

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

August 3, 2009

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

The Board met in regular session with Chairman Paul Mathews calling the meeting to order at 9:04. Clerk Lisa Lloyd called the roll with Commissioners Tommy Rowe, Ronda Hornbeck, Paul Mathews, Ed Higbee and Bill Lloyd being present. There is a quorum present and the agenda was posted on 7-28-09 to comply with the open meeting law. The Invocation is offered by Tommy and Paul led the Pledge of Allegiance. District Attorney Greg Barlow is present as well.

**CONSENT AGENDA**

- 2\* Approve/Deny minutes of the July 20, 2009 Commission meeting.
- 3\* Approve/Deny: Tax Strike, L. Michael Jr. & Kristie L. Wood, APN 8-271-04, 6,646 Assessed. Deferred taxes were calculated for General County tax rate. General County Fire rate was billed incorrectly.
- 4\* Approve/Deny: Tax Strike, Lincoln County, APN 005-241-07, 2,485 Assessed. Received deed on property on Mr. Wilson forgot to make exempt.
- 5\* Approve/Deny: Renewal of Credit Application to RO Bus, Limousine & Truck Equipment Sales, for Lincoln County Transportation.
- 6\* Approve/Deny amended Funding Agreement extending the date on the Question One grant for the Panaca Fair and Rodeo Grounds.
- 7\* Approve/Deny contract between the State of Nevada and Lincoln County for the County Public Health Nurse.
- 8\* Approve/Deny bushwhackers Motorcycle race scheduled for September 19<sup>th</sup>, 2009. Race route starts and ends in Panaca at the Rodeo Grounds, Bureau of Land Management permit is in place, Panaca Town Board has okayed, and liability insurance certificate is covered through Motorcycle Racing Association of Nevada blanket policy naming county as additional insured.
- 9\* Approve/Deny Business Licenses with Staff Recommendations (an itemized list of business licenses is available for public review in the Building Department prior to the meeting).
- 10\* Approve/Deny Assurance letter for application to the Department of Energy for Stimulus funds for up-grades to the Lincoln County Courthouse.
- 11\* Approve/Deny: Tax Strike, Terrance K. & Joy R. Bird, APN 5-181-18, 822 Assessed. Travel Trailer Acct. MH1118 moved out of County.

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

**#11-VOUCHERS**

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

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

**RECORDER/AUDITOR** Leslie Boucher presented the cash balance reports. General County has a balance of \$315,941.23 with estimated expenditures being \$201,560.36. This leaves General County with a balance of \$114,380.87. Transportation has a cash balance of \$20,451.64 with estimated expenditures being \$1,746.40. This will leave Transportation with a balance of \$18,705.24. Nutrition has a cash balance of \$1,894.21 with estimated expenditures being \$6,691.80. This leaves Nutrition with a negative balance of \$4,797.59. Taxes will be apportioned at the end of August. Detention Center has a cash balance of \$360,396.11 with estimated expenditures being \$67,080.92. Detention Center will have a balance of \$293,315.19. Solid Waste has a balance of \$34,677.15 with estimated expenditures being \$17,767.50. This leaves Solid Waste with a balance of \$16,909.65.

