



LINCOLN COUNTY BOARD OF COMMISSIONERS

April 5, 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

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

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

LISA C. LLOYD, Clerk
GREG BARLOW, District Attorney

There is a quorum present and the agenda was posted on 3-30-10 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 the March 15, 2010 and March 22, 2010 Commission meetings.
- #3 Approve/Deny Change Order in the amount of \$4,458.48 for the installation of 4 picnic tables for the Dixon Park.
- #4 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.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and a cash balance report. General County has a balance of \$992,584.10 with estimated expenditures being \$180,320.05. This leaves General County with a balance of \$812,264.05. Transportation has a cash balance of \$27,268.25 with estimated expenditures being \$4,303.49. This will leave Transportation with a balance of \$22,964.76. Nutrition has a cash balance of \$94,100.79 with estimated expenditures being \$54,879.86. This leaves Nutrition with a balance of \$39,220.93. Detention Center has a cash balance of \$345,332.71 with estimated expenditures being \$90,167.68. Detention Center will have a balance of \$255,165.03. Solid Waste has a balance of \$90,278.30 with estimated expenditures being \$18,833.55. This leaves a balance of \$71,444.75. However, the Solid Waste Fund owes \$27,685.40 to Fund 87. Airport has a cash balance of \$1,955.25 with no estimated expenditures. **Ronda made a motion to approve the vouchers as presented; seconded by Bill. All voted in favor.**

#7-OFFICER/DEPARTMENT HEAD REPORTS

CLERK Lisa Lloyd reported that Judge Papez has asked that the courtroom and chambers be kept locked at all times. The Clerk's office will maintain a spare set of keys that can be signed out in order to accommodate meetings and other uses of the room. After these meetings are over, and before District Court begins, the bailiff will do a sweep of the courtroom to make certain that no weapons were secreted in the room. **COMMISSIONER TOMMY ROWE** advised that Dawne, Cory and the Community College in Caliente have been working through the Southern NV Workforce Investment Board to create a job program to help the County. \$602,937 was approved for the program and the money will be spent on public works jobs.

#6-HIGHWAY COMMISSION

This item is handled under a separate agenda.

#8-EMERGENCY MANAGEMENT

Emergency Management Coordinator, Rick Stever, presented this item. a) Update—Rick attended a workshop in Las Vegas regarding mass fatality. Rick has revisited contacts with the Clark County Coroner's office; they are aware of our situation here and are more than willing to help us out. Rick met with the Red Cross as well as State Department Emergency Management. They are working to provide equipment and resources to the rural counties. Another trailer package is nearly complete. The County has applied for a grant to update the Hazard Mitigation Plan; Rick and Phyllis continue to work on updates. Rick received communication from Department of Emergency Management concerning authorization for use of County frequencies in the event of a large emergency.

#9-CENTRAL NEVADA WATER AUTHORITY

Wade Poulsen presented this item. Wade attended a meeting in Eureka to determine whether or not joining the Central Nevada Water Authority is worth the time. If the County joins, we will have three seats on the board that can be assigned to anyone. Monitoring valleys that are pertinent to the Great Basin will be the focus of this group. Wade isn't certain what this group can do for the County; it's more what the County can do for them. The dues are \$7,500 per year. There was a great deal of discussion about the Great Basin and the map provided by Joanie Eastley. There is a possibility that counties from Utah and California will join. Wade is concerned about the size of the group and questioned how the County's voice would be heard based on the number of people. Wade believes LC to be further ahead in water planning than these other counties. Wade feels this is more a water district function versus a LC function. To date, water districts haven't been asked to participate in this group. Based on the fact that LC has a \$480,000 deficit, **Ronda made a motion to decline the invitation to join the Central Nevada Water Authority; seconded by Bill. All voted in favor.**

#10-RESOLUTION #2010-03

Jason Bleak of Grover C. Dils Medical Center presented a resolution authorizing a Medium-Term Obligation up the amount of \$155,000 to enable GCDMC to purchase State land adjoined to the existing property for future expansion. This item was previously approved, but it comes before the Board again as GCDMC was given the wrong interest rate. The interest rate will be 2% as opposed to the original proposal. **Tommy made a motion to approve the resolution; seconded by Ronda.** Ronda asked if GCDMC can't pay this back, who is responsible for paying this back. Greg responded that the County is ultimately responsible. **All voted in favor.**

