



## LINCOLN COUNTY BOARD OF COMMISSIONERS

August 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**

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  
TOMMY ROWE  
RONDA HORNBECK  
ED HIGBEE

LISA C. LLOYD, Clerk  
DANIEL HOOGE, Deputy District Attorney

There is a quorum present and the agenda was posted on 8-9-10. The Invocation is offered by Daniel and Tommy led the Pledge of Allegiance.

### **CONSENT AGENDA**

- #2 Approve/Deny minutes of the August 2, 2010 Commission meeting.
- #3 Approve/Deny tax strike for Kenneth and Donna Lytle Trust, APN 6-061-05, \$11,976 assessed, Ag values were not applied.
- #4 Approve/Deny tax strike for Wayne and Shirley Bearden, APN 1-333-36, \$1,962 assessed, error in basement size.
- #5 Approve/Deny tax strike for Grand Wilshire, APN 13-160-32, \$2,523 assessed, no well or mobile home hookup.
- #6 Approve/Deny tax strike for David Witt, APN 13-160-14, \$8,027 assessed, improvements from another parcel put on this parcel.
- #7 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 Ed. All voted in favor.**

### **#8-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$216,070.67 with estimated expenditures being \$167,579.19. This leaves General County with a balance of \$48,491.48. Leslie completed a budget transfer of \$86,000 to Planning Department. Taxes will be apportioned at the end of the month. The Board members were stunned at how low the cash balance is for General County. All of the funds that Planning Department will be receiving this year have been transferred. Panaca Fire Department did not remit bills this time, but there is an unemployment payment of approximately \$2,000 that must be paid. Transportation has a cash balance of \$28,296.52 with estimated expenditures being \$2,120.62. This will leave Transportation with a balance of \$26,175.90. Nutrition has a cash balance of \$25,671.98 with estimated expenditures being \$6,033.68. This leaves Nutrition with a balance of \$19,638.30. Detention Center has a cash balance of \$185,439 with estimated expenditures being \$73,052.03. Detention Center will have a balance of \$112,387.81. Solid Waste has a balance of \$132,595.67 with no estimated expenditures. Solid Waste Fund owes Water Plan/Development Fund, Fund 87, \$27,484.15. Airport has a cash balance of \$1,407.81 with estimated expenditures being \$324.74. Airport will have a balance of \$1,083.07. General County Airport Insurance cost is \$2,600. There is some discussion about a voucher from January/February 2010 payable to the Panaca Market. Daniel advised the Board that the law states they can't pay anything that is older than six months, NRS 244.250. Toni Pinkham stated that these bills were just

received from the Market. **Ronda made a motion to approve the vouchers as presented, with the exception of the one for Panaca Market based on NRS 244.250; seconded by Ed. All voted in favor. Ronda made a motion to approve the vouchers for Emergency Management; seconded by Ed. All voted in favor.**

#### **#9-HIGHWAY COMMISSION**

This item is covered under separate agenda.

#### **#11-LINCOLN COUNTY FIRE DISTRICT**

This item is covered under separate agenda.

#### **#10-PANACA FIRE DISTRICT**

This item is covered under separate agenda.