#### #9-COUNTY BUSINESS LICENSES

Terry Jones has requested exemption from business license as he gives 5% of his gross to the county and he competes against the free RV park. Terry is also taxed a sanitation fee by the state in the amount of \$160 per year. Terry feels that he is competing against every entity that isn't competing against him "money-wise". Paul responded by saying that Item 9 doesn't deal directly with this. There are many businesses in LC and the Board can't pick and choose who is a business and who isn't, Ronda commented. Ronda further cited that granting an exemption to Terry will cause a chain reaction of requests for exemptions. The cost for the business license is \$40 and it isn't the responsibility of the county to ensure that Terry doesn't have to pay all of the other fees he's currently paying. Terry has multiple businesses. Paul advised that the Board can't take action on his request for exemption as this item is only to accept and issue the licenses for those who have applied in the last few weeks. Terry's request was previously denied. Terry is appalled that the county allows a free RV park to compete against a business like his. As a small business owner Terry cited he is being constantly charged various fees; it may only be \$40 but when it's added to all of his other fees it may cause him to have to close. Terry's RV park is an advantage to the county. The county has obligations to the entire county to ensure businesses are run correctly. Terry advised that he will not post the last copy of his application since it contains too much private information that people shouldn't be entitled to. Terry advised that this fee is the straw that is breaking the camel's back. Cory advised that anything that people are told when they fill out the application comes directly from the ordinance, which says that the license will be posted. Cory further cited that if the Board would like to charge a higher fee for the licenses he can print a nice looking business license. Also, the free RV park is under Pioche's jurisdiction.

#### #12-HIGHWAY COMMISSION

This item is handled under separate agenda.

#### #18-LAW ENFORCEMENT ASSOCIATION LABOR AGREEMENT

No action is taken and this item will be addressed at the next meeting.

#### #19-TEAMSTERS LOCAL 14 LABOR AGREEMENTS

Greg has spoken with Gary Mauger of the Teamsters. It was believed that the county had a deal, but it turns out that the cost of living has become an issue. Road Department was under the impression that they were going to get cost of living, however, all other units have given this up; if RD gets it it's going to result in problems with the other bargaining units. Gary is going to talk to the Road Department members to request that they forgo their cost of living for this year. No action is taken.

#### #20-RAINBOW CABLE FRANCHISE AGREEMENT

The county's 2% gross franchise agreement with Rainbow Cable recently expired. Greg asked if the Board wants him to redraft this. Negotiations with John Christian haven't taken place and the Board agreed that Paul should speak with John about terms.

#### #15-BUDGET TRANSFERS

**Tommy made a motion to approve the following budget transfers: Federal In Lieu Tax Special Revenue Fund to Agricultural Extension Fund \$10,000, Ambulance Fund to Ambulance Capital Project Fund \$20,000.00, Federal In Lieu Tax Special Revenue Fund to Solid Waste Fund \$65,988.00, Lincoln County General Fund to Planning \$86,253.00, Room Tax Fund to Fair Board Fund \$10,000, Capital Improvement Fund to Vehicle Capital Project Fund \$90,566.00; seconded by Ronda. All voted in favor.**

#### #16-RESOLUTIONS #2009-30 AND 2009-31

Paul read the resolutions into the record. **Ronda made a motion to approve the resolution creating the District Court Enrichment Fund; seconded by Ed. All voted in favor. Ronda made a motion to approve the resolution creating the Court Security Fund; seconded by Ed. All voted in favor.**

#### #22-EMERGENCY MANAGEMENT

Emergency Manager Rick Stever presented this item. a) Update—Rick was notified by the state, or DEM, that the Hazard Mitigation plan is due for an update; Rick will be working on this. A consultant contacted Rick concerning the HM updates. Rick has a workshop in Carson City August 20-21 for Hazard Mitigation. Phyllis Robistow advised that HM was done in 2004-2005 with a pre-disaster mitigation grant. Phyllis believes that a grant may be available to update the plan and the cost will be approximately \$20,000 for the consultant. Phyllis

is certain that a consultant will have to be hired to complete the updates based on past experience. Notification of award for two \$30,000 LEPC grants has been received.

#### #24-BUILDING DEPARTMENT

Cory Lytle presented these items. a) Update—Secretary Sequoyah Shoars is having her baby today. Dawne Combs has aided in covering the office while Sequoyah has been gone. Business licenses are going well and Cory continues to work on them. b) Lincoln County Special Events Permit; Information and Application—No action is taken as this item is not ready.

