

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

April 7, 2008

**#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 9:08. 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 4-1-08 to comply with the open meeting law. The Invocation is offered by John and Tommy led the Pledge of Allegiance. County Manager John Lovelady is present.

**CONSENT AGENDA**

- 2\* Approve/Deny minutes of the March 17, 2008 Commission meeting and March 25, 2008 Budget meeting.
- 3\* Approve/Deny execution of Memorandum of Understanding between Lincoln County and the Lincoln County Regional Development Authority for funding from LCRDA in an amount up to \$67,000.00 towards the Alamo Industrial Park engineering.
- 4\* Approve/Deny request for permission to use the Lincoln County Fairgrounds for the Lincoln County High School Rodeo on April 25<sup>th</sup> and 26<sup>th</sup>, 2008 and to allow rodeo contestants and their families to camp at the Fairgrounds during the event.
- 5\* Approve/Deny transfer of \$10,000.00 from the Room Tax Fund to the Fair Board Fund.
- 6\* Approve/Deny transfer of \$25,000.00 from the Lincoln County Water Reimbursement Capital Project Fund to the Fair Board Capital Projects Fund.
- 7\* Approve/Deny Notice of Intention to Act on a Resolution to Augment the following budgets for fiscal year 2007-2008: China Springs (opening balance larger than anticipated) \$1,378.00; Administrative Assessment (opening balance larger than anticipated) \$57,387.00; Lincoln County Land Act Planning and Development Fund (opening balance larger than anticipated) \$463,208.00; Lincoln County Land Act Education Fund (opening balance larger than anticipated) \$10,000.00; Lincoln County General Fund (opening balance larger than anticipated) \$165,041.00; Senior Nutrition Fund (Transfer from General County Fund) \$48,000.00; Solid Waste Fund (Transfer from General County Fund) \$47,000.00; Tri-County Weed (Revenues in excess of those budgeted) \$600,000.00.
- 8\* Approve/Deny acceptance of a grant in the sum of \$10,421.00 from the Division of Aging Services for the Senior Nutrition Program.
- 9\* Approve/Deny advertisement for 3<sup>rd</sup> Floor Administrative Clerk I; anticipated start date of May 15, 2008.

Paul joins the meeting at this time.

**Tommy made a motion to approve the consent agenda; seconded by Paul. All voted in favor.**

**#10-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers. **Wade made a motion to approve the vouchers as presented; seconded by Bill. All voted in favor.**

**#12-RESOLUTION #2008-08**

Ronda read the resolution into the record. **Tommy made a motion to approve the resolution to transfer Lincoln County Land Act General Fund; seconded Paul.** Wade asked if the amount of the transfer was the interest. No. Leslie

advised that this is the fund that she will be moving the money from stabilization fund to pay for Rebel Communication. This is a budget change that will allow for the spending of this money. **All voted in favor.**

#### #13-OFFICER/DEPARTMENT HEAD REPORTS

**RECORDER/AUDITOR** Leslie Boucher presented the cash balance reports. General County has a balance of \$1,159,654.57 with estimated expenditures being \$218,325.87. This leaves General County with a balance of \$941,328.87. Transportation has a balance of \$12448.48 with estimated expenditures being \$1,640.14. This leaves Transportation with a balance of \$10,808.34. Nutrition has a negative cash balance of \$20,925.45 with estimated expenditures being \$11,593.17. This leaves Nutrition with a negative balance of \$24,726.62. Detention Center has a negative balance of \$179,488.10 with estimated expenditures being \$74,382.91. This leaves Detention Center with a negative balance of \$103,721.91. The billing for March was 164,920.00, which will leave an estimated balance of \$61,198.99. **EMERGENCY**