#### **#13-OAKWELLS AND KIXMILLER ROADS MITIGATION PROPOSALS**

Paul and Bill met with BLM a couple of weeks ago. At that time, BLM presented proposed mitigation measures for the Oakwells and Kixmiller Roads. Rosie Thomas, BLM, addressed the Board and reviewed the mitigation proposals. The investigation is ongoing and no formal trespass has been declared at this time. Natural resource damage occurred. Tommy felt the meetings with BLM were being held in the spirit of cooperation in order to come up with an agreement and avoid trespass. BLM was asked to describe possible mitigation that would address the natural resource issues. One measure is to cut the wood and remove the fire hazard. The second one is to conduct an archaeological survey of the area, to be funded by the County. This survey would incriminate the County to see if an archaeological disturbance occurred. The third is re-vegetation and erosion control measures along the road. One survey marker was uprooted. Paul commented that neither the long term issues nor the authority issues have been resolved, especially as to whether the County is comfortable operating under this close scrutiny. Since this is a road, Paul doesn't understand why erosion control things are being done. Paul's opinion is that the mitigation measures complicate the authority issues and how the County associates with BLM in the future. This puts the County in a bad position as far as how the Road Department operates in the future. What authority the County has to maintain a road in the manner required needs to be defined. White Pine County hasn't widened the roads outside the traditional area of disturbance. There are no other instances of widening what is currently the disturbed area and doing a great deal of resource damage; it isn't happening anywhere else, Rosie said. The County is being presented with charges that state we have the ability to do informal administrative mitigation; if we don't, BLM will take action to proceed with a formal notice of trespass. Ronda suggested the BLM and County enter a maintenance agreement, and asked if an agreement is signed will these issues go away. No, Rosie responded. Widening roads beyond the traditional disturbed area is a problem. Advance notice isn't required for regular maintenance. Legal right of way needs to be pursued for the roads that need to be widened. BLM wants to address the specific disturbance and mitigation measures. Rosie's long term goal is to arrive at a signed, formal agreement that outlines the standards and parameters for roads so that it's very clear as to what BLM and the County can do. Ronda commented that the County is doing the BLM a service by maintaining the roads. Paul feels there is an obligation to the public to maintain the roads. There is another agency that the County must coordinate with, and now we're at a point where one agency wants to police another agency. Paul asked if the Board feels BLM has the authority to police the County. So far, BLM has been pretty hands off. Now, this has changed due to the scrutiny that BLM wants to apply to the County's work. Paul feels this puts the County in a complicated position far beyond what was agreed to for mitigation; this sets the stage for the future process. Rosie commented that BLM doesn't want to police the Road Department's work, or do the "Big Brother", heavy handed stuff. By law, BLM must manage new disturbance areas. The County should maintain roads while staying in the traditional disturbance. Paul doesn't feel a road with shoulders is an inflammatory issue. The instances that BLM brought forward are significant. Shane Cheeney advised they never went beyond the 60 feet that they were told they have. Doug Carriger said that a year or so ago, BLM went in and did fire thinning work along the Kixmiller Road. No cultural survey was done of the land; BLM tore the trees out clear up to the right of way. Doug questions why the County must perform the cultural surveys as the same rules aren't applied to BLM. Rosie advised that surveys were done of the area prior to disturbance. Doug asked to see the surveys as the residents there never saw anyone out there walking or surveying the area. Doug discussed the Silver State Trail. BLM has known about this since it was made a trail by Congress. Kixmiller was very narrow and was dangerous. The County widened