#### #14-BUREAU OF LAND MANAGEMENT RENEWABLE ENERGY COORDINATOR

Wells McGiffert, Bureau of Land Management Renewable Energy Coordinator, introduced himself and presented this item. Wells will be the person that coordinates this type of projects. There are many wind applications being studied right now and only one solar application.

#### #17-BLT ACQUISITION GROUP

Mark Teeppen discussed this item. BLT is requesting that the county make application to the Bureau of Land Management (BLM) for the portion of the utility corridor identified in the Lincoln County Land Act between the existing power transmission corridor adjacent to the Toquop power plant site and Parcel J. The permit is needed to support the installation of 138 KV transmission system and water delivery to Parcel J in order for BLM to develop property in Eagle Falls located on the top of Flat Top Mesa for solar power generation. BLT has been independent of the solar development in trying to get water/power to service the Eagle Falls development. Solar development brings a good resource to LC, but the power needs to be generated out to the grid. Richard Knox, of Tessera Solar, discussed the SunCatcher product and various projects that they have. In order for this type of project to succeed it would require the construction of 1) an appropriate access road from the City of Mesquite to the top of the mesa and the solar site; 2) a transmission line from the site northwest along an identified corridor about 7.5 miles to the nearest transmission grid line and substation; and 3) a water supply pipeline along the same corridor. These latter two projects would traverse BLM land, requiring their support. A power purchase agreement would need to be secured as well. Because of the significant environmental and other work done by BLT and others, this project has the potential of proceeding relatively quickly. As a result, it could provide a very timely and significant stimulus to the local economy, bring hundreds of construction and permanent operations jobs. This project would cover approximately 800 acres. This application will be separate from the current utility corridor. This application would be made in the name of Lincoln County, based on BLT's request. If there are fees associated with this BLT will be responsible for them. BLT will do the packaging of the application and working with BLM. When it's completed it would be beneficial if it's a utility corridor and water can come through there as well. A contract and terms between LC and BLT needs to be created prior to moving forward with the application. Dylan Frehner advised that full due diligence hasn't been done and contractual language needs to be included so that there is no liability on the county's side. **Ronda made a motion to create an agreement with BLT prior to making application with BLM; seconded by Tommy. All voted in favor.**

#### #23-GRANTS

Phyllis Robistow, Grants Administrator, presented these items. a) Update—Phyllis advised that SNPLMA is proceeding with agreements; Phyllis has signed the one for Echo project. Phyllis believes all of the SNPLMA agreements will be received by September 1. All quarterly reports have been turned in and grant monies should be received soon. b) Memorandum of Understanding between the Nevada Division of State Parks and Lincoln County for work on the Echo State Park project—There is administration money to pay the state parks people who will be working on this. A quarterly bill will be received and then Phyllis will pay the state employees at the state rate. It is hoped that this grant will pay for at least 20 sites. Cory Lytle requested that Tri-County be contracted with to do weed abatement in the area; they have products that are water safe. The cockleburrs are horrible and infesting all areas below the dam. Ronda questioned whether or not this can be approved since it's not listed on the agenda correctly; it's listed as an MOU on the agenda but it's actually an interlocal contract. Ronda asked Greg if this can be addressed as listed on the agenda; it's his recommendation to reagendaize this and address it at the next meeting. No action is taken. c) Disposition of cremated remains currently held at the Southern NV Mortuary—Phyllis received a phone call from Southern NV Mortuary asking what the county would like to do with the remains of these people that the county has paid to cremate. There isn't a policy and these people have no known relatives. There is some discussion about purchasing a burial place or building a

mausoleum to place the remains at one of the local cemeteries. Plaques would be required. A plot at the Catholic Cemetery in Pioche is about \$75.00. It is unknown how many remains there are. Paul asked Phyllis to find out how many there are and the cost of plots in various locations. The indigent fund can pay for this. No action is taken and Phyllis will bring this item back to the Board.

