

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF LINCOLN,
STATE OF NEVADA

November 5, 2007

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

The Board met in regular session with Chairwoman Ronda Hornbeck calling the meeting to order at 9:00. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Ronda Hornbeck, Wade Poulsen and Bill Lloyd being present. Commissioner Paul Mathews is absent at this time, but there is a quorum present. The agenda was posted on 10-30-07 to comply with the open meeting law. The Invocation is offered by Ronda and Tommy led the Pledge of Allegiance. Deputy District Attorney Dan Hooge is present as is County Manager John Lovelady.

CONSENT AGENDA

- #2 Approve/Deny minutes of October 15, 2007, October 22, 2007 and October 23, 2007 Commission meetings.
- #3 Approve/Deny Tax Strike—APN 1-042-05 Donald Ray and Dorothy Adams—Bunkhouse addition gone. 2,604 assessed—\$83.11.
- #4 Approve/Deny authorization for Commission Chairperson to sign letter to Department of Energy (DOE) asking for time extension for comments to Yucca Mountain Repository and railroad environmental impact statement (EIS).
- #5 Approve/Deny authorization for Commission Chairperson to sign a letter to Department of Energy (DOE) recommending format and agenda for the November 15, 2007 public hearing on Yucca Mountain Repository and railroad environmental impact statement (EIS).

Paul joins the meeting at this time.

Tommy made a motion to approve the consent agenda with the exception of the October 23, 2007 minutes; seconded by Bill. All voted in favor.

#12-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$928,608.61 with estimated expenditures being \$241,074.62. This leaves General County with a balance of \$687,533.99. Transportation has a negative balance of \$11,123.15 with estimated expenditures being \$2,083.82. This leaves Transportation with a negative balance of \$13,206.97. Nutrition has a negative cash balance of \$8,975.35 with estimated expenditures being \$12,315.50. Approximately \$12,000 is receipted in Leslie's office from the state. This leaves Nutrition with a negative balance of \$8,405.85. Detention Center has a negative balance of \$42,556.08 with estimated expenditures being \$86,385.31. This leaves Detention Center with a negative balance of \$128,941.39.

#6-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers. Leslie requested direction for the Emergency Management Coordinator payroll. DEM is no longer funding this position and it has become the county's responsibility to figure out how it will be paid. \$3,651.04 is the amount of a grant that was received from DEM for the pay of this position. This will get the county through December 15 and it is believed that there will be no further grant monies received to apply towards the salary of this position. Tommy suggested that the county operate under continuing resolution to pay the salary using a combination of grant money and money from General County until January 1, 2008. This means that the county will pay this salary until an alternate plan is conceived. The Board agreed that half of the salary will be paid by the grant and half will be paid from General County. Tommy stated that this issue will have to be on the agenda prior to 1-1-08. However, in the meantime Marge needs to continue looking for grants. The county will not be reimbursed for any monies paid for salary. There is a late fee of \$35.00 for card member services for Sheriff Kerry Lee and the county has a policy that they don't pay these fees. **Wade made a motion to approve the vouchers as presented (with the exception of the \$35.00 late fee for Sheriff Kerry Lee) and to pay Marge Gunn-Nutman's full paycheck through January 1, 2008 using a the grant—to be used for the next three pay periods (this will be addressed on the December 3, 2007 agenda); seconded by Bill. All voted in favor.**

#4-YUCCA MOUNTAIN ISSUES

Marge Detraz questioned the rationale in asking for time extensions. Ronda advised that the extension is being requested as the EIS consists of multiple volumes. Nothing changes in the EIS; it just allows the Board to have more time for review. Tommy stated that Lee Bishop is no longer the head of the department listed on the letter. A correction will be made to the letter prior to mailing.

#8-RESOLUTION #2007-39

Larry Stever is present for this item. PPU is requesting a rate increase and Larry advised that they are hoping to make it retroactive to October. The power rate will be adjusted from \$0.059 per kilowatt hour to \$0.0718 per kilowatt hour for residential users and from \$0.064 per kilowatt hour to \$0.0768 per kilowatt hour for commercial users. Larry advised that he is uncertain if this rate increase was published in the newspaper, but it was posted around Pioche. Glennon Zelch advised that most of this increase is due to the pass through from the Power District. Only 4% will be the increase for PPU to use for projects. It has been two years since the last rate hike. This increase works out to 22%. For old rates, if the bill was \$84.58 the new bill would be \$93.31 at the same kilowatt usage. Another example given is that if the bill was \$53.22 it would increase to \$64.76. **Wade made a motion to approve the resolution for the PPU rate increase; seconded by Paul. All voted in favor.**

