The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Bob Hastings, Vice-Chairman Joe Mortensen, Commissioner Ken Gray, Commissioner Vida Keller and Commissioner Jay Dini. Also present: District Attorney Steve Rye, County Manager Jeff Page.

1. Roll Call

Present: Bob Hastings, Joe Mortensen, Ken Gray, Vida Keller, and Jay Dini.

2. Invocation

There was no invocation given.

3. Pledge of Allegiance

4. Time Certain

4. a. Time Certain 10:00 AM: Presentation given by the Lyon County Manager Jeff Page, on the possible grant submittal to Community Development Block Grant for FY20-21 for a Rail Study.

County Manager Jeff Page presented the possible grant submittal to Community Development Block Grant for FY20-21 for a Rail Study. The Walker River Economic Corridor stretches from Yerington to Smith Valley to Hawthorne. It includes the Yerington Paiute Tribe, the Walker River Paiute Tribe, and the Hawthorne Army Depot. He would be collaborating with NNDA in applying for this grant. He asked for support from the Board to move forward.

Comm. Hastings open the meeting for public comment and there was none.

Comm. Mortensen moved to approve the item as presented. Comm. Gray seconded and the motion passed 5 – 0.

4. b. 9:00 a.m. and 6:00 p.m.: For Possible Action: Public Hearing on Adoption of Amended Water and Sewer Rates for the Dayton Water Fund and Dayton Sewer Fund impacting water and sewer rates in the Dayton and Mound House areas. The Board will move to take action on the following items:
(1) Acceptance of the Lyon County Utility Department 2019 Rate Study, performed by Farr West Engineering; and,
(2) ADOPTION OF RESOLUTION NUMBER 19-20, a resolution amending the water and sewer rates for the Dayton Water Fund and Dayton Sewer Fund. Lyon County is proposing to increase both the water and sewer rates with an effective date of January 1, 2020, and additional increases over the next five (5) years.

The Board of County Commissioners will accept public comment on this item at 9:00 a.m. and at 6:00 p.m. with any action taken after the public hearing at 6:00 p.m. The proposed rates are available for viewing online at www.lyon-county.org, the Lyon County Utilities Office, 34 Lakes Blvd, Dayton, NV 89403, (775)246-6220, and the Lyon County Clerk's Office and the Lyon County Manager's Office, 27 S. Main Street, Yerington, NV 89447.

County Manager Jeff Page stated that the discussion will open at 9:00 am and continue at 6:00 pm for another presentation for the public, and then a vote from the Board for the resolution that is proposed.

Comptroller Josh Foli reviewed the Dayton Water & Sewer Projected Unrestricted Ending Cash Fiscal Years 2020 – 2025 for the Board. These rate increases are designed to address expenses and increasing costs related to aging infrastructure and equipment; regulatory mandates from the State of Nevada and other governmental agencies which increase the cost of operations. Also, increased costs due to depreciation and the replacement of infrastructure being more expensive. The rate study outlines anticipated operational and capital needs for the existing system in the next several years. The proposed rates reflect, rates below the Environmental Protection Agency affordability index.

Utilities Director David Bruketta gave an overview of why the County has held off on the maintenance of these facilities and the importance of proceeding forward. There are needs within the infrastructure that must be repaired to be brought up to standards of the EPA. He proposes a Capture and Release system for the river water. Rolling A treatment facility is in need of repair and is anticipated for completion by 2020, it is at capacity and needs rehabilitation. The Lift station was shut down due to a failure, and is also is in need of rehabilitation.

Comm. Mortensen asked for David Bruketta to state what the fines could be from the EPA.

Utilities Director David Bruketta stated the fines could be $30,000/day and per violation.

Comm. Gray asked what the plan is for effluent and sludge. He asked if the land is to be purchased.

Utilities Director David Bruketta stated the county needs to purchase a sight and build the Rapid Infiltration Systems for the winter to permanently dispose of the effluent. The land purchased would not have the assessment fees. Close to the Water Aspen Creek Property, about a mile to be piped.

Comptroller Josh Foli stated that a lease would not be recommended because there are sites that could have future development there. Also, the owner may not want to lease the property to the County and the lease could not be renewed.

Comm. Ken Gray disagrees, he stated that a lease option would be viable. The community has worked well with the county in the past.

Comm. Bob Hastings asked if the engineering was inaccurate, is any recourse to go back to the engineer.

District Attorney Steve Rye stated that it is questionable to state that the engineering was incorrect. To his knowledge, the engineer would estimate the capacity but would not know the calculations until the facility became operational. If the engineering was inaccurate, then yes, possibly it could, but that is not his understanding today.