#### #27-PLANNING ITEMS

Clint Wertz presented these items. a) Update—Clint continues to work on finishing different projects. b) Appointment of Planning Director as Floodplain Manager for Lincoln County as specified in employment contract and approval of director to attend training and testing workshops—In the past two years this responsibility has been shared between Clint and Ken Dixon. Clint has been working on the mapping and Ken has worked on flood control meetings. **Tommy made a motion to appoint Clint, Planning Director, as the Floodplain Manager; seconded by Ed. All voted in favor.** FEMA offers training at different locations to get certified. Clint will attend the training session and get certified. c) Review of draft Model Development Agreement as created by White and Smith for large development projects— Mark White has previously been hired to review development agreements as they came to the county. This draft will be given to developers as they bring their projects in. The applicant will be paying for whatever review they have but also for whatever legal review the county has. This agreement is geared more towards large development projects/Planned Unit Development. The term of the agreements is something that the Board needs to think about. NV is the only state that allows agreements to be done without time limitations. This item is for review only and no action is taken. d) Strategic Plan draft summary from March 25, 2009—Clint and Holly went through, after the March session, and made an attempt to organize the comments. What is the follow through and what action steps need to be taken, Clint asked. Clint reviewed the draft Lincoln County Strategic Plan. No action is taken. e) Change order for scope of work for fiscal impact studies from Tischler Bise and reduction in current contract from \$127,300 to \$105,060— **Ronda made a motion to approve the change order for scope of work for fiscal impact studies from Tischler Bise; seconded by Bill. All voted in favor.** f) Adoption of “Orange Book” for Lincoln County design standard specifications for public works construction—Clint reviewed this item and stated that the references currently contained in the code go nowhere. This would be applied by staff as needed and will give staff something to work with. There are references to the Orange Book in LC Code Title 13 for certain standards. Not having these in place will slow down projects. These specifications mostly apply to larger projects but can apply to smaller projects as needed. Orange Book will protect the county in the long term. Steve Combs discussed the Orange Book and cited that use of this book will level the playing field with the same quality materials and workmanship. Planning Commission recommends approval and adoption of the Orange Book. Issues will arise that don't fit but a deviation from standards can be requested by individual parties. **Tommy made a motion to adopt the Orange Book for LC design standards specifications for public works construction (as approved and adopted by the Planning Commission); seconded by Ronda. All voted in favor.** Cory Lytle advised that there will be some “grumbling” by the smaller utilities and other small companies; this is where the deviations would be considered.

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

**COMMISSIONER PAUL MATHEWS** advised that the Wilson Wind group contacted him and requested a meeting on Thursday. Title 13 requires certain elements of this group, but they've not sought the correct permits as of yet. **COMMISSIONER TOMMY ROWE** was appointed to the State Indigent Accident Fund Board. Tommy advised that he has been asked to fill in for one of the BLM employees who was involved in an accident. Tommy will attend regular meetings but will be unavailable for any special meetings. **COMMISSIONER RONDA HORNBECK** advised that there is an energy summit in Las Vegas on Monday and Tuesday. Phyllis advised that social services was on a teleconference with all of the people in the state. The IF and SUP fund will be swept again next Legislature. LC is fully funded for indigent. These are permanent taxes that LC will not get any benefit from at all.

Lunch 12:00-1:00

Paul has left the meeting and the Chair is turned over to Bill.

#### #21-ORDINANCE #2009-04

This is the time and place set for public hearing and possible adoption of an ordinance imposing an additional \$20.00 fee to filing fees in the Seventh District Court for all non-exempt actions to pay the cost of providing court

security and permitting said collections to carry forward into next fiscal year. Bill called for public comment from the floor. Hearing none, **Ronda made a motion to approve the ordinance; seconded by Ed. All voted in favor.**