#12-OFFICE/DEPARTMENT HEAD REPORTS

COUNTY MANAGER John Lovelady reported that he has spoken with Clint Wertz, who has several items that need to be replaced. Clint would like to set up an eBay account for the county in order to get the highest dollar return for the old items. John stated that an eBay account would also allow for the procurement of items at a better rate, such as a digital camera. Shannon Simpson advised that the old GPS equipment could be sold on eBay with the proceeds being applied to the new equipment. Tracy Lee advised that eBay has been blocked at the county level to minimize employees using it in an inappropriate manner. Deputy DA Dan Hooe advised that nothing can be sold for over \$5,000. John would like to have a discussion about the county's website on the next agenda. IDT has plate maps for the right-of-ways down Carp Road. IDT will get permission to make copies of the maps to give to Dan. John stated that the Panaca Airport is near completion. John has spoken with some of the fire chiefs concerning the county wide fire district. **IT DIRECTOR** Tracy Lee advised that the enhanced 9-1-1 system was installed last week. Later this week the cross over to the new system will be made. Tracy is working on completing the new radio console systems. **DEPUTY DISTRICT ATTORNEY** Dan Hooe reported that they have been busy with jury trials. Dan addressed the issue of nepotism, which will be reviewed in the new policy manual. The Sheriff's Office has asked for a policy based on Jon Neighbor's boys, who also work at the SO. The current policy doesn't cover the third degree and the DA's office believes that the policy needs to be changed. Any government action needs to be rationally related to a legitimate interest. There is an issue with supervision and nepotism. The policy will be addressed at a future meeting. Lt. Neighbor has been moved to traffic supervision so that he isn't directly supervising his boys temporarily. Wade stated that the policy at his work is that there has to be one layer of management in between the supervisor and the relative. Wade doesn't ever have say if disciplinary action is required; it is handled at a higher level. Ronda asked if it wasn't a requirement for Jon to live in LC. Dan stated that Jon is in the process of selling his home in Cedar City. John stated that the Sheriff has advised that Jon is actively trying to sell his home, but in the meantime it is difficult to handle two mortgages at the same time. Ronda stated that Jon was rehired under the assumption that he would be a LC resident. Jon's two boys are LC residents. **COMMISSIONER WADE POULSEN** advised that he continues to work on the Alamo Industrial Park. Wade had an informal meeting with a Steel Tech representative, who would like to be here and operational within 18 months. **COMMISSIONER TOMMY ROWE** attended the special improvement district workshop on 10-23 and a master plan water workshop. Tommy attended the GID meeting in Alamo and on the 30th attended the Meadow Valley Wash TRT. Tommy met with Vidler to review the bills that had discrepancies. Tommy attended an AULG meeting in Las Vegas. **COMMISSIONER PAUL MATHEWS** asked what the opening date for landing in Panaca will be. John replied that it will be approximately two weeks. Chuck Brechler advised that the runway is completely paved. The pots are in for the runway lights but the lighted windsock has to be installed still. Paul has been working with Dylan Frehner. They will meet later this week with Virgin Valley Water regarding the LC Land Act. **COMMISSIONER RONDA HORNBECK** reported that she has met with BLM regarding the resource management plan that will be coming out shortly. Ronda met with the weed district, which will be making several requests of the county. Ronda met with LC Power concerning the funding on the Alamo Industrial Park funding. Ronda attended the GID in Alamo. Ronda advised that tonight from 4-7 p.m. at the Youth Center will be a meeting concerning the Toquop EIS. Tomorrow night in St. George the EIS meeting will be held and then the following night it will take place in Las Vegas. Tri-County will meet on the 16th here in LC. Ronda reported that she will not be here at the next Commission meeting.

#7-RESOLUTION #2007-40 AND #2007-41

Wade made a motion to approve the resolution to augment the Road Special Revenue Fund in the amount of \$52,197.00; seconded by Bill. Wade made a motion to approve the resolution to augment the Road Capital Project Fund in the amount of \$52,197.00; seconded by Bill. All voted in favor.