the road for safety reasons. BLM, knowing the trail was made by Congress, has taken no action to make it safe for people using the trail. Rosie commented that funding has been acquired to be able to do the plan and to work with residents to identify areas that need to be improved. Doug questioned why the County will have to pay for a cultural survey of the area if BLM is already going to do it. BLM must assess the resource damages, Rosie stated. If the County works with BLM and an agreement, when the County does a cultural survey the County is setting itself up for more monetary issues if BLM finds anything. BLM hasn't required cultural survey work on all the roads that the County has maintained all of these years; it's never been asked of the County before. LC has been maintaining roads for many years. Ronda is concerned that if the County doesn't do this and the trespass goes forward, it will end up in Federal Court and the County could be liable for much more than the original intent. The roads were widened as the state was doing inventory and the Road Department wanted to address the safety issue. The County receives money from the state for the condition of the roads. Ronda is concerned if the trespass goes forward as everything else with BLM stops. Any new authorizations will not be completed until the trespass is completed. New permits will be stopped dead in their tracks. Wood permits and anything the County has applications for will be stopped. Already established agreements will go forward. Ronda advised that an agreement with BLM is required in order to do mitigation on BLM property to move forward with the HCP in the Caliente area. Rosie doesn't see a trespass as having to stop progress on the HCP, only new authorizations. BLM hasn't agreed to any widening outside of what a right of way would entail. Rosie is saying that road widening outside the traditional disturbance doesn't need to happen. BLM encourages the County to pursue rights of ways if there is a need to widen. BLM is not willing to go look at where the County wants to do road widening, do the surveys, and then just offer their blessing. Rights of way need to be pursued if the County has specific roads they feel need to be widened. Oakwells Road is incredibly old. Paul feels the County needs flexibility to maintain the shoulders and visibility on the roads without having to pursue a right of way. The trees encroached on the current road and were pushed back. Nothing was done on this road except for maintenance of the road, Paul said. When some of those trees are older than 125 years old, Rosie advised it's hard to quantify that this was an encroachment on an existing road. Paul feels there are other factors that relate to the incident and mitigation as opposed to just pigeon holing the issue. Rosie has a notice of suspected trespass, which keeps this informal and administrative. Rosie doesn't want to push the County into a position that it's uncomfortable with. Paul commented that perhaps this item should be tabled to allow for more discussion with BLM as to mitigation measures. Bevan Lister commented that under state law the County is authorized to designate plans and that a road is 60 feet wide. If the BLM has failed to inventory what's in the 60 foot road reach, and they've failed in resource management by letting trees encroach, then they've failed the federal mandate that requires they make an inventory of all cultural on their lands. Bevan has concerns that the BLM has failed to inventory the cultural sites along the road and they're using extortion-like practices to make the County pay for it. Bevan has issues with the heavy hand that the BLM is using against the County and he feels the County should stand up and push back. Bevan reminded the Board of their responsibility to the people to maintain the roads. The people expect the County to carry that forward as well as they expect the BLM to be the service organization that they were set up to be. As far as treating the County like a bad child and sending a notice of trespass if they don't agree to the terms, Bevan commented that this is blowing smoke. BLM can't treat a joint lead agency as a bad child. Bevan stated the County has the same authority and responsibility on the public lands that BLM has. This is simply a power play, Bevan advised. Sheriff Kerry Lee questioned if this was a criminal trespass. This is an administrative trespass at this time. If it's not to be resolved and is repeated, it could become criminal. Kerry commented that he would love to have the suspects in his criminal cases to investigate themselves at their own expense. Rosie responded that this one will not be, but if it is repeated willfully in the future it could be. Ed asked what would happen if the County ignores this. BLM will formally trespass us. Rosie responded that the County still has an opportunity, at this time, to respond, rebut and even negotiate. Ed commented that the letter looks like the County has accepted the trespass and will now accept the terms of mitigation. Paul said that's the way it appears, but it's still on an informal, administrative level. The investigation will be completed with formal findings and then things will move forward. Paul reviewed the conversation concerning the last letter from BLM. In that letter, there were dollar amounts including approximately \$170,000 total. Paul commented at that time that if the mitigation includes the County paying this amount, it was Paul's opinion that this would go to court. From that point forward, discussions included that this isn't the case; the County actually has to perform certain tasks, including removal of firewood, completion of a survey, and reseeded of the area. The County has to make the decision as to whether or not they will accept this, and it continues to be open for negotiation. Paul advised that the Board needs to think far enough into the future to avoid another similar issue in the future. If the County doesn't agree to the mitigation then the formal

