

IN A SPECIAL MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON JULY 3, 2018 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

County Commission

Richard Howe, Chairman
Shane Bybee, Vice-Chairman
Carol McKenzie, Commissioner
Gary Perea, Commissioner
Steve Stork, Commissioner
Nichole Baldwin, Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Jennifer Farnworth, IT Specialist
Timothy Bunch, Human Resources Director
Kathy Ricci, Human Resources Director
Scott Henriod, WPC Sheriff
Elanie Calderwood, Financial Analyst
William Ward, Interim WPC Fire District Chief
Mike Wheable, District Attorney
James Beecher, Deputy District Attorney

Also Present

Brandon Whipple, CORE Construction
Keith Westengard
Shane Cooper, Titan Constructors
George Chachas, KGTV-10
Anthony Gilbert, WPC Fire District
Travis Godon
Paula Carson
Keith Carson, Landowner
B.J. Almberg, City of Ely
Robert & Charlene Scherrer

Commission Chairman Richard Howe called the meeting to order at 9:00 a.m. Commissioner Carol McKenzie led the Pledge of Allegiance.

PUBLIC COMMENT

Interim WPC Fire District Chief William Ward read a letter from the City of Ely dated June 29, 2018 into the record. As a response, Interim Chief Ward sent a letter to Ely Mayor Melody VanCamp and Ely Fire Chief Ross Rivera, stating that the White Pine County Fire District will do all they can to assist the City Fire Dept. within the City limits of Ely, at no charge.



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 239-2430 Fax (775) 239-1463

2018 JUN 29 PM 3:45

June 29, 2018

Richard Howe
White Pine County Commission Chairman
301 Clark Street, Suite 4
Ely, NV 89301

Commissioner Howe,

Pursuant to action by the Ely City Council (last night, June 28, 2018), the City of Ely Fire Department will no longer respond to emergency calls for fire medical services outside the incorporated city limits of Ely after midnight on June 30, 2018, unless contacted by the State of Nevada Department of Emergency Management under NRS 414A.

Robert Switzer
Robert Switzer, City Administrator

Melody VanCamp
Melody VanCamp, Mayor Pro-Tem

WPC Sheriff Scott Henriod reported some good news to the Commission; an email had been received advising that the JAG grant funds will be released. He will forward the email to Finance Director Elizabeth Frances; he noted that by the end of July all the back bills/payments will be made, which are crucial for our Task Force.

Mr. George Chachas reminded the Board that the downtown community wants the old Annex site to be the location for the new Justice Center. He also advised that we need 4 lanes downtown, and that where there's no traffic, there's no business. With respect to a prior NDOT meeting that was held about the downtown area with the City, he noted not one person voiced support of that plan. Also, if the lanes are narrowed down Aultman St. the problem of speeding traffic will be compounded. Mr. Chachas then had a concern regarding if the new gymnasium, or any of the new buildings that will be built in the near future, be earthquake proof. For the agenda item pertaining to the CMAR contract, there was nothing in the packet revealing names, firms, or their qualifications. Also, on Ely Disposal increasing rates, he quoted the NRS pertaining to the impact study that would be required if the rates are raised above 2%.

At 9:12 a.m., Chairman Richard Howe recessed the regular Commission meeting and opened the Special Fire Commission meeting. At 10:54 a.m., Chairman Richard Howe adjourned the Special Meeting of the White Pine County Fire Commission and reconvened the regular Commission meeting.

NOTICE OF UNTIMED ITEMS

DISCUSSION/ACTION/APPROVAL TO COMBINE THE WHITE PINE COUNTY EMERGENCY MANAGEMENT DIRECTOR AND WHITE PINE COUNTY FIRE PROTECTION DISTRICT FIRE CHIEF INTO ONE JOB TITLE

Per advice from District Attorney Mike Wheable, Chairman Richard Howe entertained a motion to table this agenda item. Commissioner Shane Bybee made a motion to table; Commissioner Carol McKenzie seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL OF A COMPENSATION PACKAGE FOR THE WHITE PINE EMERGENCY MANAGEMENT DIRECTOR AND WHITE PINE COUNTY FIRE PROTECTION DISTRICT FIRE CHIEF JOB TITLE

Per advice from D.A. Wheable, Chairman Richard Howe entertained a motion to table this agenda item. Commissioner Gary Perea made a motion to table; Commissioner Carol McKenzie seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL FOR DISTRICT ATTORNEY'S OFFICE TO NEGOTIATE CONTRACT FOR CMAR SERVICES ON THE JUSTICE CENTER PROJECT WITH THE TOP RANKED CMAR FIRM BASED ON STATEMENT OF QUALIFICATION PROCESS AND TO NEGOTIATE WITH THE NUMBER TWO RANKED CMAR FIRM IF ACCEPTABLE TERMS CANNOT BE REACHED WITH THE TOP RANKED FIRM