**MANAGEMENT COORDINATOR** Marge Gunn-Nutman presented a type written report to the Board, which she reviewed. Marge has sold her house but has no intention of leaving LC. Marge had taken pain medication prior to John Lovelady stopping by her house to inform her that her position had been cut back to part time. John advised her husband, Elton, but Elton assumed that it would be followed up in writing so said nothing to Marge. Marge noticed that there was something amiss when she received her paycheck and delved into it; mystery solved as Marge realized that she indeed had received notification. Marge reviewed the requirements for the EMC position. In 1977, when Marge was offered the EMC position there was no place available in the courthouse for an office so she established one in her home. Marge stated that she has to retire and it is foolish for her to continue to work and earn less than she would if she was on retirement. Marge has been talking to the Board since last July concerning her need to retire as she will make more money on retirement than the county is paying her on part time. Marge has enough leave built up that she could take three months off. It will take approximately three months, once retired, for Marge to get her first retirement check. Marge presented a list of things that the new EMC will have to do. \$30,000 for SERC grant was approved. Caliente will receive over \$16,000 of that based on the cost of the extrication equipment. Pioche asked for nothing as they will request funds under the United We Stand Grant. There will be a two day workshop in Las Vegas. Marge attended a meeting with the evacuation committee. Marge doesn't want to leave before the county has hired someone to fill this position so that there will be a smooth transition.

**DISTRICT ATTORNEY** Greg Barlow reported that the jury trial last week was postponed as the Judge was ill. Greg will be in Sparks this Thursday and Friday for training. **SHERIFF** Kerry Lee asked the Board to take the EMC position very seriously. No single person has done more for EM services in LC than Marge Gunn. There are 74 inmates and the Detention Center will have 76 by Wednesday. Kerry is trying to get through negotiations with Clark County by the end of the month. Kerry received a phone call from Lt. Seize concerning video visitation. Clark County is installing a different video system and Tracy Lee is working with them on it. There have been a couple inmates that have had to be taken to Las Vegas for court and this system would be able to eliminate the travel requirement. Whatever system the DC gets will have to be able to link with CC's. Kerry met with the Mesquite Police Chief and Mesquite Fire Chief. They didn't have any issues with the Toquop law enforcement agreement and Kerry requested six months notice for termination, which they are mulling over. Overall the meeting was very positive. Figures will be presented for standby fire at the next meeting.

#### #15-LIQUOR BOARD

**Wade made a motion to go into LB; seconded by Bill. All voted in favor. Tommy made a motion to go back into Commissioners; seconded by Wade. All voted in favor.**

#### #14-GRANTS

Phyllis Robistow presented this item. a) Application to USDA Rural Community Development Initiative for a grant for a three year project to study development in the northern part of Lincoln County—Clint has been working with Dr. Harris at the UNR Extension. The project that they are willing to fund wasn't started in NV, but was cleaned up here. This is a 50/50 match. This is a three year project; \$30,000 per year that the county would have to come up with. Phyllis believes that CDBG would be willing to fund one year of the project. Ronda is concerned that there will be budget constraints that will prevent the participation of this as the county may not have the require match funds. PILT has approximately \$76,000 that could be applied towards the match this grant. There is also \$49,000 left in Water Match. Ronda said that the Water Match monies are one time monies and once they're gone, they're gone. The amount of interest being generated by each one is being looked into at this time. This project would study only the northern part of the county and in the future a study could be done for the southern end. USDA looked at the Census and doesn't feel that Alamo qualifies. There will be growth in the northern part of the county when the BLM lands are released around Pioche, Panaca and Caliente. The information from this report will aid with some of the important planning decisions that the county will have to make in the near future. Phyllis suggested that the Land Act General monies could also be applied towards this. Bill stated that at this time, it isn't even known how much money the county will have to deal with through the budget. Clint Wertz, Planning