trespass will be issued. Shane commented that this was about the dirt disturbance in the beginning; four meetings later it's focusing on the trees being the issue. Shane commented that the BLM has come in to Kixmiller and pushed back a fire break and never come in and cleaned the trees. Shane doesn't understand why the County has to clean the trees up but BLM doesn't have to when both the road disturbance and fire break are emergency issues. Rosie responded that the trees have been part of the ongoing investigation all along. If BLM is leaving worse situations then they are not doing their jobs well, Rosie responded. Tommy offered some information on the Oakwells road area. The Oakwells area has been scheduled, in the past and the future, for clear cuts since the trees are too thick. The amount of trees torn down by the County couldn't have been more than a couple of acres of trees, Tommy commented. The fire suppression plan, according to the RMP for this area, is to let it burn and monitor due to the fact that the trees are too thick, Tommy advised. There are areas that were pinpointed in the RMP planning for controlled burns in this same area based on the thickness. The trees along this road were pushed out of the way for safety reasons, Tommy said. Tommy feels people ought to know this. Paul is willing to continue meetings to negotiate this issue. Rosie advised BLM has no ability to address RS2477; the courts have to do this. Doug further commented that the fire management plan north of Kixmiller is to let it burn and not suppress; that's where the County knocked these trees down. **Ronda made a motion to table this issue, have Bill and Paul go back to negotiations, and to bring this back at a future meeting; seconded by Bill.** Bevan questioned the BLM. It isn't allowed for commercial cutters to cut within 100 feet of the roadway, but we're going to ask the County, and bill them, for not cutting the deadwood on the side of the road? Further Bevan asked, Who does the cultural survey when the fire trucks go bouncing out through wilderness? These were rhetorical questions. Tommy commented that the County filed for a right of way on several different roads many years ago and have never received it. If the County files ROWs on all roads that are considered the County's, it will be hundreds of years before these are granted at the rate BLM is moving. Victoria Barr responded that if the County wants to pursue FLPMA ROWs on these roads, BLM will seek additional funding to contract some of these out. Ronda said Land Act money designated that LC can do cultural surveys throughout the County. Years ago, White Pine asked if we would share the money; the County agreed to share. This is why Ronda brought up the issue of cultural. Ronda doesn't feel the County should be required to foot the bill for the cultural surveys. If the County does the cultural surveys and finds that there are even two pieces of flint out there, then we've slit our own throat. Ronda asked why the County would do this. Rosie responded when the County applies for legal ROWs it's on BLM's shoulders to do the cultural clearance and mitigation prior to issuance of ROW. When the ROWs are issued to the County, the County is "good to go". Rosie addressed the survey for this mitigation; she would rather hold negotiations on this issue at a meeting in the future. Ronda advised that she previously requested surveys from BLM on the roads. If BLM is claiming these roads as BLM roads, they should've already been surveyed so we know how wide they are, as they exist now. Ronda feels this is as much a problem for the BLM as it is for the County. Ronda asked that these types of issues be addressed during talks. If BLM is going to make requirements on the County, these same requirements should apply to BLM. Ronda hopes this can be worked out in the negotiations. The County can't afford fines and we certainly can't afford to go to court. Ronda hopes we avoid a full trespass as it will be detrimental all the way around. Bill commented that the Kixmiller road dates back to 1870 and was the road to Hamilton. It went across the flat, down through Cave Valley and up through Hamilton. Culturally, there may be a bunch of old, broken bottles and then BLM could say it's a cultural site. BLM will find these types of things. When the stage was resting their horses, people would throw their bottles and cans out. BLM will find this every time they go over a pass. Rosie commented that just because things are located it doesn't lend to a site that must be protected. Ronda said that BLM is asking the County to fund the finds, and that's what is hard. **All voted in favor.**

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

**Sheriff** Kerry Lee advised that the phone company is putting in a new switch. This will put the E911 system out of service. Kerry is working with the company that they purchased the E911 system from to put a patch on, but it will cost money that he didn't anticipate in his budget. As of this coming Wednesday, the County will not have Enhanced 911. Kerry will put this issue on the next Commission agenda if he can't find funding for it in his budget.

#### **#14-GNOMON CONTRACT**

This item concerns the Gnomon contract that was approved on June 21, 2010 with regard to Task II of the contract, in the amount of \$14,000. Connie Simkins advised it's okay to approve this contract as it is a

necessary function in order to add together existing information and to be able to archive and store current information. This is a function that would regularly be provided by the Planning Department. This funding was put into Planning during the previous fiscal year from Nuclear Waste funds, but it must be shown that the work was done during the previous fiscal year. Phyllis commented that all \$75,000 must be accounted for before Nuclear Waste will give the County this year's funding. If there is money left over from last year, then this needs to be taken out of last year, Phyllis advised. Clint, Leslie, Connie and Phyllis will continue to work through the funding issue. This is federal money and it's being treated as a grant. Phyllis said they can only account for \$36,000 from last year, which means there is \$39,000 left from last year that needs to be used up. This contract could be funded through the remaining amount. This contract will bring us up to \$50,000 from last year of oversight funds. Ronda advised there is a \$10,088.23 voucher from Gnomon that contains charges for the run books of \$94.30. The run books fall under the other tasks. Ronda referred to the minutes of the last meeting; Clint was to have advised Gnomon that no tasks or charges were to be done with regards to the run books as we don't have funding. Clint asked how the bill got presented to the Board when he hasn't even reviewed it himself. Clint commented that the bill shouldn't have even gone to Leslie yet. If the \$14,000 is approved today, nuclear waste can fund this. Connie advised that their attorney has approved this and she recommended that this be paid from the funds of 2009-2010 based upon receiving paperwork as to how the \$36,000 has been spent. **Ronda made a motion to approve the Gnomon contract, Task II, in the amount of \$14,000, to be funded by last year's Nuclear Oversight funds; seconded by Ed. All voted in favor.** Leslie and Phyllis feel this whole contract needs to be killed and redone once the JCCIAC money is straightened out. Clint commented that it's too bad the Board has already signed the contract. There has been a great deal of miscommunication on this contract, and the Board continues to do the best they can to clean the issue up. Currently, there is no funding source for Task 1 and today's contract approval pertains to Task II only.

