

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

July 21, 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 9:12. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Paul Mathews, Ronda Hornbeck and Wade Poulsen being present. Commissioner Bill Lloyd is absent, but there is a quorum present. The agenda was posted on 7-15-08 to comply with the open meeting law. The Invocation is offered by and Wade led the Pledge of Allegiance. County Manager John Lovelady is present as well.

CONSENT AGENDA

- 2* Approve/Deny minutes of the July 7, 2008 Regular Commission meeting and July 17, 2008 Special meeting.
- 3* Approve/Deny ratification of Lincoln County Chairperson's authority to sign attorney's Barry Neuman and Bret Whipple request for approval of the Lincoln County Commission to file the response to DOE's Motion regarding issuance of declaratory rulings .
- 4* Approve/Deny Best in the Desert "Silver State 300" for M/C, Truck, Buggy, and ATV race on September 26, 27, and 28, 2008 and the "Pre-fun Run" on September 13-14, 2008, including permission to cross and use County roads for the event.
- 5* Approve/Deny change in regular Commission meeting date from November 3, 2008 to November 10, 2008. (requested by County Clerk)
- 6* Approve/Deny application to FAA for grant monies for additional Environmental Assessment at the Alamo Airport.
- 7* Approve/Deny acceptance of grant from Community Development Block Grant in the amount of \$75,000.00 for the Nevada Small Business Development Centers.
- 8* Approve/Deny acceptance of grant from Community Development Block Grant in the amount of \$190,000.00 for the Alamo Industrial Park project.
- 9* Approve/Deny certification letter regarding signatures for Community Development Block Grants for 2008.
- 10* Approve/Deny transfer a cash balance of \$58,006.00 from the Pioche Public Utilities- Sewer Fund to the PPU -Water Fund.
- 11* Approve/Deny transfer a cash balance of \$54,588.00 from the Pioche Public Utilities -Sewer Fund to the PPU-Electricity Fund.
- 12* Approve/Deny authorization of County Manager to execute agreement with Caliente Municipal Swimming Pool for the Summer Youth Program swimming activity to be held on July 25, 2008.

Tommy made a motion to approve the consent agenda with the exception of Items 2, 3, 10, and 11; seconded by Paul. All voted in favor.

#3-NUCLEAR OVERSIGHT ISSUES

Ronda advised that this ratification is for a letter that she sent to Barry Neuman and Bret Whipple approving the Lincoln County Commission's filing of a response to DOE's motion concerning issuance of declaratory rulings. Mr. Neuman's advice to the Commission is that the county stands in opposition to DOE's position. Mr. Whipple has also suggested that the county move forward with opposition. **Wade made a motion to approve the ratification of this letter; seconded by Tommy. All voted in favor.**

#14-RESOLUTION #2008-33

Tommy made a motion to approve the resolution to create Pioche Public Utilities Sewer Fund; seconded by Paul. All voted in favor.

#15-RESOLUTION #2008-34

Wade made a motion to approve the resolution to create Pioche Public Utilities Water Fund; seconded by Tommy. All voted in favor.

#16-RESOLUTION #2008-35

Wade made a motion to approve the resolution to create the Pioche Public Utilities Electricity Fund; seconded by Paul. All voted in favor.

#10-BUDGET TRANSFER

Wade made a motion to approve the cash balance transfer of \$58,006.00 from the Pioche Public Utilities Sewer Fund to the PPU Water Fund; seconded by Tommy. All voted in favor.

#11-BUDGET TRANSFER

Wade made a motion to approve the cash balance transfer of \$54,588.00 from the Pioche Public Utilities Sewer Fund to the PPU Electricity Fund; seconded by Paul. All voted in favor.

#17-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a cash balance of \$584,477.16 with estimated expenditures being \$127,870.54. This will leave General County with a balance of \$456,606.62. Transportation has a cash balance of \$5,629.59 with estimated expenditures being \$2,243.36. This will leave Transportation with a negative balance of \$3,386.13. Senior Nutrition has a cash balance of \$21,001.55 with estimated expenditures being \$4,617.94. This will leave Senior Nutrition with a balance of \$16,383.61. Detention Center has a negative cash balance of \$34,388.73 with estimated expenditures being \$59,510.97. This will leave Detention Center with a negative balance of \$93,899.30.