Comm. Bob Hastings asked what liability the engineering could have.

Utilities Director David Bruketta stated there is a Performance Guarantee of work. If there was one done at the time of the initial build, it could be verified, he does not know today if there was one done in the past. With these new treatment facilities, they are asking for a Performance Guarantee.

Comm. Ken Gray asked if there is any other funding available. He wants to be provided with other options along with the one presented today. He requested to address the water separate from the sewer.

Utilities Director David Bruketta reported that he has spoken with the State Revolving Fund agency. There is funding up to half a million that could be applied for next year.

Comm. Keller stated if this were approved today, this could be revisited later to be reevaluated.

Comptroller Josh Foli stated that it is at the Boards discretion to come back and ask for a new study and rate when they want to.

Comm. Bob Hastings asked if there is a required review for every year or at five years.

Comptroller Josh Foli recommended for the Board to review the item and make a motion and to include a review every year or at five years.

Comm. Ken Gray asked if it could be approved for one year only.

Comptroller Josh Foli stated it wouldn't be an advised option because the anticipated bankruptcy is in 3 years.

Comm. Hastings opened the meeting for public comment.

5. Public Participation

Nancy Calvet stated she doesn't feel that there is enough being done to acquire grant funding. She questions the engineer on staff and what Farr West is being paid.

Barney Wadley stated that he appreciates Comm. Gray and Keller for their support. This is too much for the community to afford. He is concerned with unchecked growth.

Richard Dean Patmore stated that he doesn't feel the line of depreciation is accurate. There should be subsidized growth added.

Julie Logan stated her concern is the cost with both the rates of water and sewer. She is in support to approve this but to evaluate the growth and infrastructure in the future.

William Piles questioned that if the County knew, why they didn't fix it.

Mari Bowman commented that she does not agree with the rate increase. She asked how Farr West can be overdrawn a half a million dollars, and who will pay for this if they are incorrect?

Greg Denhert is opposed to the increase. He suggested that developers should pay for another facility.

Mary Ellen Comerford asked for diagrams of the wells, the statistics and where they are. She thinks the rate increase is too much.

Lyonel Zevilaki said the smell is bad in his neighborhood from Rolling A. He asked why the houses are built if we are at capacity.

Ellen Dugan questioned why this only affects Mound House and Dayton. She wants the board to check the guarantee and reevaluate after a couple of years. The rates are too high for the five-year period. She requested a detailed billing.

Robert Johnston stated this study is not accurate. He requested more documents.

Robin Koehler stated the rates are too high.

Lewis Camdee stated there is a need for upgrades from growth and believes the rates should be the same.

Tom Miner stated his experience working with staff and will be willing to work with the County in the future to help the community.

Mame Cox stated his concerns with the study and rate increase. There needs to be more information.

Bob Hansen recommended a more conservative rate.

John Spizner stated that he will give the invocation for the Board if he can be contacted.

Comm. Hastings closed public participation.

Comm. Keller asked staff to answer the public's questions: What the sewer rate is, who made the decision that the South Plant cannot be opened, and why the graph doesn't show depreciation and capital improvements.

Josh Foli reviewed the sewer rates and the increase was 7.55% per year over a five year time period.

Comm. Bob Hastings stated it would approximately be an increase of $4.50 to $5.00 dollars per year.

Utilities Director David Bruketta answered that the South Water Treatment Plant is currently open. It was decommissioned and has been reopened, even though NDEP stated this was temporary.

Comptroller Josh Foli stated that the graph does include a component of depreciation.

Comm. Hastings closed this item until 6:00 PM

Reconvened at 6:00 PM

Comm. Hastings opened the meeting at 6:00 P.M and read Item #4.b into the record.

County Manager Jeff Page stated that staff and the representatives will give a presentation to the public.

Farr West Rep, Angela Bezzone and Lucus Tipton gave a presentation and background of Utilities Rates, Water Rates, Sewer Rates, Affordability and Comparisons.

Comptroller Josh Foli reviewed the Dayton Water & Sewer Projected Unrestricted Ending Cash Fiscal Years 2020 – 2025 for the Board. The study shows what the expenditures are and what income is collected. He reviewed depreciation and the change over the years in expenses to fund the costs. Josh Foli reported the projected Unrestricted Ending Cash and the possible bankruptcy within 18 months to 4 years out. The rates that are developed could come forward and will be a charge for the developers to pay. Rate payers will pay a fee for the current status. He reviewed that the plant is at capacity currently. NDEP is requiring expansion to the plant to cover increase flows and to stay in compliance. There is not enough Rabid Infiltration Basins in the winter for effluent. He explained that the infrastructure has had breaks and needs repair or there will be fines if the County has an occurrence of contamination. Rate increases are every five years. If the five-year rate plan is adopted today, the Board can review and revisit the rates to be delayed or

changed moving forward within that five-year time period. There are State revolving funds that have a grant program that can be applied for next year.

