



LINCOLN COUNTY BOARD OF COMMISSIONERS

February 16, 2010
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

Vice Chairman Bill Lloyd called the meeting to order at 9:07. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS, Chair
BILL LLOYD, Vice Chair
ED HIGBEE
TOMMY ROWE
ABSENT: RONDA HORNBECK

LISA C. LLOYD, Clerk
GREG BARLOW, District Attorney

There is a quorum present and the agenda was posted on 2-9-10 to comply with the open meeting law. The Invocation is offered by Ed and Paul led the Pledge of Allegiance.

CONSENT AGENDA

- #2 Approve/Deny minutes of February 1, 2010 regular Commission meeting.
- #3 Approve/Deny contract Change Order #4 for the Rail City Linear Park in the decreased amount of \$4,568.00.
- #4 Approve/Deny letter for support for Mary Jean Lucht as the Public Health Nurse in Lincoln County.
- #5 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).

Bill made a motion to approve the consent agenda with the exception of Item #2; seconded by Ed. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and a cash balance report. General County has a balance of \$884,060.86 with estimated expenditures being \$186,159.93. This leaves General County with a balance of \$697,900.93. Transportation has a cash balance of \$35,771.91 with estimated expenditures being \$1,980.17. This will leave Transportation with a balance of \$33,791.74. Nutrition has a cash balance of \$59,194.87 with estimated expenditures being \$14,000.47. This leaves Nutrition with a balance of \$45,194.40. Detention Center has a negative cash balance of \$237,188.41 with estimated expenditures being \$80,746.15. Detention Center will have a balance of \$156,442.26. Solid Waste has a balance of \$92,201.15 with estimated expenditures being \$5,330.25. Solid Waste Fund owes Fund 87 \$27,685.40, which leaves Solid Waste with a balance of \$59,185.50. Airport has a cash balance of \$3,387.78 with estimated expenditures being \$533.30. Airport will have a balance of \$2,472.89 after the transfer of \$381.59 to General County. Leslie discussed the voucher from NACO that was held from the last meeting. \$11,152.80 is the amount that NACO is requesting, but we paid \$9,127.60 last year. There is some discussion about whether or not this increased payment is optional. It is uncertain and Tommy will contact NACO. This voucher will be addressed later in the meeting. Also, this voucher wasn't included in the totals presented to the Board today. **Tommy made a motion to approve the vouchers; seconded by Ed. All voted in favor.**

#10-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Greg Barlow advised that Livreri retrial will take place in March. DA's office has endeavored to resolve cases without going to trial. Trials are set for July and August of this year, including retrial of a Supreme Court appeal. Greg remarked on the criticism leveled at him under Public Comment at the

last meeting with regards to a probate case. In 2006, percentage awards were outlawed. DA's office hasn't done anything with the estate other than having the file sit on his desk and he's made a few phone calls. Greg commented that it isn't appropriate to take money from widows or charge fees against the case. The NRS leveled against Greg no longer applies. Greg reminded the Board the County has been fighting for three plus years with Norcal and the individual who has leveled accusations against Greg is the signature on the Norcal agreement.

#7-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#8-PANACA FIRE DISTRICT

This item is addressed under a separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item is addressed under separate agenda.