#13-VOUCHERS

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

#22-2ND NORTH STREET IN ALAMO

When the Credit Union (CU) was built it was placed right in the middle of the road. The ditch goes behind the CU. Wade reviewed the history. When the road was abandoned it wasn't defined as to whether or not the entire street was to be abandoned; it was supposed to be only the portion of the road where the CU was to be built, not in front of Elwyn Robinson's house. If the entire road is abandoned it will result in some of Elwyn's property being land locked. The abandonment was only on the CU's side. Elwyn advised that some people seem to think that they own the street. Deputy DA Dan Hooge said that the bottom half has never been abandoned; it was only the portion in front of the CU. Dan said that the county can legally say that the bottom half was never abandoned. The street hasn't been maintained properly by the county, but it is still owned by the county. Direction will need to be given to the Road Department to maintain the street. Some people are claiming that they own a portion of the property; they don't. The county hasn't maintained that section of road and Ronda discussed the previous belief that if the county gets involved, since there are buildings there, they will become part of the pending lawsuit. Dan said that the lawsuit is over adverse possession, which can't ever go against the county or any government entity. You can't ever get a prescriptive easement or adverse possession against the county. The county has immunity against these types of suits. You can never gain ownership from a map. Unfortunately, maps have been recorded here and this is how ownership has been handled in the past. The problem with the map is that it doesn't deed over ownership. The road was actually platted/deeded in 1922 and the county adopted it as a road in 1926. 2nd North is still a platted road and should be maintained by the county. If the road is abandoned, Elwyn loses access to his property. Spencer Hafen is present via telephone and reviewed his understanding of the situation. Spencer said that the road was abandoned on the west side of the block, adjacent to the CU. The east side was never abandoned and there were some issues between the land owners there. The DA's office advised the Board not to get involved in the land owners' dispute. There is a right-of-way (ROW) there, it's a county road, in spite of the fact that things have been built there; it remains a ROW. **Wade made a motion for the county to take responsibility for the east side of 2nd North from the irrigation ditch to the corner of First East Street (that hasn't been previously abandoned) and that the county**

maintain the road, remove the building and do whatever necessary to make it a passable road (basis of bearings is S 88 5606 East by 5299.60 feet as shown on Owens Map filed 08-03-01 Book Platte B Pg. 380); seconded by Tommy. In most cities if there is a dead end there will be a need for extra space for a turn around. It is believed to be 82-90 feet. **All voted in favor.** John will write a letter to Elwyn and Mr. Steele advising of the motion. John will also give direction to Steve Chouquer to make this a passable road.

#18-HUMAN SERVICES

Phyllis presented the list of replacement employees. **Wade made a motion to approve the hiring of Tina Von Tobel as bus driver (\$7.50 per hour), advertising and hiring of a janitor for the Caliente Senior Center (\$6.85 per hour) and the hiring of Hollin Osborn as head cook (\$7.25 per hour); seconded by Tommy. All voted in favor.**

#23-QUARTERLY JAIL TOUR

Paint is being taken off the floor, which will then be sealed. The control pod has new cameras and the Sheriff can access these from his home (he uses a password). Cameras are constantly recording. Ninety-one lunches were served today, 83 from Clark County and there are four female inmates. A new refrigerator has been installed. The intercom system is still an issue and needs to be replaced. The shower drain in one pod keeps seeping. Metro toured the facility a few weeks ago and they were very pleased. LCDC wants more beds or double bunking on the bottom floor. The DC can hold 100 inmates.