#9-GRANTS

Phyllis Robistow, Grants Administrator, presented this item. a) Update—Phyllis advised that they had the mandatory walk through on the Alamo Parks projects. Phyllis will be going to Ely on Friday for brainstorming on the Round 9 SNPLMA grants. The ranking of the four projects will be addressed on the 19th; this is all that will be addressed until the completion of the open space plan. Pioche Town Board had an item on their last agenda to select an engineer for the Pioche Park. PTB will be holding interviews for the engineer on the 18th. Phyllis advised that it is possible that she will have a minimum of seven grant applications to write before the first of the year. Phyllis reported that she was informed that a letter would be sent to LC on Friday concerning the invitation to send in a full application for the EDA grant for the Alamo Industrial Park. Phyllis is working on putting an RFP together for an engineer. LC has been informed by the original engineer that they would like to continue with the project. However, Phyllis will be going to full RFQ. Phyllis continues working with Rick Tremblay on the AIP and will send the NRS to them that states that it is not adapted to going to bid. Chuck Brechler is creating a scope of work that will be included with the RFP or RFQ, whichever is required. Phyllis has \$90,000 from CDBG and \$20,000 from USDA. The \$20,000 won't make a difference to the match so it can be spent now. This could be applied towards the engineer. The Pioche Sewer Project is proceeding and the monies have been received. The lines are being flushed and a camera is being run down them. b) Ranking of projects for Pre-Disaster Mitigation grants for 2008—The tentative schedule is that notice of interest must be sent. The projects will be ranked and a notice will be sent to Department of Emergency Management (DEM) advising them that the county will be seeking funds. LC's projects will be ranked and put together with all of the other projects in the state. The statewide projects will be meshed and then ranked. DEM will then put in a request to FEMA for funding for the top ranked projects. The projects being considered are four sediment structures (Cold Springs, Hollinger Debris Basin, Rose Valley and Condor Canyon) and the Panaca Flood Control. The Cold Springs structure is the most important sediment structure to be considered. It is estimated that it will cost about \$1.5 million to repair. The county only gets 75% of the project, which means that the county will have to come up with 25% that can consist of in-kind or cash. This amounts to \$375,000 that the county will be responsible for. Ronda advised that there is another sediment structure that needs to be considered in Rose Valley. The State Parks own the property that the Hollinger Debris Basin sits on. Ronda suggested that the debris on the north side needs to be cleaned out so that this structure can continue doing what it needs to do. Phyllis stated that PDM funds will probably not be available for use to clean this out. If the Cold Springs goes, there is destruction all the way down to Condor Canyon. Chuck Brechler advised that if the Cold Springs fails there will be problems in Condor Canyon as well as downstream issues. It would be possible to get water and silt all the way down to Caliente if this fails. All of the structures being addressed were built at the same time with the same type of materials. Wall between the two arches at Cold Springs has eroded away and the rebar is exposed. Chuck stated that he is concerned that a deep enough cutoff wall was not put in and it is subbing out underneath it. Chuck stated that the debris should be cleaned out after each storm on the Hollinger Debris Basin. Phyllis suggested that the Hollinger Debris Basin be left off as it is possible that based on the fact that it is a real dam PDM monies can't be applied. PDM will not give money for dams or levies. There is an engineering report on the Panaca Flood Control. Panaca can be phased. Phyllis reminded the Board that the grant will for 75% of the cost of the project and LC will be responsible for the remaining 25%. **Wade made a motion to rank the Pre-Disaster Mitigation grants for 2008 in the following order: 1) Panaca Flood Control Phase I, 2) Cold Springs, 3) Panaca Flood Control Phase II, 4) Panaca Flood Control Phase III; seconded by Paul.** Tommy stated that the repair of Cold Springs needs to be moved on. **All voted in favor.**

#10-COMMUNITY DEVELOPMENT BLOCK GRANT 2008

Phyllis Robistow, Grants Administrator, presented this item. Phyllis advised that the School District is willing to consider the project for the community center as more important than the tracks. Sewer money can't be sought until there is an engineering report for any of the Panaca projects. It is the same with the water. Panaca will need to update and come up with a water master plan. It is possible to go for a water preliminary engineering report, or master plan, for Panaca Farmstead in the amount of \$30,000. This will be PF's #1 project. Dr. Mike Baughman addressed the Alamo Industrial Park (AIP). The LC Regional Development Authority requested a second round grant for the AIP. Last year the Commission approved the submission of application for \$250,000, which was awarded in the amount of \$90,000. The CDBG advisory committee encouraged the county to apply the next year for the remaining balance of the originally requested \$250,000. Mike stated that this represents the final piece of approximately \$3.7 million for the project. If the entire project is built out it will result in approximately \$3.1 million per year in revenue taxes. At this point there are six

entities that are interested in acquiring land in the park with a total of 64 acres. Most of these are local businesses that are looking to expand within the county. Mike believes that this is an excellent economic opportunity for the county. This funding will aid in putting the infrastructure in place for the park. Clint Wertz addressed the Capital Improvement Plan (CIP). Clint stated that the CIP needs to be in place in anticipation of the county's upcoming growth. A CIP would identify what the county's fixed assets are. The county is very limited in what has been catalogued for this. CIPs are supposed to be updated every three years and the last update was done in 2001. The update didn't address what is happening with the southern developments. For the county to go out for bonding for improvement districts there must be a CIP in place. The CIP will provide the expert basis for costs for infrastructure for serving new developments and the gradual growth of the county. Clint believes that an accounting of all county-owned land needs to be addressed. Much of the CIP could be done in-house, but there are some components that need to be done professional. The county will have to come up with \$20,000 in matching funds, which could come from PILT match. Phyllis suggested that the Water District needs to be included in the CIP, which would allow for some of the WD's funds to be used as match. Clint stated that nuclear waste funds could be used for some of the components' match as well. Ronda said that with WD, RTC, and Nuclear Waste being involved it would be possible to go to all of the entities to see how much money they could contribute to make the CIP happen. Ronda feels that it is possible to go in other directions to secure the funding for the CIP and then see what portion the county will have to pay for. Clint mentioned that the towns themselves are running into situations that require them to have a CIP. Ronda would like to see how far the county can get by securing funding from other sources prior to applying to CDBG for \$100,000. Wade suggested that if Clint were to work on securing the funds from these other sources it might make the CIP go forward in a timelier manner. Paul stated that the Board needs to make a commitment to getting the CIP funded if it is not ranked today. Clint agreed to remove this "from the mix of CDBG". The CIP will be addressed on the next Commission agenda. With the removal of the CIP, remaining projects include AIP, Panaca Water System Engineering Report, multi-purpose building in Panaca and track facility in Panaca. **Paul made a motion to apply for the \$190,000 for the Alamo Industrial Park; seconded by Wade. All voted in favor.**

#9-GRANTS

a) Update—There is approximately \$110,000 left from Legislature to put up a building at the fair grounds. There is \$35,000 for engineering money. The building is sitting in the Panaca Fire District backyard. Some of the bleachers are sitting on state land as is the arena. An engineer needs to be used to identify the fair ground boundaries. There is some concern that there are tracks leading up to the building. Ronda stated that a complete inventory of what is at the building needs to be done to make certain that none of it walks away. Ronda further stated that all of the little things, i.e. nuts/bolts, should be brought back and stored somewhere so that they don't disappear. Paul feels that getting the building built is important. Phyllis asked where the Board wants the building to be erected; it must be on county property, which is somewhat under dispute. This issue will be on the next agenda for consideration.

