



LINCOLN COUNTY BOARD OF COMMISSIONERS

October 19, 2009
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners
Paul Mathews, Chair
Bill Lloyd, Vice Chair
Tommy Rowe
Ronda Hornbeck
Ed Higbee

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

Chairman Paul Mathews called the meeting to order at 9:00. Clerk Lisa Lloyd called the roll.

PRESENT: BILL LLOYD, Vice Chair
RONDA HORNBECK
PAUL MATHEWS, Chair
ED HIGBEE
TOMMY ROWE (Tommy joins the meeting at 9:12 a.m.)

LISA LLOYD, Clerk
GREG BARLOW, District Attorney

There is a quorum present and the agenda was posted on 10-12-09 to comply with the open meeting law. The Invocation is offered by Paul and Ed led the Pledge of Allegiance.

CONSENT AGENDA

- 2* Approve/Deny minutes of the October 5, 2009 Commission meeting.
- 3* Approve/Deny Tax Strike APN:005-181-17, Carriger Revocable Family Trust \$1,108 Assessed.
- 4* Approve/Deny contract Change Order for the Caliente Dixon Park in the amount of \$360,796.07 for the completion of the project including scoreboard, benches, bleachers, etc.
- 5* Approve/Deny contract Change Order for the Caliente Pool Park Complex in the amount of \$14,506.49 for picnic tables and a plaque.
- 6* Approve/Deny Change order for Pioche Sewer Improvements in the sum of \$1,700.00 to replace inlet structure for liner attachment.
- 7* Approve/Deny revised Grant Award for Aging and Disability Services Division in the amount of \$14,205.00 for Homemaker.
- 8* 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).

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

#9-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.**

#17-OFFICER/DEPARTMENT HEAD REPORTS

RECORDER/AUDITOR Leslie Boucher presented the cash balance reports. General County has a balance of \$523,549.15 with estimated expenditures being \$138,627.90. This leaves General County with a balance of \$384,921.25. Transportation has a cash balance of \$10,269.20 with estimated expenditures being \$1,836.94. This will leave Transportation with a balance of \$8,432.26. Nutrition has a cash balance of \$28,190.74 with estimated expenditures being \$9,487.85. This leaves Nutrition with a balance of \$18,702.89. Detention Center has a cash balance of \$229,736.48 with estimated expenditures being \$79,628.68. Detention Center will have a balance of \$150,107.80. Solid Waste has a balance of \$53,759.65 with no estimated expenditures. Airport has a cash balance of \$612.47 with estimated expenditures being \$259.82. Airport will have a balance of \$352.65. There is concern about the lack of money in this fund. **NUCLEAR OVERSIGHT PROGRAM COORDINATOR** Connie Simkins reported that she and Ronda met with Well McGiffert last week concerning the designated solar areas. Ronda presented reworked proposed maps. Connie met with Ken Newby at Barclay concerning his proposal for his three allotments situated north of Lavar Wade's allotments. Connie advised that if a section

wasn't identified in this area it is possible that Washington Delegates will designate an area. Ken's response was that he will take his chances. Ken feels that there is no way to coexist with such a project as the proposed solar project. Lincoln County has been asked which of the proposed areas they are willing to support since there are issues with all of them. Ronda advised Wells that Lincoln County will support the areas approved by the ranchers and the N-4 Grazing Board. There is no way to know, once this goes back to Washington, what will actually be studied. Tommy commented this will be like the wilderness bill, compromises will be made on the county's behalf, and Congress will do as they please. The county will be stuck with whatever is handed down.

#10-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#13-PANACA FIRE DISTRICT

This item is handled under separate agenda.

#14-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#11-PAY INCREASE FOR STEVE CHOUQUER

Steve Chouquer, Road Department Supervisor, is requesting the approval of a 2% plus longevity pay increase. The increase was figured into last year's budget, but there was a wage freeze put in place so Steve never made the request. Employee contracts have now been approved and Steve commented that he was due for longevity last year. Paul noted that he is waiting for hard figures from the outside auditor Dan McArthur. Ronda reminded everyone that the wage freeze is still in place. Once contracts were signed with the union employees those individuals received increases, pursuant to contracts. No action is taken and this item is table to the next Commission meeting.