Deputy District Attorney James Beecher advised that he and Deputy D.A. Bryan Pyle have been working with D.A. Wheable on this, along with Finance Director Elizabeth Frances, Public Works Director Bill Calderwood, and WPC Sheriff Scott Henriod. Of the 4 proposals that were received, the top 3 were interviewed—Sletten, CORE, and Layton. There was a comprehensive scoring/evaluation process, followed by the bid opening for fee services. Deputy D.A. Beecher noted the interviewees were asked a standard set of questions, and then based on those answers, some follow-up questions were asked. The firms were then ranked, and it was noted that the fees were done last so as not to influence the firms' qualifications rating. The hours for preconstruction were ranked, with CORE showing 911 hours at the high end and Layton's with 494. He continued to explain the ranking process, with the results that CORE Construction was rated as number one. D.A. Wheable confirmed that each firm had impressive aspects; Consultant Gustavo Nunez helped with the analysis. It was advised that on July 25th the proposed contract will be presented to the Board.

Commissioner Steve Stork was suspect of the CMAR process; he asked what benefits we would gain by utilizing CMAR. District Attorney Mike Wheable explained that there is a guaranteed maximum price for the

project, plus there would be a professional managing the project to guarantee that cost. He added that both the Library Expansion and the Aquatic Facility were both CMARs. He noted that in this process, the architect is brought in first, and then work is done with the CMAR in conjunction with the architect. In the past, D.A. Wheable noted, we hadn't utilized the CMAR process properly; Consultant Nunez, however, has provided us with exceptional insight on the process.

Following further discussion, Chairman Richard Howe entertained a motion to approve. Commissioner Gary Perea made a motion to rank the CMAR firms as CORE, Layton, and Sletten, and direct the District Attorney to begin negotiations in that order. Commissioner Shane Bybee seconded. Motion carried.

PUBLIC HEARING/DISCUSSION/ACTION/APPROVAL OF RESOLUTION 2018-51, PURSUANT TO NRS 244.276, TO APPROVE AN EASEMENT DEED GRANTING THE CITY OF ELY AN EASEMENT AND RIGHT-OF-WAY THROUGH AND WITHIN THE COUNTY-OWNED REAL PROPERTY SO DESIGNATED ON THE ATTACHED MAP (EXHIBIT A) CREATED BY BASIN ENGINEERING, FOR THE PURPOSE OF LOCATING, ESTABLISHING, CONSTRUCTING, MAINTAINING, REPAIRING, AND OPERATING A 1500 FOOT LONG BY 8 FOOT WIDE STORM DRAIN FLOOD CONTROL CHANNEL FOR THE PURPOSE OF ALTERING THE FLOODPLAIN IN RELATION TO THE NDOT'S AULTMAN STREET PROJECT; and

PUBLIC HEARING/DISCUSSION/ACTION/APPROVAL OF AN EASEMENT DEED GRANTING THE CITY OF ELY AN EASEMENT AND RIGHT-OF-WAY THROUGH AND WITHIN THE COUNTY-OWNED REAL PROPERTY SO DESIGNATED ON THE ATTACHED MAP (EXHIBIT A) CREATED BY BASIN ENGINEERING, FOR THE PURPOSE OF LOCATING, ESTABLISHING, CONSTRUCTING, MAINTAINING, REPAIRING, AND OPERATING A 1500 FOOT LONG BY 8 FOOT WIDE STORM DRAIN FLOOD CONTROL CHANNEL FOR THE PURPOSE OF ALTERING THE FLOODPLAIN IN RELATION TO THE NDOT'S AULTMAN STREET PROJECT

District Attorney Mike Wheable advised that these two agenda items may be discussed. Chairman Richard Howe opened for Public Comment. D.A. Wheable asked City Attorney Charles Odgers to provide proof that the County owns the property in question; Attorney Odgers provided a handout, noting it is over 100 pages long, and forwarded to the District Attorney's Office. Attorney Odgers continued that in 1904 the deed to the property was given by the City to the County; the redevelopment, which took place in 1905, was included in that section of land. He proceeded to review the specific history of each of the deeds in the handout. He continued that while the individual properties have changed hands, the County didn't give up its easement, which is utilized for water/sewer/utilities. The County has the right-of-way for public use, to grant the easement for the flood control to the City. D.A. Wheable advised the County never gave away the rights for the road easements; the intent was to grant the rights to the City of Ely for the road easements in order to be proper with the City's Master Plan. Commissioner Gary Perea commented that if the two property owners are opposed to this, he can't be in favor of it; he did note the County has granted abandonments of rights-of-way in the past, and he could see that happening here.