#12-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER RONDA HORNBECK advised that Dr. Adam Levy donated \$2,000 for whatever needs to be done at the Panaca Airport and offered thanks.

#11-TOQUOP TOWNSHIP

This item concerns an agreement for electric transmission facility pre-development services, funding of an environmental assessment and right-of-way grant from BLM for power transmission for the Toquop Township planning area. Ken Dixon presented this item. This agreement is between LC and LC Power District for the environmental to provide the transmission lines to the Toquop area. \$750,000 is the total amount anticipated for the lines and a 10% administration fee will be charged and paid for in whole by the developers. Ken has received checks from many of the developers and a fund will be created. All of the developers have agreed that they will provide the county will approximately \$825,000 to cover this. LC is asking for \$231,000 up front. The EA will possibly take as long as the end of 2009 for completion. Initially, power requirements will be limited. **Tommy made a motion to approve the agreement with LC Power; seconded by Wade.** Ronda advised that she would like to see, prior to signing anything, that all developer agreements are signed prior to fronting the money. Ronda requested that the motion include the addition that all developer agreements be signed prior to the agreement becoming effective. Ken advised that this issue is addressed in the agreement. Until all developers' signatures are in place and the \$231,000 is in place the agreement doesn't become effective. Once the pre-conditions are met, this agreement will go into effect. \$750,000 is the max for this agreement, which covers only the EA and the ROW. If one of the developers pays their first portion, then comes back in and says they don't have the funding to pay the remaining portion, per the agreement, their property can be attached. This means that the county will still be on the hook until the land is sold and the monies are recouped. If this happens, work will stop and Ken believes that one of the other

entities will pick up the slack. This is a necessity for movement in the Land Act; property won't be developed if this isn't in place. The county is obligating the money and will then recoup it from the developers. **All voted in favor.**

#15-BUILDING & SAFETY ITEMS

a) Update—Ken Dixon advised that both he and Joanne will be in Las Vegas at the Haz Mat conference. A temp has been hired to tend the office and Chuck Brechler will still be in if questions arise. b) Lincoln County Flood Control District and appointment of a Board of Directors for the District—Three members need to be reappointed to this district, which was created by Legislature. The FCD will be the umbrella and pull all flood control problems within the entire county together. Right now there are flood studies of independent areas that have no connection. Chuck Brechler advised that the FCD can become an advisory to the Planning Commission and County Commission in regards to developments and how they will be affected by floods. The FCD would advise the Planning Commission. Doug Carriger advised that currently the county has a GID in Coyote Springs that has the ability to create flood control. The development agreement with the county requires that the developer to go to the GID and provide all of the flood control within CS to the same standards as found within Clark County. A master drainage study has to be done and it is anticipated that the current flood control facilities will go all the way up to the Pahrnagat wash, west of Hwy. 93. The GID will be the responsibility of the people that live there. Doug believes that the 1947 act is limited in what it can do for the county. In section 5, about all it can do is investigate and construct. The newer act allows the district to be formed by ordinance; no permission from X amount of property owners is needed. With this, if one district covers the entire county, the RTC is the board over the flood control. This would allow for passing separate districts for flood control that could cover Toquop, CS and other parts of the county. If several districts were created under the county wide Flood Control District, then an advisory board could be created within each of these. These advisory boards would advise the Commission. Doug believes that NRS 543 allows for more in the way of financing and allows this district to work more like a GID. Doug advised that if the county wants a FCD, CS is willing to work this out and asked that all issues be looked at. The FCD was formed in 1947 as the Commissioners had received a petition from 10% of the voters. The district was formed based on this. Once 60 days have passed, the appeal period expires. The FCD has been in continuous existence since this period even though it hasn't been in continuous operation. Ken has the paperwork showing that the FCD applies to the entire county. Paul questioned if the 1947 act and subsequent statutes are being merged or is this operating solely under the 1947 act. Ken responded by saying that there are funding mechanisms available through the act that are not available through the statutes. There is nothing that says that once the board is operational that they can't adopt portions of the NRS. Ken stated that the Clark County (CC) standards are excessive over the criteria that can be used for LC. This is being done now with the Land Act. The runoffs are 1/3 less than CC, which will reduce the size of the facilities to about 15% of what CC is. If the population is below 100,000 the board would be the Commissioners. If it is between 100,000 and 400,000 then it is the RTC. Under the 1947 act, a three member board would be created with the only requirement being that they be residents of LC. DA Greg Barlow stated that there is no conflict between the '47 act and the later statutes unless they create under 543 district, which requires an ordinance. Ronda asked if it is possible to adopt what would be within the boundaries of the 543 in a couple of weeks or does it have to be done by ordinance. Greg stated that the '47 act is there and many powers exist to update themselves by adopting certain provisions. Using the '47 act would not preclude them from making changes in the future. The creation of this district will not hamper the county in the future. As an umbrella it allows the FCD to look at issues rather than having the Commissioners sit through the hearings; ultimately, it will be brought before the Commission for approval. The GIDs formed in CC are under the umbrella of the RTC concerning traffic. The FCDs in CC are under the FCD. The RTC makes sure that the traffic meets the required standards. Chuck envisioned that the FCD would be the umbrella to make certain that everything within LC conforms to the same standard. Doug said that he doesn't see anything in the '47 act that authorizes the district to do maintenance; it is authorized to construct only. Ken stated that the language in the act provided pretty broad authority, which includes construction. Wade stated that the FCD has never been dissolved; it has been inactive. Once the FCD is up and working changes can be made at any time in the future; this issue is just reactivation of the FCD board. The main purpose of this reactivation is to repair the Cold Springs drop structure. Ken advised that through the legislative act itself, funds can be found to build a completely new structure down there. Greg advised that the '47 act gives the FCD leeway to do repairs. Any work to control flood storm waters is allowed. Ronda stated that this is an issue that can be addressed in the future. The '47 act is much less restrictive than 543. **Wade made a motion to re-activate the LC Flood Control District and appoint Glenn Zelch, Vaughn Higbee and Kevin Phillips to the board; seconded by Paul.** Bill stated that he doesn't feel that Glenn should be in this position as he is on the Planning Commission; if he is on the FCD, then Glenn will be advising himself. **Bill is opposed. Tommy abstained. Motion carries 3-1.**