#13-DONATION TO LINCOLN COUNTY SCHOOL DISTRICT

There is some discussion concerning contribution of \$9,000.00 to the Lincoln County School District to aid the purchasing of seating for the new "Gymatorium". Pete Peterson discussed this item. Funds that were allocated for seating were to come from the elementary and high school. Mrs. Holton is required to give back over \$100,000 to the state based on the Governor's budget freeze, which means the funding for the seating no longer exists. The facility is nearly finished. There are funds in the Land Act Education Fund, which has approximately \$20,000. The Youth Activity Fund has only \$8,500 left after all obligations for this year have been met. Using this fund will deplete it completely as the monies were a "one time shot". This facility will serve the youth in our community in ways that aren't school related. Pete advised that Mrs. Holton didn't send him up here to make this request. They are stuck; they have this beautiful facility and only enough funding to pay for half of the seats. The original seats from the auditorium have been kept. The architect convinced the former Superintendent to purchase new seats. There were 450 seats and the new theater will hold 255, but many of the wooden armrests have carvings in them. These seats are being advertised for sale. Tommy called Ronda and Cory about acquiring some of this seating for the Opera House, but the plans don't involve installation of permanent seats. Tommy suggested these seats could be put on rails and placed around the sides of the Opera House to provide seating for dances. Bill commented he hates to put money into something when it is unknown how much funding the County will have to run the government. Ed agreed. Pete commented that no one has money right now and things are coming to a complete stop. Ed asked Pete to consider allowing people to "buy" a seat and have their names put on there. Paul suggested a loan, to be paid back through fund raising. From a budget standpoint, Paul advised there are funds where the money can only be used to benefit youth and education. These funds will stay in a bank regardless of the County's budget shortfalls. \$1.2 million is in the PILT funds for capital improvement projects. Paul feels the Board should come up with capital improvement projects to aid and contribute with the public. Paul further commented that the scope of the facility was limited and the school district should have approached the County concerning contributions. **Paul made a motion to approve and to take \$4,500 from the Youth Fund, Fund 72, and \$4,500 from the Education Fund, Fund 94; seconded by Tommy.** Ed commented that he will vote in favor of this if fundraising will be done to reimburse the Youth Activity Fund. Pete will put this on the School Board agenda. Heidi Leavitt painted the mural and submitted a bill for gas only. Bill commented that since he has grandkids attending the school he shouldn't let them down. Doug Carriger advised that the Youth Activities money was a donation from their company, Coyote Springs, and they would feel good if this was applied towards this need. Doug suggested that his company would be very proud to support this endeavor, even if it zeroes out the account. **All voted in favor.**

#12- PEARSON BROTHERS CONSTRUCTION, LLC, BID PROPOSAL

This item concerns a bid proposal from Pearson Brothers Construction, LLC, to install security doors in the courtroom and Judge's chambers of the Lincoln County Courthouse. The amount of the bid is \$15,400. Sheriff Kerry Lee reviewed the bid. He continues to work on locks, but it will be a separate issue based on cost. Right now the priority is to get the doors in. The lock system for these doors could be incorporated throughout the entire courthouse. It tracks who goes in/out what door. It is basically an electronic key. The doors will be

placed at the three entrances to the courtroom and the outer entrance to Judge's chambers. The door behind the courtroom Judge's bench isn't included in the bid. The metal detector will be placed at the last door to the courtroom by the DA's office. Kerry suggested the metal detector be placed outside the rear courtroom door, which means this last door wouldn't have to be replaced. Kerry suggested that the door behind the bench would then be replaced. Judge Mike Cowley suggested that all of the doors in the hallways be done. Mike suggested the door behind the bench be addressed as another project and the exterior doors of the courtroom be replaced right now. Kerry agreed with replacing the exterior doors. Mike advised that these upgrades will be paid for by court facility fees. There is no need to advertise as this bid falls well below the required amount. **Ed made a motion to approve; seconded by Bill. All voted in favor.**

#14-LETTER TO BLM RE: SALE OF TRESPASSED LAND

This item concerns a letter from Stewart-Nevada Enterprises, LLC, to instruct the Bureau of Land Management to effect a sale of trespassed land that includes:

Parcel 1: N ½, SW ¼, SE ¼ of section 11, T4S, R60E.

Parcel 2: S ½, SE ¼, NW ¼ of section 11, T4S, R60E.

Parcel 3: S ½, N ½, SE ¼, NW ¼ of section 11, T4S, R60E.

Parcel 4: NW ¼, SW ¼, SW ¼, of section 1, T4S, R60E.

Parcel 5: E ½, SE ¼ of section 35 T3S, R60E (less Highway 318 right-of-way).