#19-LINCOLN COUNTY COURTHOUSE CUSTODIAN

At the time of the flood Richard was a contract employee. Once these hours are submitted the insurance will reimburse the county. **Tommy made a motion to approve the payment to Richard Simpson of \$3,213.00 for the extra time spent working during the courthouse flood (to be paid from Lincoln County Water Emergency Disaster Fund); seconded by Paul. All voted in favor.**

#20-LINCOLN COUNTY EMERGENCY MANAGEMENT

During the budget hearings the Commission budgeted for a part time position. Other counties have combined the position with another position such as a fireman with emergency management, first responder with emergency management and larger counties have a full time emergency management coordinator. Many of these entities have a degree in public management. The management people work their way from being a first responder up to coordinator. The grant that will come up in October is based on low level shipments coming through LC. At the rate that the shipments are going there won't be very much money. It is estimated that \$25,000-50,000 is all that will come from the grant, but it is needed for equipment. If the county wants a full time emergency manager (EM) the county will have to come up with the funds. If this person is part time combined with another position, would that person have to be reclassified as they'd be doing two part time jobs? The county isn't ready for a part time fire district until taxes can be recouped to pay for it; it could be a year or more. Wade said that this should be a part time position until the fire district is in place, then it could be moved to full time once those positions are merged. **Paul made a motion to keep the position part time, advertise as soon as possible and pay at the same rate; seconded by Wade. All voted in favor.**

#21-NORCAL

DA Greg Barlow will be having a meeting with George McGrath. George has been promoted. Greg will be providing various documents to the Board for background information. Norcal has submitted the paperwork for this next year. It will have to go before skilled people, including Dan McArthur, to see how the county would like to proceed. Greg offered to contact the counsel that was previously used to look at the contracts and backup information for the rate calculation. Greg believes that the rate should be renegotiated and believes that at the end of the four year term Norcal won't want to renew the hauling contract. That puts the county into a bind for hauling and the county will have to pay the tipping fee to use Norcal's landfill. Greg suggested that the county look at opening another landfill. Greg will look into what has to be done to start this process. BLM has already designated an area for a landfill in Delamar.

#24-AGREEMENT BETWEEN LC/LCWD FOR WATER DISTRICT SECRETARY

This item is off as it has already been addressed in Water District meeting.

#25-GRANTS

Phyllis Robistow presented this item. a) Update—Caliente parks being paid for by SNPLMA will be started on next week. There are nine open CDBG grants. Forum for CDBG will be August 21st.

#17- OFFICER/DEPARTMENT HEAD REPORT –Wade advised of the DOE meeting at Ronda's house and how to proceed with mitigation, including the rules to be played by and who will be involved in the mitigation. The county can still litigate

when it comes to the transportation when it comes through our county, as this goes forward into the next phases that status will be very beneficial to the county with the right of the citizens, since the county has a seat at the table. Mike Baughman went on 7/9 and met with Harry Reid's office regarding solar energy areas in Lincoln County. If someone wants to bring in solar energy there would be certain areas where it could be put. Harry Reid would need to be involved to go through legislative motion. Follow up conference call with Harry Reid was made and he has agreed to work in that area. It is up to the County to come up with the corridors. Employee negotiations on 7/11 with road and clerical ratifications will be on 8/4. Attended Water district and GID meetings. Met with SO regarding contract negotiations. Will be in Phoenix 7/23-52 to visit a global water tour. Employee negotiations on July 28.

Paul Mathews stated that the airport manager past away last week, a card will be sent by the Commission.

Tommy met with BLM for a wilderness workshop regarding wilderness areas. Joint City Council meetings. Community Develop Block Grant workshop. Meadow Valley roads meeting at BLM office will meet again on 7/29. Met with a number of unions in Las Vegas and took a tour of the training facilities for each union, in regards to getting some of the local people to get involved in the union for future employment. On 7/16 water district meeting and GID for Coyote Springs. County update regarding retired public employees association.

Ronda attended Meadow Valley road meeting with BLM regarding 404 permit with Fish and Wildlife. Senate Rhodes office will work with us. Will meet on 7/22 with Mike and Mary Heizer to go view art work. Met with Gene Kolkman regarding wind generation. DOE Candice Trummel appointed to DOE. Will meet with LNS power on 7/23 regarding corridor coming through the County.