Director, advised that this will be a broadly based planning grant for community development. It will help the Planning Department to complete some of the studies that they need done. Some of the studies would be done by UNR and this is a technical assistance grant. Clint said that this would allow him to remove some of the things that he has on his "to do list". The application is due by May 15<sup>th</sup>. The Board agreed that they couldn't tell this entity that the county can fund this when it remains uncertain if they can. Clint requested that this item be continued to next time to make it very clear what could be accomplished on his work plan by this. No action is taken and this item will be on the next agenda. b) Agreement with Sunrise Engineering, Inc. for engineering and technical services on the Alamo Industrial Park project—Clint, Chuck and Phyllis worked with Joseph Phillips to review Sunrise's proposal. Some verbiage changes were made as were scope of work changes that resulted in a lower price. The District Attorney hasn't had time to review this yet. No action is taken to allow the DA to have time to review and this will be on the next agenda. c) Update—Phyllis went to SHPO in Carson City regarding the Thompson Opera House. \$120,000 was funded. December 2010 Phyllis will retire. \$1 million, which includes the \$120,000, is the amount spent on the TOH to date. Phyllis has been working with Connie Spangemacher concerning the line of credit for Alamo Industrial Park, which is now being handled as a medium term obligation. There are some people at the state level that don't think that counties should be involved in the buying/selling of land. Phyllis has advised Connie that the county has no intent to make a profit. The federal government "Pigbook" book is out and Phyllis reviewed it for the Board. Employment/Unemployment figures are out for the year ending February. There are 90 new people who have registered, whether they are working or not working and collecting unemployment. 60 of these people have found jobs and 30 didn't. There are many retirees moving in, but they aren't considered part of the workforce. Phyllis received notification from CDBG that the county was recommended for funding for the Alamo Industrial Park engineering for the coming year.

#### #18-BUILDING & SAFETY

Ken Dixon presented this item. a) Update—Ken advised that they continue to work on the development agreements with Lincoln Highlands and Eagle Falls. LH will go before the Planning Commission for approval next Monday and staff is recommending disapproval unless some critical changes are made. LH doesn't want to fund any positions until they are ready to move forward. Eagle Falls is moving along smoothly. Ken and Ronda have met with BLM concerning their issues on the HCP implementation. BLM has responded well and many of the issues that BLM had were misconceptions. Ken doesn't believe that the HCP will be in hand prior to December. b) Permit for 3 day camping event by Dark Skies Arts Festival at Delamar Dry Lake June 19 through June 22, 2008—No response has been received nor have phone calls been returned from Dark Skies concerning their request for this permit. **Paul made a motion to deny the permit for Dark Skies; seconded by Wade. All voted in favor.** The Sheriff has also previously requested that this permit be denied based on manpower.

#### #24-PIOCHE PUBLIC UTILITIES

Glennon Zelch presented this item. LC Power has informed PPU that Pioche is maxed out on the substation to service the town. An engineering study needs to be done of the power system to know the best placement of the substation and/or other available alternatives. Sunrise Engineering was selected to do the study on the power system. The \$30,000 is in the PPU budget. **Tommy made a motion to approve the contract with Sunrise Engineering in the amount of \$30,000; seconded by Bill. All voted in favor.**

#### #25-PIOCHE SWIMMING POOL

The state insurance is recommending the removal of the diving board at the Pioche Pool. If the diving board is not removed, the coverage will be dropped. This is the third notification that has been received. Glen stated that they were holding off as long as they could because it's very popular. The Board agreed that the diving board had to be removed prior to the pool opening this season.

#### #17-PLANNING ITEMS

Clint Wertz, Planning Director, presented this item. a) Update—Monday is Planning Commission meeting. 4-22 will be a special Planning Commission meeting regarding the Eagle Falls development agreement and the master plan amendment for Coyote Springs. b) Lincoln County Addressing Policy—Clint is finishing the creation of the addresses. It will be about two weeks of cleanup for addresses. The next step will be to convert the addressing database that will be usable for the 911 system. Gnomon believes that this will take a month. It will be about six weeks before Clint has the final package for presentation to the Board. When and how the addresses get implemented will be included in the package. Clint will work with Greg and Lisa concerning options to implement the addresses and when they will be effective. Clint is suggesting that the addresses be available for certain purposes on different dates. Ronda suggested that the Board clean up the effective date of the policy since it states that there are only so many days to implement the policy after it was signed. Clint stated