Lunch 12:18-1:15

#14-ORDINANCE #2007-04

There are so many people present that the meeting is moved outside. This is the time and place set for public hearing on Ordinance #2007-02 repealing Chapter 5 of Section 11 of the Lincoln County code and replacing it with a new Chapter 5 and adding a Chapter 6 to Section 11. This ordinance pertains to the use of recreational vehicles and shipping/storage containers in Lincoln County. Ronda addressed the audience and advised that this is public hearing and the ordinance will not be passed today. Ken Dixon reviewed Appendix A of the ordinance. Section 11-5 addresses the recreational vehicles. Recreational vehicle is anything that can be used to stay in overnight and occupancy is limited to three consecutive nights. Ken reviewed storage. Storage should be limited to not more than two RVs per lot. The purpose is to avoid cluttering up a yard and creating fire hazards. Ken reviewed the occupancy. A permit may be issued by the building department for more than three nights but not more than four additional nights. A piece of paper will be issued stating the time frame of the permit. An RV can be lived in while obtaining a Special Use Permit while a house is being built. The SUP will be available for a slight fee which is based on site visitation. There are many people living in their RVs right now, but a permit can be issued for \$35.00. Part of the RV ordinance says that if living in an RV now, when it is vacated or it changes hands, it is no longer a valid use. There are some instances where people in the county are using RVs as motel rooms; this is a fire hazard. The fine for each offense is not less than \$20 and not more than \$500 for each day. Ken addressed the storage shipping containers/storage buildings. Accessory building is anything more than 120 square feet. A building permit must be pulled for anything over that. If a shipping container is to be used as part of a house, the Building Department will have to approve the plans and how it will be used. Steps that will be taken to conceal the big box will also need to be presented. Ken stated that even though the person owns the lot, choices that property owners make affect their neighbors. Storage shipping containers need to be permanently fastened to the ground. They need an anchor bolt to the concrete footing because once in place the container can't be moved around the property. Any existing storage or shipping container that hasn't been issued a permit should be submitted for a SUP. The penalty phase is not less than \$20 not more than \$500 per day for each offense. Clint Wertz advised that the Planning Department's role is checking the permits. Clint stated that input is needed as to what the citizens concerns are. Ronda advised that LC is growing and that creates the need for this ordinance. Ronda stated that the LC Land Act and Coyote Springs will bring a great deal of growth. There is a land sale in the Alamo area that will take place in about a month. The board is working with the growth of the county and trying to plan ahead. Ronda stated that the growth will make changes. Paul addressed the audience. **Paul made a motion to delete section 11-5-2 of the RV section and the entire section of the storage containers and have it rewritten pertaining to fire code issues and how close it can be placed to property lines (this will include an article for using it in building) and if someone puts electrical or other utilities in those containers; seconded by Tommy.** Wade stated that he agrees with Paul's motion. **Wade made a motion to amend Paul's motion to change the occupancy to 14 days; seconded by Paul.** Wade advised that the Board is not trying to be Clark County, but there are some things that need to be addressed. Wade stated that this county belongs to the citizens, not the Commission. Wade advised the crowd that the Board needs the residents' input. Wade thanked those present for coming out and for the support to make the right decisions for LC. Tommy stated that he feels that the ordinance was made for the sub-political subdivisions of the county. If Caliente City wants an ordinance like this then they should make one; likewise for the other towns in LC. Bill said that he is completely against the ordinance. Bill doesn't believe that anyone should make these strong laws against the reasons that we all live here. **All voted in favor (motion is to delete section 11-5-2 and the entire section of the storage containers while having it rewritten pertaining to fire code issues and how close it can be placed to property lines and change occupancy to 14 days.** Meril Van Dusen stated that he has 12 kids and asked where they will stay when they come. Meril stated that the containers were used in Vietnam and he's seen mortars hit them; they didn't move then. Barbara Mason stated that it is good to see the Commissioners step up to the plate and do what is right. The federal government rams laws down citizens' throat constantly and now the local government is doing the same. Barbara suggested that there are many laws that can be enforced. Barbara requested that no more laws be shoved down the citizens' throat. Ed Wright stated that under the open meeting law there was no motion to come outside. Ed further stated that he is concerned that there is no way to accommodate all of the citizens and offer seating. Kathy LeFevre stated that she is against the ordinance, but she agrees with the amendments made by the Commissioners. Kathy feels that this is an infringement on her personal rights; she should be able to do what she wants. Kathy further stated that this is too much. Jim LeFevre stated that the county needs more jobs and less people getting in our pocket for the money. Chris Giles suggested that everyone get together to put together a call list to fight this. Kim Lee advised that the reason that more people don't come to the Commission meetings is because the Commissioners were hired to represent the people. Kim stated that he has issues with the document and that the wording in it is incredibly poor. Kim addressed the fact that the document says that storage containers have to be disguised and questioned what would happen if he decided to disguise it as a pile of garbage. Kim said don't tell him how many toys/RVs he can buy and put on his property. Ray Ferrell stated that if his family comes here he has no place to put them. Ray further asked if this ordinance passed would more people have to be hired to do inspections. Ray asked that that Board listen to their constituents. Pat LeBoutillier advised that she