#26-ORDINANCE #2008-04

DA Greg Barlow presented this item. This is an Ordinance amending Chapter 1 of Title 4 of the Lincoln County Code authorizing Lincoln County to regulate, control, and license all persons engaged in, associated with, or in control of the business of liquor sales within Lincoln County and to assess license fees for the privilege of operating such business within Lincoln County as authorized under Nevada Revised Statutes Chapter 244. The Board agreed that a workshop needs to be set up to address the three ordinances. **Wade made a motion to set a workshop for July 31st, 2008 at 9:00 a.m.; seconded by Paul. All voted in favor.** Ronda read the ordinance by title. **Wade made a motion to propose the ordinance and set it for public hearing on August 18, 2008 at 10:00 a.m.; seconded by Paul. All voted in favor.**

#27-ORDINANCE #2008-05

This is an Ordinance creating Chapter 8 of Title 4 of the Lincoln County Code authorizing Lincoln County to license casinos and gaming establishments operating within Lincoln County and to assess license fees for the privilege of operating such business within Lincoln County as authorized under Nevada Revised Statutes Chapter 244 and allowed under Nevada Revised Statutes Chapter 463. **Wade made a motion to set a workshop for July 31st, 2008 at 9:00 a.m.; seconded by Paul. All voted in favor.** Ronda read the ordinance by title. **Wade made a motion to propose the ordinance and set it for public hearing on August 18, 2008 at 10:30 a.m.; seconded by Paul. All voted in favor.**

#28-ORDINANCE #2008-06

This is an Ordinance creating Chapter 9 of Title 4 of the Lincoln County Code authorizing Lincoln County to establish a Liquor and Gaming Licensing Board Policy and Procedures authorized under Nevada Revised Statutes chapter 463. **Wade made a motion to set a workshop for July 31st, 2008 at 9:00 a.m.; seconded by Paul. All voted in favor.** Ronda read the ordinance by title. **Wade made a motion to propose the ordinance and set it for public hearing on August 18, 2008 at 11:00 a.m.; seconded by Paul. All voted in favor.**

#30-BUILDING & SAFETY ITEMS

Ken Dixon presented these items. a) Update—Lincoln Highlands PUD will be on the 8-18 agenda. Mesquite Task Force meeting will be on 8-6 at 10:00 a.m. here in Pioche. There is an interoperability communications meeting tomorrow in Las Vegas. b) Consideration of a letter from Mesquite Mayor Susan Holecheck to participate in a regional advisory committee for the Lincoln County-Clark County-Mojave County-City of Mesquite regional area—Wade suggested that one representative from each entity would be plenty to sit on the committee. Ken feels that a regional authority would be the best way to handle this. Public safety, recreation, and transportation need to be addressed. **Wade made a motion to send a letter back to the Mayor to include the requirement of one representative per entity and that issues to be addressed will include public safety, recreation and transportation; seconded by Paul. All voted in favor.** Ken will write the letter. c) Contract amendment to the original agreement between Lincoln County and Entrix, Inc., dated April 17, 2006 for development of Southeaster Lincoln County Habitat Conservation Plan, relating to extension of time and additional funding for added work items. Funds for additional work will come from BLM grant through LCLA monies—There is about \$20,000 in the original contract that hasn't been allocated. LC has the right to ask for money from BLM, who has agreed to further the cause by providing \$75,000. There have been several rewrites, which have contributed to the

delays. Another issue is that the IA hasn't been completed. The county is working with UPRR on the IA. LC's HCP has already been submitted and will require amendments. The Toquop Energy Plant was removed, but the land is still in the HCP. There will have to be a review and change through the entire document based on the removal of the energy plant. Every time a change is made it causes a delay. It is still hoped that the HCP will be completed by December. **Tommy made a motion to approve the contract amendment to the original agreement between Lincoln County and Entrix, Inc., dated 4-17-06 for development of the SLCHCP (this will extend the timeline and add funds to the contract, not to exceed \$65,000) and to allow the Chairman to sign the document when completed; seconded by Wade. All voted in favor.** There is a funding agreement from BLM, who is moving the money over to the ASAP program for the drawdown.