Paul disclosed that he leases this property but has had nothing to do with this project. All correspondence on this project has been sent to Ronda. There are four pivots that encroach on BLM ground. The old timers settled on certain ground thinking they were on patented ground. Nearly every field is off 1/16th. This ground has been in production since the early 1900s. This is part of the designated R&PP disposal lands. The Commission directs BLM as to how and when to dispose of these lands. The Commission has nothing to do with whether or not this is a direct sale. There is approximately 135 acres less a highway right-of-way. **Tommy made a motion to send a letter to BLM requesting this sale to clear up the trespass; seconded by Ed.** Ronda will write the letter. **All voted in favor.**

#15-ORDINANCE #2010-01

Cory Lytle presented the ordinance establishing permit fees and procedures for special events throughout Lincoln County and providing exemptions from such fees and procedures. Nonprofit applicants have a waiver; there is no separate fee for these applicants. Cory has \$25 for nonprofits simply to cover review time of the application. \$50 is for commercial. Cory discussed sanitation facilities, which needs to be updated pursuant to NRS 439; this would be in addition to the current requirements in the ordinance. This doesn't cover rental of County facilities. There are approximately 5-6 special events per year, with the exception of races. **Tommy made a motion to propose the ordinance and set the public hearing for March 15, 2010 at 11:00 a.m.; seconded by Ed. All voted in favor.**

#16-WESTERN ELITE FRANCHISE AGREEMENT

This item is tabled.

#11-EMERGENCY MANAGEMENT

Rick Stever presented this item. a) Update—Rick has located all but one of the AEDs. Supplies have been ordered for replacement. Once received, the AEDs will be back in operation throughout the County, including Sheriff's vehicles. Rick continues to work with the state on budgets. b) Insurance for Emergency Management Equipment—The equipment on the van/truck was insured for \$140,000. The insurance was lowered to cover what is in the vehicle. Cost will be approximately \$160 per year for the equipment. Evacuation trailers will cost approximately \$300 per year to insure the equipment. The expense is on the inside of the vehicles. The Board agreed these items need to be insured. **Tommy made a motion to insure these items; seconded by Ed. All voted in favor.** c) Letter of support for keeping the Emergency Management Office open—This item is in regards to the low level waste that is no longer coming through the County. A portion of funds was allotted to the County to pay for the EM. There are a couple of other counties that have said they need a bigger piece of the pie and they question why LC needs any of the funds since we haven't any low level waste coming through. The intent of these funds was to put EM offices in the rural counties. This letter will be addressed to the working group. Originally, there were 7 counties and they established the working group. Funding that has been used in the past for the purchase of ambulances and whatnot will most likely not be available anymore. **Ed made a**

motion to approve sending the letter of support to keep the Emergency Management Office open; seconded by Tommy. Rick will write the letter. **All voted in favor.**

#17-INTERTECH SERVICES CORPORATION AGREEMENT AMENDMENT

Ken Dixon presented the amendment to the July 6, 2009 agreement between Lincoln County and Intertech Services Corporation regarding the Southeastern LC Habitat Conservation Plan. If approved, this will reduce their budget to \$30,500. **Ed made a motion to approve; seconded by Bill. All voted in favor.**

#19-RESOURCE CONCEPTS AGREEMENT

Ken Dixon presented the agreement between Lincoln County and Resource Concepts, Inc. regarding identification, planning and design of sites for establishment and protection of habitat for the Southwestern Willow Flycatcher in the Meadow Valley Wash in the amount of \$51,000. **Tommy made a motion to approve; seconded by Ed. All voted in favor. All voted in favor.**

#18-ENTRIX INC. AGREEMENT AMENDMENT

Ken Dixon presented the amendment to the April 17, 2006 agreement between Lincoln County and Entrix, Inc. regarding the Southeastern Lincoln County Habitat Conservation Plan. This is a request for an additional \$4,000. **Tommy made a motion to approve; seconded by Bill. All voted in favor.**