and her husband are against this ordinance and further stated that it infringes on their rights as owners. Peter Borsh reviewed the US Constitution and the 9th Amendment. Any law that infringes on his right to use his land may not be stopped based on the US Constitution. Jerry Johnston stated that he has 30 acres that are not adjoined and asked if this ordinance have limited what he could put on it. Yes. Matt Wadsworth stated that he believes that some building code is good, but this will be a hardship for about 90% of the county. Jule Wadsworth advised that she is opposed to this ordinance and this is not the "People's Republic of Lincoln". Jule further stated that people need to get along but the law shouldn't be used against our neighbor. Jule further stated that we need to mind our own business, not our neighbor's. Alice Noland told the Board to enforce the laws that they have. If the Board wants a Homeowner's Association then the developers need to build them. Barbara Dabel questioned who was taking pictures of her property the other day. The Board advised that it wasn't any of the Commissioners. Barbara asked who would be the judge of whether or not the storage shed color complements or matches the house. Barbara stated that she has a situation at her house that is not her doing, but it is necessary. Her daughter and granddaughter live with her. There isn't room for her 14 year old daughter, so she sleeps in the camper; this is her bedroom. How can anyone tell her that she can't use her camper for that? Carol White stated that she wants a definition of what is objectionable appearance and who gets to decide that. Ronda stated that the verbiage in this ordinance is subject to change. Frank Porter feels that it would be well and more progressive if the RV and storage category were separated into individual ordinances. Spike Volk advised that he's lived here for 21 years and he abides by the rules. However, Spike feels that this is getting way out of line. Many of the Commissioners that the public voted for have bowed on this. Spike believes that one of these Commissioners is stuck on this and asked that the people pay attention when they vote. Keith Pearson stated that he can see restrictions on a new housing project, but when living in the country means that the people don't need to be restricted. Keith feels that it is better to leave these things to the towns as they are closer to the people. David Free stated that he has worried about the people coming in from Las Vegas and changing things. David is shocked that the people who live here would even propose this. Dave doesn't own either a RV or storage container and wouldn't be concerned if his neighbor had one. David stated that an amendment needs to be created so that when Coyote Springs comes in the individual towns can create their own code to address the needs of their people. Dave asked the Board to entertain that building codes would be enforced by the individual towns. Ronda stated that one of the things that were discussed was working this through the townships as opposed to going countywide. Ronda further reiterated that this ordinance is not cut in stone. Paul answered Dave's questions by saying that many of the towns aren't incorporated cities. They have town boards but work with the county. Many of the things that come up are ultimately handled in tandem with the county board. Paul stated that building code issues have to be enforced by the county as the towns don't have the legal ability to control this. Paul stated that his personal opinion is that he represents the people of Panaca and invited the public to come and talk to him about issues that they might have. Dave asked what can be done to protect ourselves from CS. Dave asked that the Board look into this. Wade stated that CS has a master plan, which is submitted to the county for approval. When CS grows, they will exceed the current numbers of the county. Eventually, CS will have representation down there. Wade stated that the best way to protect the citizens is to allow CS to have their master plans, which could include Home Owner's Associations. If something is passed in CS it will not have an impact on the rest of LC. Dave asked how the residents can protect themselves from being outvoted. Keith suggested that the county line be moved north about twenty miles. Wade stated that this would require legislation, but it is possible. It would take a united effort and a great deal of work. Vaughn Higbee advised that he represents several retired people from the Alamo area that are opposed to this ordinance. Vaughn said that he is a property rights advocate. Vaughn believes that a person who owns property can do what they want with it. Vaughn stated that the growth will affect the county in a relatively short period of time. Vaughn is opposed to this ordinance, but the people need to understand that the growth is going to affect the county. Vaughn suggested that this ordinance not be completely thrown out but that the Board goes back to their communities for input. Major Mastin stated that some of the rules are good for other communities coming into LC, but the rest of the small towns should be exempt. Major stated that CCRs need to be left in Mesquite and everyone needs to stick together. Carter Sanford reiterated that growth will be an issue and if it is going to be an issue it needs to apply to the new growth, not those that are already here. Robert Alison stated that the people don't want this as it is written. Bobby asked that the Board listen to the people. Bobby asked that this be rewritten in a way that will reflect the future growth. Wendell Cowart said that she had a cousin come down and advise that she had a \$500 ticket for weeds in her yard. Wendell stated that the community needs to work together to take care of things. Wendell stated that he has watched the county grow and change, and it will continue to change but in the way that the people of this county want it if the people stick together. June Cox stated that she wants things to remain as are and not be restrictive as to what can be done with our own property. Bevan Lister echoed the sentiments of the people that have already spoken. Bevan stated that there is a considerable fine/penalty and questioned if it was written under administrative law or criminal law. Bevan further stated that he isn't aware of misdemeanors that accumulate day after day. Bevan further stated that this must make it administrative law. Bevan questioned what the administrative appeal would be. Bevan stated that this is gun control; control the masses instead of addressing the problem. Bevan stated that LC Farm Bureau doesn't have policy related to this, but the board of directors