Comm. Gray questioned the prepaid connections, if the depreciation can be charged. He asked if the $13,000,000 dollar bond for development doesn't come, then will the rate payers be responsible for those fees.

Comptroller Josh Foli stated a rate study would have to be conducted to charge the prepaid connections. He stated it would help to be included. He agreed that yes the rate payers would if it came to that, however NDEP still is requiring us to stay in compliance because of the current need.

Comm. Gray asked why there is different rates for single to multi family.

Utilities Director David Bruketta stated that there was an analysis and showed there was difference in usage.

Comm. Gray asked to revisit placing the RIB's at the Minor property.

Comptroller Josh Foli stated from his knowledge Minor's did not want to proceed forward.

Comm. Gray asked if the F12 is a purchasing of the property.

Utilities Director David Bruketta stated it will be a land purchase.

Comm. Gray asked if the new lift station is going to be the same size or larger.

Comptroller Josh Foli stated it will be a larger lift station and the cost is paired out.

Comm. Hastings opened the meeting for public comment.

5. Public Participation

Paul Maguire stated he does not agree with the depreciation noted.

Lyn Patmore does not agree with the presentation. She stated to stop the growth within the community. She supports Mike Workman's comments.

Harmon Linzenga asked if the fees could be distributed throughout the County's residents, and if there is funding for emergency's.

Heather Motta gave examples as to why she believes Dayton can be considered a low to moderate income area.

Mark Markovich stated the County can reserve resources such as not buying new vehicles. He asked why there isn't a surplus of past fees collected.

Loran Kelly stated he is in support of organized growth. He does not agree with the reports.

Laura Blank she is concerned with dumping water in basins. She asked why this wasn't seen before.

Brendon Grant asked who will pay for infrastructure of the wells. He questioned the increasing fees.

Mike Workman, previous Utilities Director for Lyon County, testified to the past Utilities events and history. His concern is over development of the facility. He believes there are other alternatives.

Victor Bruno commented he is not in support of the job done by the Board.

Tyler Minor stated that his family is still willing to work with the County.

Thom Kumble asked about the amount and if an outside audit has been done on the County.

Dianne Handzel stated that this was a poor choice location for the meeting.

Laura Eavery stated she understands rate increases but does not support the presented increase today.

Chris Gonzales is concerned with the lack of responsibility and the poor presentation. He asked if this is approved to reevaluate sooner than the five years as stated.

Mary Ellen Comerford is disappointed that she was not alerted to the meeting times today.

Wray Brett asked how the rates are affected.

Comm. Hastings closed public comment.

Comptroller Josh Foli addressed the comments presented. Depreciation was evaluated. Independent audit reports will be presented to the Board. The Utility License fees are applied into general operations funds. Enterprise funds are for the people who use the service. The rates cannot be placed among the County. He is not aware of grant funding for emergency funding. The County cannot set the LMI. Development pays for most of the wells and tanks, some are smaller usage users. Differing can happen. The expansion is a fifty percent increase requested. He stated that the operating costs on 50 units was to keep the rates lower as opposed to 100 units. Cash isn't there to build a separate facility. Manhard is doing the Master Plan and not Desert Wells. The commercial rates are higher than residential rates. The County does buy new cars periodically, he only used that today as an example of depreciation, not to misunderstand it doesn't frequently occur.

Comm. Gray stated the County needs to look at all options to save money.

Keller stated she agrees that something needs to be done, however, growth may not happen and the Board needs to be careful. She stated that this is for current development and not expansion. If this is passed tonight, she wants staff to come to the Commissioners every month with a report on status if there is a grant or other opportunities to be revisited. She asked if public participation could be reopened. How the residents feel about fixing the problem in Dayton.

District Attorney Steve Rye recommended that the Board not open up Public Comment since the rules were set and some of the public had already left.

Comm. Hastings stated that the rates had been differed before and not increased in the past.