#12-PAY INCREASE FOR SHANE CHEENEY

Shane Cheeny, Road Department Assistant Supervisor, requested a 2% pay increase. No action is taken and this item is tabled to the next Commission meeting.

#16-ORDINANCE #2009-08

Planning Director Clint Wertz presented this item. An application to amend Title 15 was received from Coyote Springs. The language changes will make the property better suited to energy projects. Planning Commission has recommended approval of the amendments. Ronda read the ordinance by title. This is an ordinance amending Title 15 of the Lincoln County Code to revise and add definitions; revise and add use tables; address building and structure heights for electric generation, station uses; address on-site parking requirements for electric generation, station and data center uses; revise electric power system provider language; address both public and private natural gas systems; clarify hillside elevation points, and other matters properly relating thereto. Clint reviewed the proposed amendments. **Ronda made a motion to propose the ordinance and set the public hearing for November 16th at 1:00 p.m.; seconded by Tommy. All voted in favor.**

#15-EMERGENCY MANAGEMENT

Rick Stever presented these items. a) Update—People will be coming from Department of Emergency Management on 10-22 that want to meet and aid with the Hazard Mitigation Plan update. Rick advised he will need to purchase foodstuffs (snacks) for this meeting. Rick has been operating frugally and he's managed to save \$17,500. EM is funded through grant money and this savings is derived from grants. A change request was approved and this money has been rolled into this year's budget. It will be used for a vehicle. Rick has requested an additional \$4,200 in grant funds that will be applied to the vehicle. Rick is looking at a heavy duty pickup truck with four doors. It is possible to apply county money towards a grant match. There is some discussion about the possibility the Sheriff's Office might donate a drug forfeiture vehicle that can be sold and the proceeds added to the monies for a new vehicle. b) Ownership of the Emergency Management Building in Panaca—This item was previously discussed during the Lincoln County Fire District meeting.

#28-INFORMATION TECHNOLOGIES COMMITTEE

No action is taken on this item and it is tabled to the next meeting.

#30-GRANTS

Phyllis Robistow, Grants Administrator, presented this item. a) Update—Unemployment rates have gone up. State is 13.5% and the county is 9.4%. Phyllis received the SAR agreements from BLM for Dixon, Caliente Pool Park and Alamo Children's Park. Alamo Rodeo Grounds will be received within a couple of weeks. Phyllis discussed historic grants that can be sought by the museum for repair of existing displays or putting in a new display. Phyllis met with BLM on Friday about the two SNPLMA applications that are due November 6 (Caliente Pool Park and additions to Pioche Pool). Walk for the Cure is October 24th at Eagle Valley. Elizabeth Ashley of DEM will be here on Thursday.

#29-LINCOLN COUNTY WATER DISTRICT RENT MONEY

Rent received from the LC Water District is \$450 per month. Cory Lytle presented a request for the money to be deposited in Fund 108, Buildings and Grounds. There is no specific budget for maintenance on some of the county buildings. The money adds up to \$5,400 per year that could be applied to maintenance. Cory cited the need for weed spray at the airport, internet in the Thompson Opera House, and several other items. The money in this fund is slowly being used up for things like window repairs and air conditioning units. Bill agreed this money should be used on buildings and grounds since there really isn't a budget for this. **Tommy made a motion to deposit the rent money from LC Water District, \$450 per month, into Department 108; seconded by Ronda. All voted in favor.**

Lunch 12:00-1:00

Bill has left the meeting but will return momentarily.

#19-ORDINANCE #2009-05

Ed advised this pertains only to the Alamo Children's Park. This item concerns an ordinance entitled "An Ordinance to Prohibit Alcohol and Open or Uncapped or Glass Containers in the Alamo Town Parks, Alamo, Lincoln County, Nevada". There is some discussion as to whether or not there is an ordinance already in place and this proposed ordinance extends it to Alamo Children's Park. Wendy Rudder is unable to be here to answer the Board's questions. Ronda asked what the fourth section means, where is this being extended from? Is there already an area within town boundaries where this exists? Lisa advised that, under the third section where it says "Lincoln County Ordinance 4-1-15(b)", this is not an ordinance number; it might be a code section, but it is not an ordinance number. **Tommy made a motion to continue the public hearing on this ordinance to November 2nd at 1:00 p.m.; seconded by Ronda.** Clint Wertz advised the ordinance would be addressed under Title 9, which talks about alcohol. **All voted in favor.**