Attorney Odgers explained that the City came to the County for a project that would benefit all the residents of White Pine County. However, if they can't go into the rights-of-way, the project won't get done. The government would have to take a step to abandon it, deed it, or grant an easement to it; however, there are no alternate routes across the property. He discussed the designated route on the map, "Antelope Street." However, if the project went that way, it would have to dump back into Murry Street, which would cause Mr. Keith Carson's house to be flooded out. The next route would be on "Romilda," which would take the water down "Washington" and up "Steptoe," which brings it to the City's right-of-way where it would go through the Georgetown flood control pipe located there. He felt that is the preferred route for NDOT at this point, as it stays within the right-of-way that's owned. During the discussion he explained that they must remain within the public right-of-way, they can't go through Mr. Carson's private right-of-way. D.A. Wheable advised that if the flooding problem was properly addressed, it would reduce the flood insurance rates for many of the City properties. Attorney Odgers noted that this project would greatly reduce the flood plain area and be

concentrated onto the uninhabited City property; he illustrated this on a map for the Board. He added that there's no other route in the public right-of-way that would have the capacity to move this water.

At this point, B.J. AlMBERG—Basin Engineering—advised that they are looking to the largest flood the City of Ely has ever seen, although this isn't the "100 year flood" which was erroneously alluded to. In reply to a query from the Board, Attorney Odgers noted there would be a portion of the flood project totally encased, and the access for the parcels would be "Romilda," remaining open and passable, as well as "Adams." Engineer AlMBERG noted the area would be brought down a grade to allow for driving through it. There would be a small detention basin containing a structure that would divert the water at regular intervals, but only during flood events. It would remain a dry ditch most of the time. D.A. Wheable pointed out that if the County grants something to the City, then the City and the landowners would be the ones to work things out; they could work with NDOT to develop their intent. Attorney Odgers noted that if someone wished to develop it, the easement would require the City to encase it in order to allow for that development; it would remain encased until it was worked around Romilda Street. He added that to encase the entire project would cost an additional \$1.5 million, and NDOT won't pay extra for that; he did state the NDOT will be paying for this project.

At this point Chairman Howe invited Public Comment. Mr. Sherrer advised he and his wife Charlene own the property; it's a pasture, and they raise cattle/sheep in there. An open trench would decrease the value of the property for any future sales, he added. He would appreciate an enclosed trench instead through the property, in order to relieve him of the problem of livestock hazards, plus making the property useless for future development. He requested the County not to put an open trench in their pastures; he and his wife worked their place for years, for their retirement and ranching. Mr. Sherrer also advised he has a good engineering background, and has walked their property seeking solutions. He noted that they get significant runoff from the railroad each time there's a storm; their ranch is located north of the Ely railroad. The County has never given them any maintenance or service, but Mr. Keith Carson has helped them fill their ditches when needed. Also, running an open culvert across their property in a route he suggested would also help stem the flow of potential flood waters. Mr. Sherrer noted he would rather negotiate with the County than the City in this.

Ms. Paula Carson added she and her husband Keith would also rather work with the County than the City. She noted this project has been ongoing with NDOT for 4-5 years. She continued that in reviewing the easement, she noted the City is asking the County to sign something with no legal description. She noted in her discussion that she and her husband were presented with this documentation about 10 days ago; she objected to the City and NDOT not meeting with them. She added this has been an "abomination for private property owners in this County."

Chairman Howe advised that apparently the landowners never got the opportunity to discuss this matter with NDOT or the City, and there's been a serious lack of communication there. City Attorney Charles Odgers reiterated that the project can't go forward in a public right-of-way, and NDOT has determined this direction is the only acceptable choice. During the discussion, Engineer B.J. AlMBERG advised that NDOT would probably be willing to listen to the landowners' suggestions, if they could explore other viable alternatives. He continued that if the property owners found an acceptable alternative and NDOT felt it was acceptable, they could deed it to the City, an easement, and the ditch could be done another way in that event; the County would abandon the property. D.A. Wheable noted the Commission could vote and approve this and let everyone work things out. He added that the Board could do a motion on the Resolution first, 2018-51. Ms. Carson suggested that if the Scherrers could deed a path down the property line they would ask the County to vacate the streets, and noted exactly where on the map. The County could abandon all the other roadways. Engineer AlMBERG agreed that could be a better situation; he will approach NDOT with these suggestions and the Commission could abandon the property as compensation to the right-of-way for the property owners.