Comm. Keller moved to accept the adoption of the Lyon County Utility Department 2019 Rate Study, performed by Farr West Engineering; and, (2) ADOPTION OF RESOLUTION NUMBER 19-20, a resolution amending the water and sewer rates for the Dayton Water Fund and Dayton Sewer Fund. Lyon County is proposing to increase both the water and sewer rates with an effective date of January 1, 2020, and additional increases over the next five (5) years. To direct staff to give monthly reports, and make decisions moving forward, and if anything is discovered in talks to reduce these rates. They reserve the right to bring this back to the Board to decrease or lesson the rates.

Comm. Mortensen seconded.

Comm. Gray objected and did not agree with her motion. That the expansion is built into the repairs.

Comm. Keller commented that she stated the motion as it was, that they are not committing to the expansion. And will be in control of what is approved and have oversight.

The motion passed 3– 2. Comm. Gray and Comm. Hasting opposed.

6. For Possible Action: Review and adoption of agenda

Comm. Hastings asked if there were any other changes to the agenda by the Board or staff and there was none.

Comm. Mortensen moved to adopt the agenda as presented. Comm. Gray seconded and the motion passed 5 – 0.

7. Presentation of awards and/or recognition of accomplishments

There was none given.

8. Commissioners/County Manager reports

Comm. Keller stated there will be a tree lighting and a festival event December 8, 2019 at 4:00 PM at the Senior Center.

Comm. Gray stated there will be an update of the amount of water next year, it is too early for that report.

Comm. Hastings reported on December 1, there will be Small Town Christmas at the park in Dayton.

County Manager Jeff Page reported that IT completed a training for Americas with Disabilities Act. The District Court will have a training for trial procedures. The Waste Management Franchise, he has received some feed and is still in the process of completion. The Airport Consultant process has been completed and moving forward to the FFA. The concern at Rio Grande area has been reported to Code Enforcement and the District Attorney's office. The Sheriff's Office has been addressing complaints. The Regional Operation Plan will reflect fluency with the surrounding counties. The LEPC will review and comment on the plan. Quad County has identified a need to estimate an evacuation plan in case of emergencies at facilities. NNDA in January will have the Four County's meeting. Local Leadership Institute has completed and staff along with officials gave positive reports. The Master Plan Workshops will begin in December with Manhard. Road mapping will be tied into the current GIS and budgeted for the Board to review later.

9. Elected Official's reports

There were no reports given.

10. Appointed Official's Report

Facilities Director Rob Dunbar reported the Animal Shelter will start demo on Monday.

Planner Rob Pyzel gave a report on future Planning items coming forward, the Solar Farm, Animal Rescue Facility for dogs and cats and the Church requesting expansion with a Commercial Coach.

Comptroller Josh Foli stated the Audit Report will be completed and will be on a future agenda. The GSA software will be live in December for the Clerk Treasurer and early next year for Assessor's Office.

Human Services Director Shayla Holmes reported that Community Chest acquired funding for Domestic Abuse services. She also updated the Board on reports of child and elder abuse, and the homeless count.

11. Advisory Board Reports

There were no reports given.

CONSENT AGENDA

Comm. Hastings asked for any changes from the Board or staff on the consent agenda and there was none.

Comm. Mortensen moved to approve the consent agenda as presented Comm. Gray seconded.

Comm. Hastings asked for public participation and there was none.

The motion passed 5-0.

12. Assessor's Corrections

12. a. For Possible Action: Approval of changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.

Secured Property corrections totaled $128,513.19 and unsecured corrections totaled $41.42.

13. For Possible Action: Approve County Commission Minutes

13. a. For Possible Action: Approve the November 7, 2019 minutes.

The November 7, 2019 Lyon County Commissioners' minutes were approved.

14. Contracts

14. a. For Possible Action: Approve Extension to Maintenance and Support Agreement for Live Scan Services with IDEMIA IDENTITY. Agreement for the period 11/1/19 through 10/31/20 for $10, 283.00.

14. b. For Possible Action: Approve task order number 14 with Farr West Engineering in the amount of $23,761 to design, bid, and provide construction oversight for the fiber project between Dispatch and the Administrative building.

14. c. For Possible Action: Approve a license agreement for five years, effective December 1, 2019, with Highlands Wireless Inc. to lease space at the Pine Grove Communications Site.

14. d. For Possible Action: Approve a license agreement for five years, effective December 1, 2019, with Highlands Wireless Inc. to lease space at the Rawe Peak Communications Site.

14. e. For Possible Action: Approve a license agreement for one year, effective December 1, 2019, with Highlands Wireless Inc. to lease space at the Singatse Peak Communications Site.