#11-CLOVER MOUNTAIN & TUNNEL SPRINGS WILDERNESS MANAGEMENT PLAN & ENVIRONMENTAL ASSESSMENT

Captain J. Ryan Price of the US Air Force provided written comments as follows: "Nellis AFB would like to inform the Lincoln County Board of County Commissioners that Nellis will be submitting comments to the BLM to inform them of our current and future operations in the areas outlined within the Clover Mountain and Tunnel Springs Wilderness Management Plan and Environmental Assessment. Ronda recommended that the public call Denice if they desire the Board to submit their comments. Bevan Lister commented that a critical point of interest in the County's comments is that the roads that exist are the roads that should continue to exist as opposed to the wilderness area. State law gives roads solely to Commissioners, commented Bevan. Paul responded they are having a difficult time convincing them of that. Utah has filed a law suit against BLM for the operation and control of all public lands within the state. Comments are due on April 14th. **Tommy made a motion to have Ronda write a letter to BLM; seconded by Ronda. All voted in favor.**

#14-ALAMO & HIKO LANDFILLS

A significant amount of refuse/solid waste has been placed on the premises of the landfill but not in the bins. These items vary from refrigerators, tree limbs, and dead cows. BLM has an issue with this as these are both leased sites, not patented. Greg suggested that the sites should be enlarged once they are patented. Paul has spoken with Paul Yamamoto concerning the immediate cleanup; delivery charges on the bins will be dropped and bin rates will be cut in half. They will haul the asphalt for free. These rates apply to the cleanup only. The hauling will cost about \$1,050. Steve Chouquer of the Road Department has agreed to have a loader at the site and an Honor Camp crew will be used to sort the material. Ronda advised that it is important to have an

education process in place to avoid reoccurrence of the situation. Ed commented there is a great deal of room for people to drive around and dump wherever they want. Signs need to be erected prior to the cleanup. Sheriff Kerry Lee advised they've caught one of the people that were dumping out there, but it's difficult to enforce when it's so out of hand. Once it's cleaned up, the SO will be able to take action. Ronda asked if it's the County's responsibility to erect the signs or the responsibility of Recology. The signs at the site depict what can or can't be placed in the bins. Vaughn Higbee commented there is a basic flaw in the process; there are very few people that are going to drive four hours to haul that kind of material to Crestline for processing. Vaughn suggested that Alamo's construction waste be hauled south. Wade Poulsen commented there is confusion as well. One of the past plans included placement of weeds, tree limbs, and old fence posts on the side; the Road Department used to burn them or a larger bin was brought in and the items were hauled away. Paul commented that "Plan B" could be to allow the accumulation of these things and subsequently spend \$1,500 every year to clean it up. Cory Lytle commented that the requirement of rolloff bins is part of their permit checklist for big projects. At this time, the bins aren't required for smaller remodeling projects. Doug Carriger commented that the method for hauling the solid waste is tremendously inefficient. Doug questioned whether or not larger, taller bins should be provided to accommodate the amount of solid waste. The bins are nearly always full and overflowing so many people have no other option but to dump in other places. Doug said that Recology needs to change their method of operations and provide the necessary bin capacity for the community. Alamo has two thirty yard bins that get emptied once per week. **Ed made a motion to approve the plan for the additional bins/hauling from Recology, provision of a loader/driver from the Road Department, and use of the Honor Camp to clean up the Alamo site; seconded by Ronda.** Bevan suggested the County include the price for cleanup in the publication and ask if the people wish to continue spending their tax dollars in such a manner. **All voted in favor.**

#15-LETTER TO BLM RE: ALAMO & HIKO LANDFILLS

The BLM would like a letter outlining the timeline and plan for cleanup of these sites. **Ronda made a motion for Paul to write and send a letter to BLM; seconded by Tommy. All voted in favor.**

#16-VIRGIN VALLEY WATER DISTRICT

This item concerns sending a letter and invoice to Virgin Valley Water District requesting payment for out of County transfer fees. Denice called the State Water Engineer's office and was told that every year the County must request the gallon usage. Once received, an invoice can be sent. Ronda sent the request for actual water used to the State Water Engineer but as of today nothing has been received. **Ronda made a motion to approve; seconded by Ed. All voted in favor.**

#18-PLANNING DEPARTMENT

a) Update—None offered.