#20-COMMUNITY DEVELOPMENT BLOCK GRANT 2010

This is the time and place set for public hearing and presentation of the 2010 projects for Community Development Block Grant (CDBG). There are three projects. Toni Pinkham presented her project. Richard Simpson took measurements to erect another building in Panaca that would be used for Social Services. Phyllis Robistow, Grants Administrator, has advised of a possible grant that will be open in a couple of years to provide broadband access. This building would include a room for public internet access. Total cost is approximately \$250,000 and there is enough room to place this building on the land in Panaca. This building would be separate from the Senior Center. Food Bank, Social Services, and public internet access would be located in this building. Phyllis advised they are using space in the Senior Center for Social Services that really should be for the seniors. There is a privacy problem right now. Toni advised that USDA is giving them a refrigerator/freezer. Currently, she is using the refrigerator/freezer for things that really shouldn't be there. Toni's office will be relocated to this new building. Mike Baughman presented the project for Lincoln County Regional Development Authority (LCRDA). The project includes evaluation of opportunities and feasibility of utilizing Pinyon-Juniper biomass for small-scale electrical and thermal energy generation in Lincoln County. Total estimated project cost is \$120,000 with the grant amount being \$60,000. The match amount is \$60,000. BLM is willing to provide technical assistance as is LC Power District. The purpose of the project is to encourage and facilitate harvest and utilization of Pinyon-Juniper biomass in Lincoln County in a manner which

results in an improved range and watershed on public lands providing additional forage to support range livestock operations and simultaneously enables small-scale generation of biomass-fueled electrical and thermal energy for use by residents residing in and business and industries locating in Lincoln County. The overarching purpose of the project is to provide expanded employment and income opportunities for residents of Lincoln County who are unemployed or underemployed (typically those of low to moderate incomes). LCRDA has about 50% of the necessary funding for this project. Mike advised the Board to withdraw this application if there are other viable county projects since this project might be funded through EDA funds. Phyllis advised the Board they will not be making their decision on these projects for another two weeks. Phyllis further reminded the Board she is asking them to rank the projects, not throw anything out.

Bill rejoins the meeting.

Sheriff Kerry Lee and Captain Gary Davis presented their CDBG project. It has been many years since any money was put into communications infrastructure. The south end of the county is very lacking in communications. There is little to no communication by Coyote Springs and LCSO has been working with Clark County to erect a tower. The communications facility will be located on US 93 communications site adjacent to Coyote Springs. LC will provide the tower and building for the communications site. The county's share is approximately \$105,000. EMS Services, NDOT, Clark County and Lincoln County are working together on this site. This important site will provide the ability for Lincoln County, Clark County, NDOT/DPS to cover a dead spot in their communications network. This site will link Clark and Lincoln County as well as providing a link to the Clark Countywide network. The Coyote Springs site has direct access to Glendale Peak/Beacon Hill communication facilities. Lincoln, Clark, and NDOT have agreed to collocate at the site and share facilities. A Memorandum Of Understanding (MOU) is in the process between LC and Clark County. The site itself is actually located in Clark County. Clark County will do fencing, security cameras, their own building, road maintenance, and the power to the facility. Lincoln County's project include the erection of 12X28 shelter (approximately \$30,000) and a 196 ft. radio (two way) tower by 30 ft. microwave four legged tower (approximately \$75,000). Ronda advised Kerry to contact Senator Reid's office to find out if the groundwork has been put in place. Senator Reid didn't specifically say he is willing to put money into the project; he was going to look into the actual costs to see if it is as expensive as is being presented. Senator Reid was going to look into the possibility of a reduction in Lincoln County's share of the project. The site would be permitted and managed by Clark County but a MOU will be in place for LC's use. Because it's located in Clark County, a MOU will be required for a great deal of time. Once the MOU is signed LC acknowledges taking on their portion of funding. Gary cited they've requested a letter of intent until LC is ready to sign the MOU. There is a possibility for funding through Homeland Security as well. Paul asked if there are other projects in addition to those signed up for with Denice. There is some discussion about the possibility of adding on to existing buildings with CDBG funds. It would be possible to add on a building for the Panaca Fire District. Now is the time for any and all entities to add on projects. Panaca Fire Chief Kerry Lee advised they aren't ready to submit anything right now. The Emergency Management building needs to be considered and Phyllis will have Rick Stever and Cory Lytle present figures to the Board at the next Commission meeting. If the county has the land, an application could be made for a new building for the LC Fire District. Paul asked if there was any further public comment on this issue. There was none.