14. f. For Possible Action: Approve a license agreement for five years, effective December 1, 2019, with High Desert Internet Inc. to lease space at the Rawe Peak Communications Site.

14. g. For Possible Action: Approve a license agreement for one year, effective December 1, 2019, with High Desert Internet Inc. to lease space at the Singatse Peak Communications Site.

15. Grants

15. a. For Possible Action: Accept grant award from State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for Forensic Assessment Services Triage Team (FASTT) program, in the amount of $38,934.00.

16. Other Consent Items

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

The cash balance as of October 31, 2019 was $63,947,370.88. County claims totaled $1,033,833.12 and payroll totaled $1,029,228.16.

16. a. For Possible Action: Review and accept travel claims.

Travel claims totaled as of October 31, 2019 was $6,843.45.

****END OF CONSENT AGENDA****

REGULAR AGENDA - (Action will be taken on all Items unless otherwise noted)

17. Facilities

17. a. For Possible Action: Approve a contract with Resource Concepts Inc. for an estimated fee of $5,950 to provide consulting services to assist with application to BLM for a land lease in Silver Springs for a new regional park to be funded from a contingency budget transfer.

Facilities Director Rob Dunbar gave a history of the requested item. BLM had suggested that the County should have a consultant for the application.

Comptroller Josh Foli stated that this would increase the costs of maintenance after it is completed. Does the Board feel there is enough population to support the expenditure?

Comm. Keller stated this was approved by the board five years prior.

CLCPR Scott Keller Chairman, he asked to move the item forward.

Comm. Joe Mortenson asked what kind of park and what will the cost. He questioned the design.

Scott Keller stated it was originally a sports complex, the community asked for a park for social activities. The CLCPRB is hopeful to have a MOU with the School District for the use of water.

Comm. Hastings asked if there was any discussion from the Board or staff and there was none.

Comm. Mortensen moved to approve 17.a as presented.

Comm. Hastings asked for any Public Participation and there was none.

Comm. Gray seconded and the motion passed 5 - 0.

RECESS TO RECONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD

18. Public Participation

There was no public participation.

19. For Possible Action: Review and Accept Claims and Financial Report

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

The cash balance as of October 31, 2019 was $460,930.27. County claims totaled $1,427.23 and there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Gray seconded and the motion passed 5 – 0.

20. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD

21. Public Participation

There was no public participation.

22. For Possible Action: Review and Accept Claims and Financial Report
22. a. For Possible Action: Review and accept claims and financial reports.

The cash balance as of October 31, 2019 was $442,968.71. County claims totaled $314.00 and payroll totaled $3,165.72.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Gray seconded and the motion passed 5 – 0.

23. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS WALKER RIVER WEED CONTROL DISTRICT BOARD

24. Public Participation

There was no public participation.

25. For Possible Action: Review and Accept Claims and Financial Report
25. a. For Possible Action: Review and accept claims and financial reports.

The cash balance as of October 31, 2019 was $155,795.83. County claims totaled $275.15 and payroll totaled $1,160.47.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Gray seconded and the motion passed 5 – 0.

26. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD

27. Public Participation

There was no public participation.

28. For Possible Action: Review and Accept Claims and Financial Report
28. a. For Possible Action: Review and accept claims and financial reports.

The cash balance as of October 31, 2019 was $262,635.73. County claims totaled $0 and there was no payroll.

Comm. Gray moved to approve the claims and financial report as presented. Comm. Mortensen seconded and the motion passed 5 – 0.

29. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS SILVER SPRINGS GENERAL IMPROVEMENT DISTRICT BOARD

30. Public Participation

There was no public participation.

31. For Possible Action: Review and Accept Claims and Financial Report
31. a. For Possible Action: Review and accept claims and financial reports.

The cash balance as of October 31, 2019 was $2,838,446.69. County claims totaled $4,544.27 and there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Gray seconded and the motion passed 5 – 0.

32. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

33. Comm. Comments

Comm. Hastings asked for public participation and there was none.

34. Closed Session pursuant to NRS 241.015(3)(b)(2) - Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter, and pursuant to NRS Chapter 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly. (For possible action)

35. Public Participation

Julie Workman stated that she appreciates the Board having their meeting in Dayton today.

Laura Eavery commented that the website is very difficult to navigate.

Comm. Hastings adjourned the meeting.

36. Adjourn

Comm. Hastings adjourned the meeting.

LYON COUNTY BOARD OF COMMISSIONERS

Bob Hastings

BOB HASTINGS, Chairman

ATTEST

Nikki Bryan

NIKKI BRYAN, Lyon County Clerk/Treasurer