#19-GRANTS

Grants Administrator Phyllis Robistow presented these items. a) Update—LC unemployment rates are at 13.2%. The single audit was filed on March 31st; it has been sent to the granting agencies. Phyllis received an email from NV Energy, who is in the process of accepting the paperwork LC has filed for the grant award to update the LC Courthouse. b) Matching funds for the Million Dollar Courthouse in the amount of \$35,000 from the PILT Grant Match Fund—**Ronda made a motion to approve the match of \$35,000 from PILT Match Fund; seconded by Bill. All voted in favor.** c) Welfare Set Aside Grant Award in the amount of \$8,210.00 from the Nevada Housing Division, Department of Business and Industry—Usually LC receives between \$10,000-16,000. This money is used to aid with rent/mortgages/utilities. **Tommy made a motion to approve; seconded by Ronda. All voted in favor.** d) Application to Federal Aviation Administration for a grant for airport design and construction of a fence at the Alamo airport in the amount of \$600,000—This requires a \$30,000 match. Fencing this area will impact the Sharps, who have grazing rights in this area. The design of the fence will take the cattle into account. Wendy Rudder commented the fencing has been a requirement of the lease with BLM; it was supposed to be fenced years ago we just haven't had the money to do it. Ed suggested that a water line be put under the fenced area to provide the cattle with water. Wendy turns away 4-5 airplanes per week as there is no fuel and probably another 6-10 calls because the runway is dirt. Several large entities have advised they will use this airport if it's paved, including JFDI and Cowboy's Dream. There is some

discussion about only doing the water line and fencing this year. **Ed made a motion to do the engineering and construction of the fence and water line only this year; seconded by Tommy. All voted in favor.**

#20-BUILDING DEPARTMENT

Cory Lytle, Building Department Director, presented these items. a) Update—There will be a contract for the Fair & Rodeo concession stand and restrooms for approval at the next meeting. Surveying will be done for drainage at the Panaca Park; curb and gutter will be put in on Ernst Street. There is a power pole that needs to be moved. Demolition on the Pioche Park is well underway. Cory is reviewing the plans for the Panaca Elementary School; the floor plan is basically a reverse of Caliente's. Cory worked on the public lands plan last week. Cory has received a bill for the dumpster here at the LC Courthouse. Paul was told that the dumpster size could be reduced for a reduced rate. Paul referred Recology to Richard to verify capacity needs of the Courthouse. Bevan Lister asked about the plan for Little League since the Pioche Park is now torn up. Cory responded by outlining the construction schedule and changes to the park. Bevan was told that there is a \$300 charge to use any County facilities for liability charge. Paul responded that an actual charge has never been presented to the Board for approval. Paul continues to work on this issue. The need for liability insurance will apply to private use. Any normal operations of a County facility are covered by County insurance. Cory will continue working with Michele Wadsworth to sort out the insurance issue. b) Southern Nevada Desert Racers (SNDR) Murphy's Gap Hare Scrambles race at Mail Summit scheduled for April 17, 2010—Wade asked that something be done with the roads after the race as they become very powdery. Cory responded that cost recovery for hauling water and repairing roads will be part of the Special Events Policy once it's approved. Ed commented that this is a cash cow for the BLM and they don't do a thing to mitigate it. Hefty fees are paid to the BLM for these races and if these fees came to the County it would allow funding for the Road Department to make necessary repairs to the roads after the races have come through. Bevan commented that one of the tenets of the Public Lands Management Plan should cover the races. It does. Bevan believes that there is something in the statutes that provides for a sharing mechanism with the local government. **Tommy made a motion to approve; seconded by Ed.** Ronda asked that the motion be amended to include the requirement of working with the County to bring the roads to original condition. **Tommy amends the motion and Ed seconded. All voted in favor.**

#12-BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

Mike Baughman reviewed a letter addressed to Honorable Brent Scowcroft and Honorable Lee Hamilton, Co-Chairmen of the Blue Ribbon Commission on America's Nuclear Future. This letter basically offers Lincoln County's expertise and studies as they may be useful to the BRC. **Tommy made a motion to approve the letter; seconded by Ronda. All voted in favor.** Connie Simkins presented a summary of the BRC meeting. The ten AULG's also sent a letter to BRC offering to stay involved and share information.

#13-ALAMO INDUSTRIAL PARK

Sunrise Engineering has been completing the engineering on AIP. Ed has been working on getting a skilled nursing facility in the park. There are several hundred people that go out of the State who have mental issues/brain problems; Ed advised this isn't the mentally insane. This would include people that have brain damage. The County has applied for \$3.4 million in appropriations. The problem is that it becomes difficult if the County receives the EDA grant as Phyllis isn't sure if matching funds for the EDA grant can come from appropriations. The engineers have been redirected to focus on Phase I. Mike Baughman commented the emphasis for infrastructure will be on Phase I so the County can sell these parcels. Any funding received will go into Phase I first. Once these construction drawings are received, the Development Authority has discussed holding conversations with contractors to see if there is anyone available to do the construction services who would be willing to exchange land for their services. No action is taken as this is discussion only.

#17-DRAFT 2009 LINCOLN COUNTY LABOR MARKET SURVEY

Mike Baughman presented the draft 2009 Lincoln County Labor Market Survey. Louis Benezet advised that many people got to work for the Census. The nuclear waste program receives about \$1 million per year and Louis suggested that more locals can be hired through this program for \$21 per hour as opposed to those who come from outside the county and are earning more than \$100,000.