#21-GRANTS

Phyllis Robistow, Grants Administrator, presented these items. a) Update—Phyllis received a phone call from Jeff Fontaine at NACO last week. He was requesting information from people in the County concerning the impact of closing state parks in LC. Barbara Rhode sent a letter to Senator Horsford, who proposed the closure, concerning the closure. A study was done on the closure and the job loss and economic loss is staggering. The closure will be discussed at the special Legislative session. Half of the jobs in the County will disappear with the loss of state jobs. Phyllis discussed the Interim Finance Committee and potential cuts. LC will be affected of the cuts. The state is looking at several million dollars in cuts. Needy families would get assistance, but it would take a great deal of time. In the interim, the County would be on the hook to help these needy individuals make it until they receive state assistance. It is proposed to close Summit View Youth facility in Clark County and increase Caliente Youth Center by 20 beds. Tommy advised that the employees at Summit View were given until last Thursday to declare their transfer. A couple of the individuals have transferred up here and have rented houses in Caliente. We could save money on the County match program as the Medicaid amount is matched by the state. If they are only paying \$150 per bed, this is all the hospital can charge. Tommy remarked the population at the Pioche Honor Camp has been increased. b) Grant award for funds to improve the Lincoln County Courthouse from the Department of Energy Stimulus Funds—This item is tabled. c) Contract with Hardy Construction for the Pioche Upper Park project funded by Southern Nevada Public Lands Management Act (SNPLMA)—This item is tabled.

#6-VOUCHERS

Tommy discussed the NACO voucher. Tommy is in receipt of the NACO dues formula, which includes a per capita rate. Per capita rate increased by \$25 and the large fee increased due to audited revenues in 2007-2008. This is the reason the dues have increase. Bill advised the revenue rates will go way down this year. **Tommy made a motion to pay the NACO dues; seconded by Ed. All voted in favor.**

Lunch 12:00-1:00 p.m.

#20-PLANNING ITEMS

Clint Wertz, Planning Director, presented these items. a) Update—Clint reminded the Board that the Census is still coming. Brochures will be hand-delivered in LC. Clint reminded everyone to get their numbers up on their house. The material for the street address signs will be delivered tomorrow. Clint has worked with RD to get training, which will be provided by a man from Boulder City. Over the last 2-3 years, the PD has been working with FEMA on updating the flood plain maps. The maps are finalized and will go into effect in August. b) Procedures, fees and cost recovery for negotiation of Development Agreement Amendment with Coyote Springs Investment, LLC—This is to get the “ball rolling” on amending the agreement and the process that will be used. Paul met with Greg and feels that a committee should be formed. This could include the DA, Sheriff, Clint, and

