (BLM): The BLM returned a second Administrative Draft EIS to Cooperating Agencies for another review, with comments due by September 10th. Mr. Tibbitts submitted the County's comments by the deadline and the BLM is working to incorporate any last minute changes before releasing the Final EIS to the public.

Greater Sage-Grouse Land & Resource Management Plan Amendments (Forest Service): The US Forest Service released their Administrative Draft EIS to Cooperating Agencies on September 10th with a comment deadline of September 14th. Similar to the BLM, the Forest Service is on an accelerated timeframe to complete the EIS process.

The week of the comment deadline, County staff and officials were in water rights hearings at the Division of Water Resources in Carson City, so Mr. Tibbitts notified the Forest Service that there was no way the County would be able to respond by September 14th.

With the Draft EIS scheduled for release to the public September 21st, the Forest Service has given themselves only four business days to incorporate comments from all Cooperating Agencies. Mr. Tibbitts felt this was a "check the box" move on the Forest Service's part, since it is not possible to adequately review and address all comments in that amount of time.

Since the Forest Service is proposing amendments to a land management plan, the public comment period must be 90 days. The County will submit comments during the 90-day public comment period. Mr. Tibbitts emphasized that the Forest Service has committed, on multiple occasions, that Cooperating Agencies' comments will be elevated and addressed during the public comment period.

Wild Horse Issues: The Wild Horse & Burro Advisory Board will meet in Salt Lake City in October and the deadline to provide written comments is October 2nd. Mr. Tibbitts prepared a letter with the County's recommendations. In addition to the Board (WHBAB), Mr. Tibbitts will forward the letter to the individual Board members by email.

Mr. Tibbitts explained that the letter stresses that, based on the BLM's current numbers, Herd Management Areas within or affecting Eureka County, on average, are at least 330% of their established Appropriate Management Level, with some approaching 500% of AML and one over 1500% of AML.

The letter asks the WHBAB to (1) make a formal recommendation to the BLM to acknowledge and declare emergency conditions where excess horses are and to direct appropriate resources for immediate action; and (2) reassert their previous recommendation, along with a request to Congress that the BLM be given the full suite of tools authorized in the Wild & Free Roaming Horses & Burros Act of 1971, as amended, including sales authority and humane euthanasia for unadoptable excess horses.

Commissioner Etchegaray motioned to approve sending the letter regarding excess wild horses and requested recommendations to the BLM Wild Horse & Burro Advisory Board; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Joint Funding Agreement with US Geological Survey: The Joint Funding Agreement with US Geological Survey for the Hydrologic Monitoring Program in the Mount Hope and Roberts Mountain Vicinity expires September 30th, the end of the federal fiscal year.

The agreement for the upcoming year includes monitoring six additional sites – four existing wells, along with auger drilling and equipping two additional wells. These six sites will monitor drawdown in Kobeh Valley and help determine any correlation with Diamond Valley. The agreement reflects an increase to cover the one-time drilling and instrumentation costs associated with the two new wells.

Commissioner Etchegaray motioned to approve the Joint Funding Agreement with US Geological Survey for Federal Fiscal Year 2019 to continue the Hydrologic Monitoring Program in the Mount Hope and Roberts Mountains Vicinity, with Eureka County's portion \$98,945.00, and a total cost of \$157,120.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Joseph & Lauren Luby; Assistant Comptroller, Kim Todd; Natural Resources Manager, Jake Tibbitts; County Advisory Board to Manage Wildlife; Crescent Valley Town Advisory Board; Tri-County meeting; Northern Nevada Off-Highway Vehicle Summit; Legislative Committee on Public Lands; Nevada Div. of Environmental Protection; Nevada Dept. of Transportation; Nevada Board of Wildlife Commissioners; US Dept. of the Interior-BLM (2); National Assoc. of Counties; and US Navy.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments; there were none.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Etchegaray seconded the motion; the meeting was adjourned at 10:51 a.m.

Approved by vote of the Board this 5th day of October, 2018.

/s/ J.J. Goicoechea, DVM
J.J. Goicoechea, Chairman

I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the September 20th, 2018, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Commissioner Clerk

I, Beverly Conley, Clerk & Treasurer of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Commissioner Clerk.

/s/ Beverly Conley
Beverly Conley, Clerk & Treasurer