#21-HUMAN SERVICES

Toni Pinkham presented these items. a) Update—Toni will be on vacation the first week of November. b) Permission to contract with Brad Pinkham for vehicle repairs and commodities assistance—There is no consideration of contracting with Brad Pinkham for vehicle repairs. Commodities aren't paid through the payroll system. Greg cited this isn't a Commission issue; it's been disclosed. Brad is being paid \$100 by USDA every time commodities come in. Brad helps unload and load. c) Hiring of replacement Assistant Cook, and moving of a part-time employee to temporary full-time until the Head Cook medical leave issue is resolved—**Ronda made a motion to approve the hiring of the part-time replacement cook, hired at the same pay rate; seconded by Ed. All voted in favor.** Toni is requesting permission for Helen Lundgren to be moved to Head Cook, temporary full-time. Recorder/Auditor Leslie Boucher reminded the Board that if Helen goes over the 1039 hours the county will have to pay retirement dating back to July, the beginning of the fiscal year. This will not put Toni over her budget. There is some discussion as to whether or not this is the preferable route. Would it be better to hire someone new? There is a possibility that Hollin Osborn, the employee Toni needs to

temporarily replace, will be back to work part-time at the end of the week. Helen is aware that she will go back to part time when Hollin comes back. Medical leave for Hollin is unknown at this time. The cost to pay the retroactive retirement is unknown. Helen is very close to reaching her 1039 hours. Even if Helen was to work only part-time for the rest of the year she will exceed 1039 hours. **Ronda made a motion to move the part-time person to temporary full-time until the medical leave for the Head Cook is resolved; seconded by Ed. All voted in favor.**

#22-ALAMO INDUSTRIAL PARK

Mike Baughman presented recommendations of the Lincoln County Regional Development Authority for the Alamo Industrial Park (AIP). LCRDA believes AIP should continue to play a role in diversifying and expanding the county's economy. Mike reviewed a memorandum from LCRDA to the Board dated October 2, 2009. Preferred approach is as follows: Step 1) Master Plan and Engineering Design Refinement; Step 2) Sell parcels identified in May 2009 AIP Master Plan as Phases 2, 3 and 4; Step 3) Consider soliciting site grading and other Phase 1 parcel site improvement construction services in exchange for acreage within Phase 1; Step 4) Obtain grant funding and construct improvements to Phase 1 parcel; Step 5) Construct improvements on parcel identified in May 2009 AIP master plan as Phase 1; and Step 6) Market and sell parcels within Phase 1 to businesses. The alternative approach to the preferred approach is 1) Amend the May 2009 AIP Master Plan be amended to eliminate a variety of suggested improvements and to reduce the County planned development cost per acre significantly. If not already available, encourage Alamo Sewer and Water GID to create a map to be recorded depicting the location of the AIP well and related access to the well from US 93. Terminate all further Lincoln County funded engineering/design/ordinance work on the AIP immediately. Step 2) After obtaining an appraisal of the property and assuming the appraisal comes in at or near \$4,000 per acre (the County's cost of the land, plus interest paid, plus reimbursable grant costs), attempt to sell the entire 228 acres comprising the AIP to the highest bidder. Monies that might have to be paid back include the two CDBG grants used for engineering. These won't have to be paid back if the county can create jobs within five years. If the county can show that jobs have been created, or will be created by 2012, the county will avoid paying the funds back. Mike doesn't believe the county will have to pay these grants back. The county has done all of the work and has good intentions; no one could have anticipated the economic down turn. Mike reiterated he will be shocked if the county has to pay this back. There are hordes of these types of projects that came to a screeching halt within NV due to the economy; the granting agencies are very aware of this. Ronda noted the county isn't ready to have an appraisal done; the parcels have yet to be designated. Once the desired improvements are known the maps can be worked up. Paul doesn't feel action should be taken today and should wait until Joe Phillips is present. The longer this project sits on Sunrise Engineering's shelf it will cause problems. Discussion needs to be held as to what Sunrise can/can't do. LCRDA is considering reinitiating marketing on AIP. If LCRDA is going to continue to market industrial sites in the county it must be made known which sites are available. A little bit of direction from the county will help LCRDA to know how to market. No action is taken on this item and it is tabled to the next Commission meeting.