#### **#15-BEAVER DAM/BARCLAY SOLID WASTE TRANSFER STATIONS**

Paul and Ivan Jones toured the Beaver Dam/Barclay area. After speaking with Ivan and discussing logistics for the one dumpster, Paul feels that the residents will have to continue to bring their garbage to the Beaver Dam Estates. There would be no service in the winter to this area. Ivan is willing to work with the DA's office on hard costs, but they have many concerns about creating a new dumpsite, especially one as remote as this. Ivan believes it will be very expensive to locate a dumpster here. Tommy will contact the Hafens to advise them of the situation and that the cost of the dumpster will be much higher than other residents regularly pay.

#### **#16-NORCAL (RECOLOGY) FEE INCREASE**

This fee increase is due October 1, 2010. Legally, the County is bound to a 6% minimum increase. The County pays the entire bill to Norcal, and then billings go out to the residents for reimbursement. **Tommy made a motion to approve a 6% increase to Norcal (Recology); seconded by Ed. All voted in favor.**

#### **#17-BUILDING DEPARTMENT DIRECTOR PERFORMANCE REVIEW**

Daniel asked if notice was provided to Cory Lytle for performance review. Cory waived closing of the meeting and notice. The Board discussed and reviewed Cory's performance and duties. Cory has obtained his certified inspector license for residential. Cory's overall goal is to recertify Richard Simpson into a higher realm and fire inspector. If it's feasible, Cory or Richard will take the weeklong training to obtain another certification. Ken Dixon does the inspection for commercial buildings. Once Cory obtains his commercial certification he will be doing the inspections. Cory hasn't renewed his contract, which expired in June. Bill feels that contracts need to be renewed, not just perpetuated if there are no changes. Cory commented the job description covers most of what he's doing, with the exception of HCP, grants project management and business licenses. Cory has attended several administrative workshops covering grants. The Board members, individually, addressed Cory and praised his performance.

#### **#18-DC DAY PARK/DC DAY FAMILY AGREEMENT**

This item concerns a contract/agreement with the DC Day Family for the clearing of the cloud on the deed for DC Day Park in Rachel. Daniel reviewed the agreement. David will deed the land over to the County. **Ronda made a motion to approve the Memorandum of Understanding between Lincoln County, Fay Day, David Day and Donald C. Day, effective today; seconded by Ed. All voted in favor.**

#### **#19-PENOYER VALLEY ELECTRIC CO-OP**

This item concerns Penoyer Valley Electric's (PVEC) use of the building at DC Day Park building. Determination needs to be made as to how much maintenance/expenses Penoyer has put into the building so they can be given credit for that. From this time forward, a rate needs to be determined and assessed to Penoyer for use of the building. After that, a simple lease agreement will be drawn up. Penoyer made repairs to the water lines and the building. James Medlin advised the repairs to the building weren't assessed to the County; only the repairs to the water lines and irrigation were charged to the County. Penoyer put floors in and painted the inside of the building. Reasonable, fair market value must be paid for use of the building as it will be a County building. Penoyer has put in approximately \$9,000. Penoyer pays all the power and water bills on the building. The fees for services will be separated in the future by installing two separate meters. David Day is concerned that Penoyer needs to be allowed to use the building for a reasonable amount of rent. The building would not be for the sole use of PVEC; the rent would be for a portion of the building. Tommy asked that Penoyer be given seven years rent free, and then they can renegotiate a contract at the end of seven years. The County will pay the bill for the meter for the quonset hut and park. The SNPLMA grant includes repairing the building. Regular maintenance, insurance, and utilities will be the responsibility of PVEC for use of the building. **Ronda made a motion to allow the DA's office to draw up a ten year agreement with Penoyer Valley Electric, to approve a credit of \$8,600 (this credit will be distributed as \$100 per month for rent, which will carry this through 7 years, 2 months); seconded by Tommy. All voted in favor.**