that these changes could go into effect within eight weeks. Sheriff Kerry Lee has advised that another six months of waiting for the changes won't impact him; he's been without it this long. **Wade made a motion to make the Addressing Policy effective January 1, 2009; seconded by Bill. All voted in favor.** Clint asked what he does with the people that come in between now and the effective date. Wade suggested that Clint tell these people of their present address and what it will change to on 1-1-09. Clint stated that the same effective date isn't needed for every application. Clint stated that due to the way that the addressing database is set up all streets that weren't named nor had signs up were assigned generic names by him. Part of what will be approved by the Board will be the address list and upon adoption these will become the street names.

#### #22-NUCLEAR OVERSIGHT ISSUES

Connie Simkins presented this item. a) Wording change in contract with HJW GeoSpatial for aerial photographs in Lincoln County—Connie is concerned about the description that the aerial photographs will be distributed to Clark County. HJW included this as Nye County does this with CC. Connie recommended that the \$77,990 worth of photos not be given to CC and requested that she be allowed to work with staff to set up a nominal fee for these photos. **Paul made a motion to delete the language allowing these photos to be given to Clark County and if CC wants the photos an agreement will be created; seconded by Tommy. All voted in favor.**

#### #26-COUNTY MANAGER ITEMS

f) Letter to the Surface Transportation Board providing comments on the Department of Energy's application for a Certificate of Public Conveyance and necessity for the Caliente Rail Alignment—An amended letter was received by Connie on Sunday night via email. There are a couple of pages missing, 23 & 24. Ronda feels that project related schedule needs to be provided to all property owners; this is under land use. Tommy feels that Ronda needs to work the questions/changes out with Dr. Mike Baughman. **Tommy made a motion for Ronda to work with Connie and Dr. Mike Baughman concerning all necessary changes to this letter and to authorize Ronda, once said changes have been made, to sign the letter; seconded by Wade.** Connie reviewed her recommended changes. Connie advised that the DOE has filed an application for certificate of conveyance to allow for shared use of the railroad. NV's attorneys don't feel that DOE's application is complete as filed; their motion is to reject the application or only handle it when the application is completed by supplement. Ronda suggested that the Board members review the letter and submit their comments and suggestions to Connie ASAP. Ronda will then meet with Connie this week to review the changes. **All voted in favor.**

#### #16-CLOSED SESSION

**Wade made a motion to go into closed session; seconded by Paul. All voted in favor. Wade made a motion to go back into open session; seconded by Bill. All voted in favor.**

Lunch break 12:00-1:00

#### #19-DEFENSIBLE SPACE CAMPAIGN

This is a request from BLM for Lincoln County to partner with BLM and others for the 2008 fire season's Defensible Space Campaign. Stephanie Trujillo, Patti Heinbaugh, Chris Hanefeld, Ty Meizer and Kyle Teele are present from BLM. BLM has partnered with the Forest Service. This campaign will start in May and end in September. Banners will be put up within the county as will flyers to raise public awareness. The flyers will be in the newspapers at the end of June and the banners will be erected in May. The total cost for the county to participate is \$163.84 and includes a banner, magnets and flyers. Stephanie would like to see both BLM and volunteer firefighters go to the schools to make presentation of the program. Wade suggested that the county team up with the fire districts. Ronda suggested that a banner be purchased for Panaca, Pioche and Alamo. **Paul made a motion to partner with the BLM on the Defensible Space program, up to \$800, and the Chairman will determine the number of items needed (Emergency Disaster, Fund 88); seconded by Wade. All voted in favor.**

#### #20-BUREAU OF LAND MANAGEMENT

Chris Hanefeld reviewed the changes in the internal restructuring. BLM is returning to the three tier structuring as of April 14<sup>th</sup>. Ely Field Office will be renamed Ely District Office. The goal is to bring the management decisions down to a more local level. Each team will be responsible for about 4.3 million acres. The county will continue to work with the same individuals as they have in the past.