#### #25-MEMORANDUM OF UNDERSTANDING W/ DEPARTMENT OF ENERGY, BLM

This item concerns a Memorandum of Understanding (MOU) between Department of Energy (DOE), Department of the Interior (DOI), Bureau of Land Management (BLM), and Lincoln County as a cooperating agency regarding the preparation of a programmatic environmental impact statement (PEIS) for Solar Energy Development. It isn't believed that the PEIS will be completed before 18 months; it will take about 18-24 months. A consulting firm from Illinois is working on the PEIS. Ronda advised that they went to Senator Reid to get areas within our county designated for solar. This didn't work out, so Ronda approached BLM. Three areas were identified that are on the utility corridor. These areas were presented to, and accepted by, BLM. IF there are mitigation issues, this MOU will allow LC to have a seat at the table in order to protect the county as these projects move forward. Connie Simkins feels this is a really good idea and it allows LC to help BLM write this during the process; LC will be able to contribute input. The reason that Senator Reid's office didn't pursue this is because LC asked that the 2004 land act legislation be opened. Senator Reid didn't want to open it as there were some who were opposed to the amount of ground LC received for disposal. Senator Reid suggested that LC look at doing this in a different way. This MOU will help put the county in control of where these projects will be located as the county will identify the best locations. **Tommy made a motion to approve the MOU with the Department of Energy, Department of the Interior, Bureau of Land Management; seconded by Ronda. All voted in favor.**

#### #26-NUCLEAR POWER PLANTS/SPENT NUCLEAR FUEL EDUCATION PROGRAM

This item concerns the renewal of a proposed education program involving nuclear power plants and spent nuclear fuel. Vaughn Higbee presented the education program for LC Oversight. This has been a very interesting project and is still in its infancy. It is important to educate people about energy so that it is understood what will be required for the US to kick our oil habit. The western part of the US gets its energy from coal, petroleum, gas, nuclear, hydroelectric and a few other sources. Vaughn reviewed a document entitled "Education, Conservation and Innovation" by Robison/Seidler. The mission is to teach youth about energy conservation. We want a greener, cleaner world and it's believed that NV has the potential to usher in an era of energy conservation and innovation. "Vampire power" is something that's created when you would leave appliances plugged in even if they're turned off or in standby mode. Nevada could become the "Saudi Arabia of Renewable Energy" through solar (central NV has 300+ days of sunshine per year), biomass (40,000 million acres of Pinion Juniper forests in NV, AZ, NM, CO and UT), geothermal (hot springs throughout NV including known geothermal deposits along the Central NV Energy Corridor), and nuclear (the Yucca Mountain Spent Nuclear Fuel Facility—possible future reprocessing plant and thousands of tons of fuel waiting to be reprocessed). Vaughn advised that they are looking at working with the town boards, city council, school district, next year's fair and various public gatherings to get this information out there. If we don't get a comprehensive energy policy health care and many of the other things that are being worked on now will lose priority. Connie Simkins advised that she is getting ready to put out another issue of Tracks and discussed the topics that will be included. 2010 funding is unknown; it will be made known in October of this year. Funding for the AULG counties is unknown.

#### #28-PUBLIC COMMENT

Marge Detraz reviewed an article, "Reid declares Yucca victory" from the Las Vegas Review Journal date July 31, 2009. Mike Baughman hires his wife to work for him at \$110 per hour and the county pays it, Marge cited. Waste shipment raises concern and a firm fighting Yucca added Utah as a client. Governor Huntsman is against Yucca and he will be the ambassador to China for four years. Marge stated that Hal Keaton didn't run for office again because of the Central NV Community Protection Working Group. Harry Reid isn't going to get Yucca Mountain in a year of election. Phyllis Robistow presented signed agreements for the SNPLMA park upgrades and Echo project. A public forum at Rachel is needed. Vaughn Higbee discussed the SNLMA funding. Vaughn commented that the three parks in Alamo are wonderful and frequently used. Vaughn appreciates all of the work that has gone into these projects.

#29-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 1:45; seconded by Ed. All voted in favor.**

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

DRAFT