#23-LINCOLN COUNTY AMBULANCE

This item is tabled to November.

#24-LABOR AGREEMENT WITH LINCOLN COUNTY LAW ENFORCEMENT ASSOCIATION

This item is tabled as the agreement hasn't been completed.

#25-LETTER TO BUREAU OF LAND MANAGEMENT RE: PEARSON & MEDLIN LAND DISPOSAL

This item tabled as the letter is not ready.

#26-INTERSECTION SAFETY HAZARDS ON US 93

Nathan Adams addressed this issue. Pioche Town Board is requesting the Commission to readdress the intersection safety hazards on US 93. In 2005 Pioche Town submitted a letter to the Board requesting the Board to address with NV Department of Transportation the traffic dangers created at the intersection of Hwy. 93 and Airport/Vincent Rd. Another letter has been received from Pioche Town citing the fact there was a terrible accident at this intersection on 9-7-09. The Town Board is asking the Commission to make a formal request of NDOT for a reduction in the speed limit to 45 mph and installation of appropriate turn lanes. NDOT has painted a passing lane heading north on Hwy. 93 in the middle of the intersection being considered. Pioche

Town Board believes this to be unlawful and a potential cause of the 9-7 accident. Paul advised this issue has been addressed with NDOT multiple times to no avail. The head of NDOT has advised the Board they will drive to the speed they are comfortable with and he wasn't interested in reducing the speed. NDOT's comment, after looking at Vincent's, was that there isn't enough development to warrant a reduction in speed. NDOT has authorized LC to install a caution light, but it is to be at the county's expense. Pioche Town also suggested the addition of a turn lane for entrance to Vincent. Ed suggested Nathan get Sunrise Engineering to study this as they were able to get a reduction in speed in the Alamo area. Tommy suggested a file be created to present to NDOT that includes this information and any and all photos. When NDOT comes in for their annual project review, the county could then provide NDOT with a copy of all the items in the file. Ken Dixon reminded the Board that Chuck Brechler went with NDOT last fall to tour the area. Even after a study was done, NDOT refuses to lower the speed. Ronda suggested the Board write a letter of support to NDOT requesting a turn lane into Vincent's. Ken noted NDOT will approve a turn lane, but the county will have to pay for it. **Ronda made a motion to write the letter to NDOT for support of a turn lane; seconded by Ed. All voted in favor.** Ronda requested a letter from Pioche Town Board citing their request for a turn lane.

#27-EMPLOYERS BENEFITS DESIGN, INC.

Cynthia Throm of Employers Benefits Design, Inc, addressed the Board concerning employee health, dental, vision and life insurance. Cynthia is the insurance broker for White Pine and Nye Counties. Cynthia has been able to assist in controlling costs, assisting employees, and being an advocate for the employers. Cynthia aided in getting the appropriate COBRA letters out this year. Cynthia has been the insurance broker for Nye County for 11 years and 2 years for White Pine. Cynthia is requesting the opportunity to bid the county's insurance. In order to bid this, Cynthia will need additional information including number of retirees, claims experience, employer contribution, waiting period, plan summary and insurance premium history. Cynthia will require a letter of authorization to get the needed information. Cynthia then would make a presentation to the Board concerning what the county has and other viable, available options. Ronda advised the county is obligated to stay with Teamsters until next July. Teamsters has agreed to provide all non-union employees with benefits as long as the county secures them a certain percentage of members. Cynthia doesn't provide insurance, she is a broker. Cynthia would bring what is available in the market. Cynthia cited that she may/may not be able to save the county money. There could be multiple options or not many. The only cost for the comparison would be for the labor to gather the needed information. Cynthia offered to assist the county when the time comes for renewal. Shannon Simpson advised the Board she is here to support Cynthia, whom she has known for a long time, and discussed Cynthia's history. Shannon suggested the county look at the different options available. Shannon commented there are some things on the county insurance that may be improved. All of the information is protected by HIPPA. Wade Poulsen commented the union contracts run from June to July and asked if this will be an issue. It is possible to quote ahead. Insurance companies will write a contract with any given start month. Wade cited the last contract cycle is up June 2010 so negotiations will start about April 2010. **Tommy made a motion to write a letter of authorization for Cynthia Throm to garner the necessary information to put together an insurance proposal; seconded by Ed. All voted in favor.**