was opposed to this ordinance. Bevan asked that the ordinance be withdrawn completely and sent back to the drawing board. Bevan stated that the Commission has power to control the growth within a reasonable manner. There isn't anything that says that an ordinance can't be written to control the ordinance. Casey Foht submitted a written letter addressing the ordinance concerns. Patsy Dye stated that she and her husband own two containers and two RVs. If their family comes to visit, they sleep in the RVs. They have enough room for it and how dare anyone try to fine their family for wanting to stay more than three days. Patsy stated that she knows that her neighbors wouldn't like to see what she has in her containers sitting out in her yard. Marilyn Budreau stated that she shouldn't come to Ken to talk about this as she didn't vote for him. Marilyn questioned if this was an illegal public meeting as there wasn't a motion to move the meeting outside and it wasn't advertised that way. Ronda stated that this would be a question for the DA, but it was moved outside to accommodate the public. Wade stated that we are still at the courthouse and it was shown on the agenda that this meeting would be held at the courthouse. Grayce McBride discussed the Panaca Town Board, which she served on for ten years. Grayce stated that the town board can pass something and then it goes to the Commission. Grayce further stated that she thinks that what the Commissioners are doing is very wrong and the people pay their salaries. Grayce further stated that the ordinance needs to be scrapped. Brenda Rigby stated that the same thing happened in Utah that is happening here. The town that she came from became overrun by people moving in from many other areas. Pine Canyon is the town and they continue to keep their old ways. Dick Thornton advised that the property that he bought seven years ago had existing buildings on it. There should be something in the ordinance that protects the existing buildings that are already in place. If not, many of these will have to be torn down. Dick stated that it will create a financial hardship if these buildings have to be torn down. Sandy Robison stated that there are more important issues than this ordinance that need to be addressed. Sandy listed radio communications for the SO as an issue and the lack of street signs. Sandy stated that the power company's power fluctuates off and on. There are many problems that are much more important. It takes twenty minutes to get a responder for the ambulance. Sandy stated that she has a container. Will she now be forced to hoist her container and pour a pad? Sandy asked about hay storage. Will cement have to be poured under the hay now? **Wade made a motion to put this ordinance, as amended, back to each of the town boards to allow for the communities to have input into the ordinance, then the public hearing period will be started again; seconded by Tommy. All voted in favor. Wade made a motion to move back into the Commission Chambers; seconded by Bill. All voted in favor.**