#### **#20-SECURE RURAL SCHOOLS & COMMUNITY SELF-DETERMINATION ACT**

There is discussion as to continuation of the same percentages in the Title I, II, and III Secure Rural Schools and Community Self-Determination Act (SRS) funds. LC is classified as a Title III and if we elect to not make any changes, the funds come in at about \$62,000. 50% of this is supposed to go to the Road Department and can be used for anything related to roads, including wages. Nevada is a 50/50 state. Steve Chouquer advised that Leslie has record that shows part of this went into the Road Department account. It is believed the Treasurer's receipt will show what fund the money was deposited in. **Ronda made a motion to affirm that we keep the same percentages for Secure Rural Schools & Community Self-Determination funds; seconded by Ed. All voted in favor.**

#### **#21-ORDINANCE #2010-04**

This is the time and place set for public hearing on an ordinance to amend Title 14 of the Lincoln County Code definitions, use tables, development standards, and other related sections to allow for renewable energy development and supporting facilities in the Toquop planning area. Paul called for public comment. None is offered. Paul read the ordinance by title. **Ronda made a motion to approve; seconded by Tommy. All voted in favor.**

#### **#22-RESOLUTION TO ADMINISTER TITLE 15**

This is a resolution to delegate the authority and responsibilities for the administration of the Lincoln County Code, Title 15. The developer will cover 100% of the charges and has argued that these responsibilities can be assigned to an outside contractor. Ed feels a change is needed in the area that this is handled as it needs to be worked for hard in the short period it will need attention. Ed believes this will make this less costly. Ronda has an issue with delegating authority for a function that should be handled by an existing County office, the Planning Department, which is fully funded at this time. Ronda believes it's wrong for the Board to delegate this authority and responsibility to someone else for administration. If there is a problem internally, the Board should fix it as opposed to delegating authority elsewhere. Doug Carriger advised that they will need timely approvals to move the Bright Source project forward. An applicant for a tentative PUD plan will apply and it's very intense work. There are definite time frames in Title 15 and it will take more intense work by more employees than the County has right now. Approval for the project would be slowed down if handled by County employees. Coyote Springs is suggested that the County delegate the responsibility, no authority (which remains with the Commission) of Title 15 to a contractor. Having a contractor with the time to devote to this will allow for the timelines to be met in an efficient manner. The majority of the Title 15 responsibilities remain with the Building Official. Once all requirements have been met, it will be taken to the Planning Commission and Commission for approval. CS included an amendment to the fee schedule which would require the applicant to pay the full cost and wouldn't be subsidized by taxes. In the past some of Coyote Springs' contracts have been handled by an outside contractor. This resolution allows for an entity to provide professional services for the County, not for

CS. CS hopes the Board will hire a local contractor. CS has noticed in the past that some of their Title 15 applications have been taken out to a contractor as the County employees don't have the time to devote to the project. By no means is CS suggesting that any authority of the Commission be taken away. The professional services person will work under the direction of the Commission and with the Planning Commission, Doug advised. None of the fees that apply to the County employee have been changed. Ronda commented that if CS is willing to pay a great deal more money to get this done then they should hire an individual to work in the Planning Department. CS just wants to have people in place that can move the project forward. In the past, CS has run into issues with getting things done through County Planning in a timely manner. Tommy hates to see a bunch of red tape slow a project down. Paul suggested this be tabled for a couple of weeks so that it might be studied out. Mark Teeppen commented that it isn't uncommon for large entities to outsource services. CS would like the planning/zoning to remain with the Commission. This type of project takes a lot of work, for a short period of time. Currently, the County isn't staffed to meet the work load. **Bill made a motion to table this to the next Commission meeting; seconded by Ronda. Ed and Tommy are opposed. Motion carries 3-2.**

#### **#23-RESOLUTION TO ESTABLISH TITLE 15 FEES**

This is a resolution to revise the established fee necessary and required for the County to implement and administer the provisions of the Lincoln County Code, Title 15. No action is taken and this item is tabled.

#### **#24-L&H CONSULTING ADMINISTRATION OF TITLE 15**

L&H Consulting is proposing to provide professional services necessary to administer the planning and zoning responsibilities required by Lincoln County Code, Title 15. CS wants to move forward. CS is simply trying to get ahead of the project so that it's ready to go when the time comes. This authority is delegated to a person employed by the County through a contract. Essentially, these individuals would be acting as County employees, Doug said. CS is asking the County to employ someone on an hourly basis as opposed to hiring additional people. Vaughn Higbee commented that L&H's position is to try and save the County some money. L&H would be responsible directly to the Commission. According to the agreement, the County can fire L&H at any time. No action is taken and this item is tabled.