#7-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONER PAUL MATHEWS reported on his recent trip to Washington, D.C. Paul met with all NV Delegates with the exception of Shelley Berkley. During these discussions Paul attempted to establish talking points concerning the solar projects and the national conservation area. The most productive part of the meeting with Senator Reid is that his staff responded to the discussions held. Congressman Heller was very supportive of all topics Paul discussed with him. Paul was able to present all of the public concerns relayed to the Board with regards to the energy projects and the national conservation area. Paul attended an appropriations subcommittee meeting regarding energy and water. Paul also attended the Blue Ribbon Commission meeting. **LC NUCLEAR WASTE OVERSIGHT PROGRAM COORDINATOR** Connie Simkins is preparing a Tracks Newsletter that will cover the Blue Ribbon Commission makeup as well as the steps that have been taken for Yucca Mountain and possible new activities that might be coming forward at the NV Test Site. It will also include our efforts to keep people employed there. The web students will attend the next Commission meeting to present the new website. Tommy and Elaine Zimmerman have been working with the Southern NV Workforce Investment Board on creating jobs. Elaine has written a proposal, which has been accepted, to help the community college continue and help our kids train for jobs. Elaine has met with one of the solar companies to find out what sort of things our kids need to know so that they are eligible to be employed when the plants are built and open. Thirty computers have been received from DOE and have been distributed throughout various County entities, including Pioche Fire Department, Panaca Ambulance, Emergency Management, Caliente Fire Department. The remaining balance of the computers will be split between computer labs for both LC and Pahranaagat Valley High School. This will allow students use of computers to complete homework.

#21-PUBLIC COMMENT

Paul called for public comment. Louis Benezet addressed nuclear waste and water issues. 1987 is when the "screw NV" bill was passed which designated Yucca Mountain as the only site for waste. This decision was fought to a standstill. LC took a different course a few years ago and threw in with nuclear industry supporters like Ace Robison. Louis feels this is a good time to look at where the County stands. Louis commented it is a good thing for the project to be wiped off the table and to go back to the starting point. Maybe they can come up with a fair and scientific solution. Louis congratulated Paul and advised that he feels he does a good job representing the County and its issues. In 1989 Las Vegas filed water applications. Louis reminded the Board that we joined with Nye and White Pine to fight these applications. There were many groups that were involved. People from all sides came together to try and protect our water. The people who have stayed in this fight have brought this catastrophe to a standstill. The Las Vegas applications have been thrown out. The applications in Dry Lake Valley and other valleys in LC have been reversed by court. This is all because of the efforts of those who stayed in the fight. Ten years ago, LC took a different stance and "threw in" with Vidler Water Company. An agreement was made with Southern NV Water Authority and Louis suggested this is a good time to review where we stand on this issue as well. The SNWA applications have all been thrown out and we have might say we have some sort of an agreement with them, but since the applications have been tossed out the agreement no longer stands. There is a brief window of opportunity to protest these apps and let everyone know we don't want a pipeline through the County that will take all the water. A water protest workshop will be held in LC on April 9th and there will be a notary present; this has been published. Louis asked the Board to seriously consider filing protests. Louis will be filing. Wade Poulsen, General Manager of LC Water District, advised that LCWD and Vidler have filed protests on all SNWA applications and Virgin Valley apps that were submitted. Vaughn Higbee commented that he feels LC made the right decision to go the direction they did on both issues mentioned by Louis. Vaughn thinks it's one of the saddest things that's ever happened that the State of Nevada decided to bury their heads and refuse to negotiate anything. Thousands of jobs and billions of dollars have been lost because of this. NV didn't have to take that thing the way it was. NV will never have another opportunity to be part of the greatest industrial revolution that this Nation will ever see. The deals cut with regards to the water were necessary so LC didn't lose what little water it had. This created a situation of protection in that we have an organization that can stand up to Clark County. The rest of these counties can look down their nose and say we sold out, but we did so for all the right reasons. If you say different, Vaughn commented, then you didn't know what was going on then. Connie Simkins will be putting a letter on the next agenda that will be addressed to the Chancellor of UNR requesting that the College of Agriculture not be closed. Marge Detraz commented that nuclear waste isn't safe and stated that so many die from cancer. Paul reminded everyone that public comment isn't to be used to spur a debate. It is to be used to present comments to the Commission about a particular subject.

#22-ADJOURN

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 12:53 p.m.; seconded by Ronda. All voted in favor.**

Attest: _____ Approve: _____

DRAFT