#### #25-PIOCHE SWIMMING POOL

Debi Gill and Larry Stever presented this item. Debi attended a water chemistry class by Ralph Johnson, who advised at the time that he would be inspecting all pools for violations. Ralph came and inspected the pool and at that time he recommended that the diving board be taken out and a slide be put in. Debi is against a slide as the pool is not big enough. Ralph did another inspection last year and confronted Debi about the board again. Debi supports leaving the board in and according to statistics it's actually safer to leave the board in to avoid having kids jump from the side. The Ely health inspector has stated that the diving board is legal and if Pioche is concerned about it they can paint a sign by the board stating: "Caution: Shallow Diving Well" or "Caution Depth 8 feet". The shallow end is painted on the deck in 6" red letters that state "No diving". Mr. Johnson advised that the depth markers must be in feet and meters. The diving board is 21" in height. Debi stated that the stats for diving boards are really skewed. There is so much concern about the diving board and if removed it will be taking away one more thing for the youth to do. It wasn't a citation that was received from Ralph Johnson, it was a recommendation. POOL/PACT is advising the county that they need to remove the board as it is a liability. Ronda asked what, if the board is left in, would happen. It will probably cancel the insurance coverage and if left in with no insurance the Commissioners are personally liable, said Tommy. Ronda asked John to get with the insurance company and get something in writing showing what the consequences will be if the board is left. Paul asked if it would be worth involving the DA to get his opinion on this matter as well. Debi advised that she has a copy for Greg as well. The Board agreed that an answer is needed before the board is being used. Bill stated that if someone is hurt, and the county's been warned by POOL/PACT, the liability will fall on the county and Commissioners individually. No action is taken and this will come back on the agenda as soon as a response is received from the insurance.

#### #21-STATE WATER SPECIALIST PROGRAM

Evan Fulton from UNR Cooperative Extension presented this item, introduced himself and outlined his job. Evan was hired under a vague job description and they were looking for someone to talk about and research water issues from a policy standpoint. Evan advised that he is well versed in ground water hydrology and much of the politics that go into water/wastewater. Evan said that he is available if the county has any questions or concerns about water issues.

#### #23-COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

This report was prepared by Dr. Mike Baughman. **Wade made a motion to approve the CEDS report; seconded by Paul. All voted in favor.**

#### #26-COUNTY MANAGER ITEMS

County Manager, John Lovelady, presented these items. a) Adoption of a policy for contracting with Lincoln County—An independent contractor must have worker's compensation insurance prior to commencing work and will have to show proof to the county that they have insurance. Ronda asked if current contractors with the county who don't have the insurance have to get it now. No, but in order to renew the contract they will have to get it. Professional services will be required to have insurance unless they are a sole proprietor. If the person desires to work for the county they will have to have the insurance. The concern is that there are current contractors working for the county and if they got hurt while working for the county they don't have coverage. John advised that it is possible for the sole proprietor to sign an affidavit waiving the coverage. Wade is concerned that there are people currently working for money that will be less than they will have to pay to keep the workman's comp up. The cost to the county will double as the cost of the insurance will be passed onto the county; case in point, janitor. If the janitor is making \$10.00 per hour and has to get his own insurance, he will pass that cost along to the county and will increase his contract to \$15.00 per hour. It is a liability issue that needs to be addressed. Is the county willing to pay more to avoid the liability? There is some discussion about different individuals and whether or not they have insurance. John stated that the cleanest way to do this is to hire someone and make them county employees. Ronda stated that it used to be that there were no contracts; they were county employees who had workman's comp. John has suggested that volunteers for EMS services be considered employees so that they are covered during service. Ken advised that volunteers, Search & Rescue and Ambulance Services, are covered by workman's comp. Ken turns in quarterly reports for Search & Rescue to Leslie Boucher, Recorder/Auditor. Wade asked what the difference between a town board worker slipping and falling on county property is versus a contractor slipping and falling on county property. Deputy DA Dan Hooze stated that if the county gives vacation time/sick leave/benefits then the person is considered an employee. Worker's comp is required by law and Dan stated that all the county is trying to do is comply with NRS. Anyone, even a volunteer who works for the county, has to be covered or they have to sign the sole proprietor affidavit that says that they don't want to be covered. Volunteers might already be covered. Jason Bleak advised that they pay an extra bit for their volunteers at the hospital. When someone contracts with the county they can: get their own insurance, contract with the county and the county can get it for them, or, if they are a sole proprietor, they can sign the affidavit and not be covered by anyone. If a sole proprietor signs the affidavit they can still sue the county if they are hurt. Dan stated that the county is currently in noncompliance with NRS. Wade stated that he wants a better understanding of