#### **#25-ODDFELLOWS HALL IN PIOCHE**

This item concerns the setting of a date for public auction of the Oddfellows Hall in Pioche. Daniel advised this property has been taken in a tax deed. The County can auction or rent this property. Previous owner must be notified and given 90 days to pay back taxes if they want. At the conclusion of the 90 days, the County can sell the property. The County would keep the taxes and penalties and anything left over goes to the previous owner. Cory Lytle advised the building has some serious structural issues and it's affecting the adjacent buildings. Cory hasn't heard from the current owner, in spite of their commitment to come in and work with Cory. Cory has heard that there are a couple of people interested in buying the building. If the current owner pays the taxes they will still be required to make the repairs; if they don't, they will be red tagged but it will still be affecting the other buildings. This is a life safety issue. Larry Gearhart addressed the Board and outlined the impact his business and building are suffering. Legally, the best option is to set it for auction, Daniel said. Larry commented if the purchaser can't afford to fix it, they'd better not buy it. Bill advised there is always a cloud on the title of a tax sale. Treasurer Kathy Hiatt has sent several letters to the owner about the need to pay the taxes. Bill advised that the cloud on the title will exist forever. The first notice of violation sent to the owner was dated April 29, 2010. **Tommy made a motion to auction the Oddfellows Hall in Pioche on December 1, 2010; seconded by Ronda. All voted in favor.**

#### **#26-PANACA FARMSTEAD ASSOCIATION**

Panaca Farmstead Association (PFA) is requesting the County trade a parcel of County-owned land in exchange for the land surrounding the Panaca baseball park. The piece PFA is interested in getting is where the transfer station is. A funding source needs to be identified to get appraisals done. The 5<sup>th</sup> Street easement that runs over the hill needs to be officially abandoned. Cory doesn't feel the Panaca Spring road is an issue. Connie Simkins commented that she has no problem with the 5<sup>th</sup> Street abandonment but she'd like to know how far north their going to go with it. There is no solid deed for Hinckley, Thriot, Wadsworth or the Beacon Group. Connie cautioned the Board to be careful in their dealings with this private property owner. Adam Lewis wants to attain more footage off the top of the hill in exchange for him to pay for the parcel map. This is a very steep hill and nothing will ever be built on it. Daniel commented that it isn't legal to just do a swap. An appraisal

must be done on both properties; they must both be of the same value. Cost for appraisal is approximately \$1,000-\$2,000. **Paul made a motion to move forward with the process to make the trade; seconded by Ronda. All voted favor.**

#### **#27-LINCOLN COUNTY NUCLEAR OVERSIGHT**

a) Update—Vaughn Higbee reported that this is a pivotal week for Yucca Mountain. It appears the NRC will act sometime this week and litigation has been put on hold until that time. The motion is to kill it with prejudice. This will trigger several lawsuits and it will be a matter of how long it takes for that to work its way through the process. It's believed it could end up in the Supreme Court. There is tremendous pressure by Congress and the states that have waste to do something with Yucca Mountain. There is a movement that the ultimate solution is still Yucca Mountain. Paul Seidler believes that once this gets into the courts, there is a high possibility that it will be delayed for the safety report to come out on YM. DOE has only 5 people in D.C. and 15 in Vegas. Due to the short staff, it's taking a long time to look at the safety portion and determine whether or not it could move forward. The budget for YM last year was \$115 million, but it is not believed it will be that much this year. It is very likely that there will be a continuing resolution and there might be funding for the AULGs. It is believed the material should be moved from Hanford and these other sites. Paul feels LC is positioning itself as well as possible with the oversight program. There is a Blue Ribbon Commission meeting is on August 30 through September 1, and Paul Seidler would like to attend. Connie advised the NV Legislative Committee on High Level Radioactive Waste will hold a meeting tomorrow in Las Vegas and Paul Seidler will attend. There is a BRC meeting set for August 19. Connie will attend the Nuclear Waste Technical Review Board. BRC is meeting on a more accelerated schedule than originally thought. Connie will deliver six computers to Pahranaagat Valley High School tomorrow. Connie has been working on the wind application for the Table Mtn. and Mt. Wilson areas. Connie continues to work on the public lands plan. Hank Vogler, of the N4 Grazing Board, has been appointed to the NV Division of Wildlife Board of Directors. Hank is a violent critic of how NDOW has done their business and Connie looks forward to dynamic changes. b) Lincoln County comments on Solar Programmatic Environmental Impact Statement—This item is tabled. c) Letter to Ely Bureau of Land Management (BLM) supporting wild horse gathers in North Eastern Lincoln County in Eagle, Chokecherry, and Mt. Elinore Herd Management Areas—**Ed made a motion to approve the letter requesting the removal of 700 head of horses; seconded by Tommy. All voted in favor.**