Chairman Richard Howe entertained a motion regarding the Resolution. Following brief discussion, Commissioner Steve Stork entertained a motion to table the Resolution. Commissioner Shane Bybee seconded. Motion carried.

Chairman Howe next entertained a motion on the second Public Hearing regarding the easement deed. Commissioner Shane Bybee made a motion to table that agenda item. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL/REJECTION/OR MODIFICATION OF DRAFT LETTERS PREPARED BY ARMSTRONG CONSULTANTS ADDRESSING BID PROTESTS BROUGHT BY ROAD AND HIGHWAY BUILDERS, LLC AND GRANITE CONSTRUCTION COMPANY REGARDING AIRPORT CAPITAL IMPROVEMENT PROJECT NO. 3-32-0006-020-2016

Deputy District Attorney Bryan Pyle noted this is with respect to the protest by the builders regarding the Airport Capital Improvement Project. He advised that Armstrong Consultants prepared form letters in response to the two bid protests which were received on this. Once these letters are approved, rejected or modified by this Board, they will be sent on to those companies. D.A. Wheable noted a motion should be made to approve the draft letters and sent them out on Commission letterhead. Chairman Richard Howe entertained a motion for approval, with a minor error noted. Commissioner Steve Stork made a motion to approve the draft letters addressing the bid protests from Road and Highway Builders and Granite Construction Company and send them out as discussed today. Commissioner Shane Bybee seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL TO CANCEL THE REGULARLY SCHEDULED COUNTY COMMISSION MEETING FOR JULY 11, 2018

Chairman Richard Howe advised there are a couple of issues coming up and not all of this Board will be able to attend the meeting scheduled for July 11th; therefore this is to cancel the July 11th meeting, as we're having this special meeting today. Chairman Howe entertained a motion to approve. Commissioner Carol McKenzie made a motion to cancel the meeting scheduled for July 11, 2018 as requested. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL TO SCHEDULE A JOINT COUNTY COMMISSION/ELY CITY COUNCIL MEETING IN 2018

Chairman Richard Howe brought this up as GOED has grants they wish to present to both the City and the County jointly; plus, he felt it would be a good idea for both entities to hold a public meeting regardless. Following brief discussion, it was felt an evening meeting could be held the same day as the regularly scheduled Commission meeting, August 22nd. Commissioner Gary Perea made a motion to schedule the joint County Commission/City Council meeting on August 22nd at 6:00 p.m. at the Bristlecone Convention Center, following the regular Commission meeting on that date. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL TO DRAFT A COMMENT LETTER FOR THE COMMENT PERIOD FROM THE FOREST SERVICE'S PROPOSED CHANGES TO THE GREATER SAGE GROUSE NEVADA PLAN AMENDMENT WHICH IS DUE AUGUST 2, 2018.

Commissioner Gary Perea made a motion to authorize Deputy D.A. Bryan Pyle to work with USDA Forest Service's Jeremy Drew to draft a letter with the points brought up in previous meetings. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL OF MONTHLY FINANCIAL REPORTS FOR MAY 2018

Financial Analyst Elanie Calderwood asked the Board if there were any questions on these reports; there were none. Commissioner Shane Bybee made a motion to approve the monthly financial reports for May 2018. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL OF MINUTES FROM SPECIAL MAY 30, 2018 COUNTY COMMISSION MEETING

Chairman Richard Howe entertained a motion for approval. Commissioner Carol McKenzie made a motion to approve the minutes from the Special May 30th County Commission meeting as presented. Commissioner Steve Stork seconded. Motion carried.

PUBLIC COMMENT

Mr. Shane Cooper advised he has been following the bid process regarding the Airport Improvement Project, and he has some concerns. He explained that they teamed up with the low bidder—the only apparent one—and now the County is in the process of awarding the project to another bidder. Chairman Howe brought Mr. Cooper up to date on what was done at today’s meeting, regarding the letters to be sent out to the protesting companies. Mr. Cooper noted that his concern was in regard to the integrity of the process; he thanked the Board for that.

Chairman Richard Howe advised that we cancelled the June 11th meeting, which makes today’s meeting the last one for Human Resources Director Kathy Ricci. He recognized her for her great job and service to the County. He announced there will be a retirement party for her at Steptoe Park on July 13th at 5:00 p.m., and invited the Commission and public to attend and celebrate her retirement.

ADJOURNMENT

At 12:33 p.m., Commissioner Shane Bybee made a motion to adjourn. Commissioner Steve Stork seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS
WHITE PINE COUNTY
STATE OF NEVADA

BY: Richard Howe
CHAIRMAN

ATTEST:

Susan Lujan, Clerk
WPC CLERK OF THE BOARD