how it will affect Ken, Chuck and others. Ken is the sole proprietor and could sign the right away. Ken stated that he isn't sure that he wants to sign his right away. Ken's option then would be to either obtain insurance on his own or contract with the county to pay for it. The rate under the POOL/PACT is based on exposure. Chuck has his own insurance and advised that it costs him about 12% of payroll. John will find out what the cost is to include contractors under the county. **Tommy made a motion to table this item until the next Commission meeting; seconded by Paul. All voted in favor.** b)

Proposals for reorganization of the Lincoln County Ambulance services—Two letters of qualification were received for the position of Ambulance Administrator: Louise Buettner, RN, and Leland Lesicka. Jason Bleak advised that Grover C. Dils has started the billing. No action is taken as this item was already addressed. **Tommy made a motion to appoint Louise Buettner as Lincoln County Administrator; seconded by Wade. Bill abstained. Motion carries.** Ken asked if the Board is still working towards getting this position turned over to the new Emergency Management person, when hired, and asked if this agreement with the Administrator was for a year as previously discussed. Ronda stated that at this point the object is to just get this running smoothly. c) Authorization for payment of Quad State Local Governments Authority 2007-2008 annual dues of \$1,860.00—**Tommy made a motion to approve the payment of Quad State Local Governments Authority 2007-2008 annual dues of \$1,860 (to be paid from General County); seconded by Paul. All voted in favor.** d) Lincoln County Civilian Dispatchers as a bargaining unit of the Teamsters Local Union #14—There are four people in this section and they've already signed election cards. The Board questioned the fact that they don't have a say in this. Wade said that by simply signing the green card or opening the letter on the certified letter that is considered acceptance. No action is necessary as this is done. e) Update—There is no update.

#### #27-PUBLIC COMMENT

Ken Dixon advised that he has a workshop scheduled with SNWA on 4-25. Ken and Dylan met with SNWA a couple of weeks ago in preparation for the impact that the pipeline will have on the county. Phyllis Robistow advised that she believes that Item #24 is tied to the Sunrise contract for Alamo Industrial Park. Phyllis asked that this be looked at prior to Ronda signing the contract. Jan Cole commented on the response letter to the Surface Transportation Board. Jan stated that she is disappointed with LC for not commenting about the fact that this train can come off at Eccles. The Eccles route would affect one person versus an entire population with the rail being located at Caliente. There is no talk about a grade school, youth center, community university, city/state/county offices or businesses within a radiological region of influence. Jan feels that this is unnecessary and should be addressed. There is nothing in the draft that addresses that. Marge Detraz read an article entitled "Law firm's Yucca pact with DOE criticized" from the Las Vegas Review Journal dated 4-4-08. Marge stated that Candice is living in Logandale now. The Board approved a voucher this morning for Robison/Seidler that cites the exact same task being completed. Marge reviewed Dr. Baughman's voucher for over \$14,000. Marge said that Mike has been taking this money for years. Mike has been working on this longer than Marge has been living back in the county. Marge stated that they are getting ready to start the railroad again and they don't even have a route.

#### #28-ADJOURN

There being no further business for the Board to attend to, **Wade made a motion to adjourn the meeting at 3:07; seconded by Bill. All voted in favor.**

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_