#### **#28-EMERGENCY MANAGEMENT**

Rick Stever presented these items. a) Update—Rick attended a LEPC meeting. Requests were made for the state grant. Rick attended an EPWG meeting, funded by the low level waste going through the County. Funding is going to be decreased as predicted volumes of low level waste are going down. A grant approval for \$158,909 was received at this meeting. Rick contacted the County Road Department about doing a chip seal around the office in Panaca. RD will do the work and Rick has funding in his budget for this. b) Grant from State Emergency Response Committee (SERC) for training/equipment in an amount not to exceed \$30,000—LC Health Nurse Jean Lucht presented this item. **Tommy made a motion to approve; seconded by Ed. All voted in favor.** c) Standard wiring connections for portable generators—Rick received a request from NV Water and Wastewater Association to standardize connections for portable generators; large generators capable for running water wells. Rick spoke with John Condie who has advised they don't have a standardized connection. Rick will contact others in the state to see how many are moving forward with this. These connections will be for every community in the County and would apply to town wells. Rick has been looking for a large generator strong enough to run a water well, at least 100hp. Rick is working to get a mobile generator that can be moved from town to town. It's very important that the connectors be standardized. This issue will be on a future Commission agenda and Rick will continue to work on it.

#### **#29-PLANNING DEPARTMENT**

a) Update—This item is tabled.

#### **#30-GRANTS**

Phyllis Robistow presented these items. a) Update—Environmental work will be done on the Alamo Airport and an additional assurance was needed. Last Friday, Bill signed the assurance. This assurance states we will continue to work with BLM and they will be able to use the airport. Phyllis reminded the Board of the need to turn in their NACO registration. Denice and Phyllis attended CDBG Forum last week. Rules changes are being

made. LC will have the ability to apply for two grants this year. Due to the low to moderate income levels not being tracked in the historical manner by HUD, we will probably have to do income surveys. There is an application workshop on 8-25 that Denice will be attending. Phyllis recommended, because of HUD rules, the Board use CDBG for engineering grants and materials purchases only. The construction and labor portions get so involved that it will require five people. LC must make decisions by the first meeting in November in order to write the applications. Phyllis works to continue closing down as many grants as possible. b) Acceptance of the Federal Emergency Management grant to update the County Pre-disaster Mitigation Plan in the amount of \$23,099.77—**Ronda made a motion to approve; seconded by Tommy. All voted in favor.** c) \$10,000 grant match for the Community Development Block Grant (CDBG) program for the Community Assessment—**Tommy made a motion to approve; seconded by Ronda. All voted in favor.**

**#31-BUILDING DEPARTMENT**

Cory Lytle presented an update—The Pioche Park is nearly complete. Cory continues to work on Rachel, the LC Courthouse, and SNPLMA. Construction is very slow right now.

**#32-PUBLIC COMMENT**

Paul called for public comment. Bevan Lister, LC Farm Bureau, thanked the Commission and Fair Committee for their efforts for the LC Fair/Rodeo. They look forward to many years to come for the Fair/Rodeo. Don Shanks advised that Mascot Mines has a bunch of mines that are delinquent for taxes. Don has been working to fence many of the mines. These individuals don't want to sell their mines, but the situation is dangerous. Don further advised that NV Wind Energy will be here to interview locals tomorrow at 11:00 in Caliente. Cory Lytle stated the County Game Board is still looking for a member.

**#33-ADJOURN**

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 4:08 p.m.; seconded by Ronda. All voted in favor.**

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

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