#31-COUNTY-WIDE FIRE DISTRICT

DA Greg Barlow advised that his office continues to work on this ordinance. Something to consider is how the county wishes to organize the outlying areas and how coverage will be provided. Operations will require trained and qualified firemen to do the work if not provided by existing departments. The county-wide fire district will not have personnel so response will have to be handled through an interlocal agreement with other districts. The CWFDD would reimburse the responding district. None of the districts were willing to expand their districts but have all indicated that they would be willing to perform under interlocal agreements. Pat Travis has the title to the Rachel fire truck. If the fire truck is put in Pat's name she will have to license it; every time the truck goes out the liability rests on Pat's shoulders. Ronda said that the truck will stay in Rachel. This will be on the next agenda.

#32-BOARD OF HIGHWAY COMMISSIONERS

Chuck Brechler presented the statutes that designate the duties of the board. LC Board of Commissioners is designated as this board. Meeting times need to be established. Back in the 1930s the Commissioners took some action as the Board of County Highway Commissioners (BHC). The board has to meet the first part of each month. The clerk shall be elected from among its members. This board shall have exclusive control of repairing, maintaining and construction of roads in its county. Classification of county roads must be established. There is also a procedure for paying claims for work on county roads/bridges. An expenditure of \$500 or more has to be approved by the board prior to the work being done. Claims against the county shall be presented to the clerk of the board. Claim shall be certified by the county roads supervisor. Title 35 of NRS is the section that Chuck referred to. Ronda asked that Steve Chouquer be invited to the first meeting so that he can provide his plan for the roads and an update as to what has been done since the plan's inception. John will meet with the Road Department tomorrow. The County Manager's office will be responsible for maintaining the records of this board and creating the agendas. **Tommy made a motion to set the time for the first meeting of the Board of Highway Commissioners for August 4, 2008, appoint Bill as the Chairperson and Wade as the Clerk; seconded by. All voted in favor.**

#29-PLANNING ITEMS

Planning Director Clint Wertz presented this item. a) Update—Public Land Policy Plan is reviewed by Clint. Clint has spoken with Skip Canfield concerning assistance for LC. Skip will need assistance for travel costs, which might be covered under the open space grant, or the county could pay for it through Planning. Clint suggested that the Planning Commission be used for the Public Land Advisory Group. Clint is willing to cover the administrative side of things if it's covered through Planning Commission. The open space plan scope of work is nearly complete as is the budget for the funding agreement. Once the funding agreement is in place there will be a \$5,000 match, which will easily be covered by in-kind. Clint is working with Gnomon to create a needs assessment for GIS. Clint said that the zoning ordinance needs revision and a PUD ordinance needs to be developed for disposal lands. Lincoln County zoning map needs to be ratified, which will be done at a future Commission meeting.

#33-COUNTY MANAGER ITEMS

a) Announcement of successful candidate for position of Building, Safety and Facilities Administrator—John advised that interviews were held for this position on July 17; the position was extended to Cory L. Lytle. Cory accepted the position over the phone and starting day will be on or before August 1st. b) Update—John is awaiting information from Sunrise Engineering, which includes maps and conceptual plan for the Alamo Industrial park. John has contacted interested developers concerning the completion of the patent. All entities indicated that they are still interested in purchasing land. Sortco has purchased land in Alamo already but indicated that he is still interested in the AIP. As soon as John has the maps from Sunrise he will contact these entities again. John attended the CDBG workshop as well as negotiations. The bargaining unit agreements will be on the August 4th agenda.

#34-PUBLIC COMMENT

There is no public comment.

#35-ADJOURN

There being no further business for the Board to attend to, **Wade made a motion to adjourn the meeting at 3:34; seconded by Paul. All voted in favor.**

Attest: _____ Approve: _____

DRAFT