anyone that might have something to bring to the table with regards to the development agreement. After this process, then a uniform process can be established. Funding aspects will have to be addressed by the Board after the committee meets. Ed suggested that David Hurd of Economic Development be on the committee. Clint will take care of the formation of the committee. Tommy agreed with Ed, this needs to be streamlined. Tommy further commented the Board shouldn't add a lot of red tape. Paul remarked that the committee will establish the process, not perform the complete review. c) Review and adoption of Planning Department work plan. Summary of 2009 calendar year Planning Department activities and budgeted/realized revenue—Clint met with Ronda and Connie Simkins to identify priorities. Some of these are based on projects that are underway and just need to be completed. Priorities include: 1. Open Space Plan, 2. Public Lands Policy, 3. Strategic Plan, 4. Phase II Fiscal Study, 5. Alamo Industrial Park Planning/Mapping, 6. Transportation Plan, 7. Housing Plan, 8. Gedatabase design and implementation, 9. Solid Waste Plan, 10. Zoning Ordinance Update, 11. Mapping for Land Disposals, 12. Floodplain Ordinance Update, 13. RPP requests, 14. Hazard Mitigation Plan Update, and 15. Capital Improvement Plan. Projects completed include: GIS plan, model development agreement, CIP program update, GIS zoning maps, E911 webserver, transportation database design, Census coordination, addressing database, revise land division process, fee revisions, and Phase I Cost of Land Use Study. Ongoing work includes: Census, roads, County facilities, imagery flights, tax rolls online, updates to parcel layer, updates to addresses, and Clearinghouse review. BLM will continue pressing for the mapping of the land disposals. d) Change order for Phase 2 (from Development Scenarios to Revenue Enhancement) for contract approved on 11-20-08 for the professional services of Tischler/Bise—There is a change in scope for the project and a budget transfer of approximately \$47,000. These projects were already approved, but the carryover in the budget didn't take place this last year. Doug Carriger asked if Tischler/Bise is a NV company. No. They are a national company. Doug commented there are a number of NV based companies that do this type of work that are intimately familiar with the NRS and the current economy. Doug suggested that it would be beneficial to do a Request for Proposals. There are a number of people qualified in NV that can do this work. It would help our economy and keep the money in the state. Dawne Combs reminded the Board they are under contract with Tischler/Bise. Clint stated this company is familiar with NV Revised Statutes and are a nationally recognized company that has been in business for over 25 years. The vice president of this firm is out of the Pasadena office and they have been working on analysis for California. \$74,400 is the amount remaining on the contract. The augmentation of \$46,983 will cover already approved projects. The funds are there, but the auditor needs direction to augment. Carson Bise agrees the County needs to look at the revenue side and how we are functioning now. Paul commented that any aspect of money being spent for contractors at this point is being evaluated to see if we are getting our money's worth for the product or would the money be better spent on employee's wages. Paul's mindset as we move forward through the difficult budget cycles is to scrutinize the return on our money. Paul would like T/B to be more specific in their result. Clint commented the work product will be based on input he receives from staff. Recorder/Auditor Leslie Boucher is very much in support of this project, Clint advised. Clint has advised T/B that they need to present the good, the bad, and the ugly. This study phase will be finished by the end of June. T/B is ready to start immediately. Paul commented it would be nice to have this study at the beginning of the budget sessions. There is some discussion about whether or not the budget augmentation can be acted upon. Tommy commented that the agenda doesn't provide for action on that, only on the change order. **Tommy made a motion to approve the change order for Phase II and to reduce the contract by \$3,800 and to start the procedure for augmentation to cover this expenditure; seconded by Ed. Bill is opposed. Motion carries 3-1.**

#22-BUILDING DEPARTMENT

Cory Lytle, Building Department Director, presented these items. a) Update—Cory will be in Las Vegas for RICC renewal next week on Monday and Tuesday. Richard will be in the office on Tuesday, Wednesday and Thursday, which means there is only one day where no one will be in the office. There are a handful of races coming up. Cory will have the Yucca Chuckers' race on the next agenda for approval; the old process will be used as the ordinance implementing the new procedures hasn't been approved. Cory has been working on getting updates on the website for the business licenses. Cory continues to work on the business license directory; there are about 220 businesses in the County now. There are still businesses that aren't licensed yet, but Cory will work on enforcement. Cory will update the directory quarterly. Michelle sent Cory the updated list of County facilities; this list needs to be scrutinized as to what type of coverage is needed for each building. b) Construction of walkway covering or "porch" on the front of the Lincoln County Library—This is a safety issue for the library. There have been a couple of accidents in front of the library. Jo Lloyd contacted Cory a couple of

weeks ago about this issue. Ice melt and sand have been thrown on the walkway to no avail. The price to build the walkway is \$3,200. There is money in buildings and grounds to cover the majority of the cost. Tommy suggested this is a project that can be split with the Pioche Town Board. Glennon Zelch advised he will bring it up to the Town Board. **Tommy made a motion to pursue this immediately by contacting the Pioche Town Board, seeking funding sources, and putting the contract on the next agenda for approval; seconded by Ed. All voted in favor.** c) Letter to develop a plan pursuant to Senate Bill 358, section 19.4—This letter isn't ready. No action taken.

#23-PUBLIC COMMENT

Paul called for public comment. Tommy asked if anyone recalled the amount from the Railroad (RR) that was given to the library last year. It is believed the amount was about \$3,400. Tommy received a call from the Caliente Librarian, who advised the RR has increased the donation to \$5,000. Presentation will be made to the library shortly. Budget hearings commence on 2-24 at 1:00 p.m.

#24-ADJOURN

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 2:09 p.m.; seconded by Bill. All voted in favor.**

Attest: _____

Approve: _____

DRAFT