#18-QUARTERLY JAIL TOUR

This item is tabled to the next Commission meeting.

#31-BUILDING DEPARTMENT

Cory Lytle, Building Department Director, presented this item. a) Update—The Fair Building construction is well underway. There is a slight discrepancy between the plans that were sent and the materials that were received. Cory will work this out.

#17-OFFICER/DEPARTMENT HEAD REPORTS

CLERK Lisa Lloyd reported that she attended elections meetings in Reno two weeks ago. The meetings went really well and several changes have been made to elections. Lisa has already begun work on the 2010 election and cited that the Primary Election is now on June 8, 2010. Lisa advised that Board that, due to the many jury trials, court hearings and change in elections, there is a possibility that the Clerk's budget will be over in the salaries and elections categories. Lisa has had to hire extra help to come in and answer phones when there have been jury trials and unexpected meetings. **COMMISSIONER TOMMY ROWE** met with BLM and Ronda concerning the Chief Mountain recreation and trails. BLM wants to close a great deal more than LC

expected. LC is opposed to many of these closures. Tommy met with Dottie Maitland concerning tourism. Tommy attended the JCCIAC meeting last Monday. Tommy attended the elected officials summit in Las Vegas on 10-14; representation was there from 16 of the 17 counties. Tommy will attend a meeting with the Southern NV Workforce Investment Board on Wednesday at 10:00 a.m. **COMMISSIONER RONDA HORNBECK** attended a Mt. Wilson fire meeting on 10-6. Jeff McBirney owns the guest ranch and he has given an area to the county for fire suppression equipment. Ronda met with BLM concerning Chief Mountain. Ronda had a conference call with Senator Reid concerning the monies he's brought into LC. Ronda met with Doug Carriger concerning Coyote Springs issues. Ronda met with Connie Simkins and the permittees over the course of the last two weeks concerning the solar issues. Ronda met with Wells McGiffert at the BLM office on 10-13 to vet areas the county is willing to support for solar. Ronda attended a water resource meeting in Caliente. Ronda met concerning the Habitat Conservation Plan and it is hoped the HCP will be issued within the next two weeks. Ronda will attend a meeting in Rachel tomorrow at 1:00 p.m. **COMMISSIONER PAUL MATHEWS** advised of an email from BLM concerning the Gateway South and Transwest Express transmission line projects that will come through the county. A Memorandum of Understanding will be sent to the county for consideration. BLM would like LC to participate in the process. **COMMISSIONER ED HIGBEE** cited he's been working with Connie Simkins and the N4 Grazing Board concerning the solar issues. There are people all over the country trying to get any development available. Ed was stunned at the number of people involved in development.

#32-PUBLIC COMMENT

Paul called for public comment. Bruno Bowles, Southern NV Water Authority, advised he is working on a an update presentation regarding the development of the third intake for Lake Mead Resource Planning and Groundwater Development Project and offered to make the presentation to the Board at a time convenient to them. Tommy asked if it was more desirable to make this presentation at the Commission or Water District meeting. Bruno replied LC Water District meeting would be great.

#33-ADJOURN

There being no further business for the Board to attend to, **Ronda made a motion to adjourn the meeting at 3:24 p.m.; seconded by Ed. All voted in favor.**

Attest: _____ Approve: _____