#13-PLANNING ITEMS

b) Participation in the 2010 Census Local Update of Census Addresses (LUCA) and authority for the County Planning Department to delegate all necessary work items to staff and to develop a needs assessment for County support for census involvement—Shannon Simpson, GIS Coordinator, made a power point presentation that reviewed the LUCA program. November 19, 2007 is the last day to register with a guarantee of 120 calendar days to complete our review. The absolute last date to turn everything back in is April 4, 2008. Participation responsibilities to comply with Title 13 U.S.C. include Nondisclosure, Secure Information, Use Computer Passwords, Return to Secure Storage After Use, Return or Destroy All Title 13 Materials and the county is subject to Onsite Visit. The penalty for not complying is fine up to \$250,000 and up to two years imprisonment. The LUCA liaison will be Dawne Combs. Reviewers include: Brenda Mason, Melanie McBride, Arla Prestwich, Clint Wertz and Phyllis Robistow. GIS will be Shannon Simpson and IT will be Tracy Lee. Over the next two years, the Census Bureau will review and process our lists then conduct address canvassing. Feedback will be provided to LC, who will have 30 days to submit updates. The CB will then review up make updates based on LC's review. Clint Wertz reviewed costs. The cost of materials to participate is \$732.00 and mileage is \$485.00. Total materials is \$1,217.00. This includes 700 labor hours. This will be coordinated with getting the addressing system in place. Right now PO Boxes will be used. Wade stated that there are many people who take out PO Boxes but don't live in the county. Addresses will be compared and real site addresses will be developed. The LUCA process is just one part of the census, but Clint believes that it will be the most time consuming. Clint has been involved in this before in another rural county and he feels confident as to the path that LC is going down with it now. Shannon will be dedicating most of her time to this as it is work that will have to be done for the addressing system anyway. Clint is estimating about 15 minutes per residence. Clint stated that the Census has insured that if the county participates and gives them an accurate addressing system there is a mechanism that will allow for plugging in everything at the last minute, which would cover the proposed developments in the southern end of the county. If the county doesn't participate then we will be limited in our ability to challenge anything. The state demographer believes that LC is closer to 5,000 in population, which means that the census is off by about 1,000 people. Phyllis advised that she can't get a grant for the Alamo area as the census was completely incorrect. Wade estimates that the labor dollars will cost about \$15,500 to do the project. Costs will be recouped in the long run. Shannon advised that Caliente will be doing their census count so we will not be spending the amount of hours counting the City. Caliente will be submitting theirs separately. **Wade made a motion to move forward and get the necessary notification paperwork turned in to the Census Bureau and to give authorization to Clint to do the work; seconded by Bill.** Ken believes that additional staff will need to be hired to help with this. Clint stated that the

huge time factor is that when addresses are being created field verification will have to be done. Clint will present a cost breakdown for this at a future meeting. **All voted in favor.** a) Update—This is moved to the next meeting. c) Work plan and progress report for the Planning Department— Clint requested that the Board review this prior to the next meeting. No action is taken and this item is table until the next meeting. d) Proposed Lincoln County Addressing and Street Naming Policy—Clint requested that the Board review this prior to the next meeting. No action is taken and this item is table until the next meeting. e) Creation of Lincoln County “eBay” account for purposes of acquiring items and selling excess equipment—Clint stated that it might benefit the county to create this account so that costs can be recouped through selling at a higher price. There is a way to set up a government account. Anything that is sold can be documented and provided to the Board. Ronda stated that all items must be sold for under \$5,000 and currently the computer filter blocks out eBay. The disposal policy would have to be modified to allow for this. **Paul made a motion to turn this item over to the County Manager to work out the details and incorporate it into the disposal policy; seconded by Wade. All voted in favor.**

#16-CALIENTE MENTAL HEALTH CENTER

Bonni Smith is representing Mesquite Mental Health. Currently, MMH is using space in the Depot in Caliente. However, they will be expanding and adding more services, which will require more space. MMH is using two rooms but needs a third. The cost will be \$291.00 per month for 18 months, or \$5,238.00. Right now, MMH has 15 clients in Caliente, 6 in Panaca and 11 in Pioche. They don't have any patients from Alamo. The county's share of the rent is the \$291 per month. **Tommy made a motion to approve the rent in the amount of \$291.00 per month; seconded by Bill.** Ronda left the meeting to review where these monies would come from and Wade assumes the Chair. Ronda returns. Caliente pays the utilities and MMH is paying \$230 per month. The City is willing to take less money if the county doesn't have it in their budget. Ronda advised that this can be taken out of General County Miscellaneous for seven months until the next fiscal year. **Tommy amended his motion to include that the payment is to come out of General County Miscellaneous; amended second by Bill. All voted in favor.**

#17-MEDICAL REIMBURSEMENT FLEXIBLE SPENDING ACCOUNTS

Shannon Simpson presented this item. The FSA is another item that can come out before tax. A fund can be set up to take money out of each pay period that can be applied to any out of pocket medical expenses. Any time this occurs, a form can be submitted and Aflac will reimburse the amount. Linda Petrowski of Aflac will sign everyone up. It isn't necessary to be signed up with the county health insurance to enjoy this program. If an individual agrees to pay \$2,000 and doesn't incur anything, the money isn't returned. Over the counter medications, eye glasses and many other things can be included for the fund. These are prepaid medical expenses. It is taken out of the paycheck, and when the monies are needed it will be taken out of the fund to pay for out of pocket. There is a small administrative fee that the county will pay to get it set up. Wade stated that if flexible spending is something that is available through our current provider then the county should go with them. Wade asked that Shannon research to see if this is already available. If not, then Wade advised that Aflac would be a good thing to look into. Linda is willing to come to the next meeting, 11-19, to present what this entails. John will research to see what Teamsters offers and this will be on a future agenda if it is a “go forward”.

#18-COUNTY MANAGER ITEMS

a) Update—There was a paper that came out from insurance that explained the impact of the Senate Bill that concerns the Public Employee Benefit Program. There are two pending lawsuits. John spoke with three different HR and City/County Managers. All of these people have found that it is less expensive for them to stay with the group that they have. Some of them have insurance carriers different than PEBP. It would cost more to go back to PEBP.

#19-PUBLIC COMMENT

There is no public comment.

#20-ADJOURN

There being no further business for the Board to attend to, **Wade made a motion to adjourn the meeting at 4:20; seconded by Bill. All voted in favor.**

Attest: _____ Approve: _____