



## LINCOLN COUNTY BOARD OF COMMISSIONERS

January 3, 2011  
Commission Chambers  
Lincoln County Courthouse  
181 Main Street  
Pioche, Nevada

### Commissioners

Paul Mathews, Chair  
Kevin Phillips  
Tommy Rowe  
Paul Donohue  
Ed Higbee, Vice Chair

### **#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  
KEVIN PHILLIPS  
TOMMY ROWE  
PAUL DONOHUE  
ED HIGBEE

LISA C. LLOYD, Clerk  
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 12-27-10. The Invocation is offered by Ed and Kevin led the Pledge of Allegiance.

### **#2-COMMISSIONER RESPONSIBILITIES**

**Kevin made a motion to nominate Paul Mathews to serve as Chairman of the Board; seconded by Ed.** Paul M. advised that he has many things going on in his personal life and his business that make him reluctant to accept the responsibility of Chairman. Kevin advised that he feels continuity in leadership is important and he isn't personally interested in the obligation of Chairman. Kevin feels it is in the best interest of the County to continue with Paul M. as Chair. **Paul M. made a motion to amend Kevin's motion to strike his name and insert Tommy Rowe's; seconded by Ed. Paul M. rescinded his motion and the Board addressed the first motion, which was made by Kevin.** Paul M. continued the discussion concerning being the Chairman. Kevin calls for the question. **Kevin is in favor of Paul M. remaining Chairman. Paul D. and Paul M. are opposed. Ed and Tommy abstained. Motion failed.** Ed nominated Tommy Rowe as the Chairman. **Kevin made a motion to close the nominations; seconded by Paul M. All voted in favor. Paul called for the vote as to appointing Tommy to the Chair. All voted in favor and Tommy Rowe is appointed as Chairman. Paul M. made a motion to nominate Ed Higbee as Vice Chairman. Kevin moved to closed nominations; seconded by Paul D. Tommy called for the question. Paul M., Paul D., Kevin and Tommy voted in favor of appointing Ed as Vice Chair. Ed abstained. Motion carried.** Paul D. will take Board of Equalization. **Paul M. made a motion to accept the changes to responsibilities (Tommy will have Legislative Issues, Museum & Library, MV Wash & Steering Committee, NACO, Job Training Board, Tri-County, JCCIAC, NDOT/ACT, Employee Contracts, LC Land Act) (Paul D. will have Ambulance, Employee Contracts, Room Tax/Fair Board, Rural Community Development, Road Department, Insurance POOL/PACT, LC Courthouse/County Facilities, LC Land Act, Board of Equalization, and TV District) (Ed will have LC Regional Development, Ag Extension, Nellis/USAF, Senior Programs/LC Transportation/Social Services, Insurance POOL/PACT, HCP, Airports) (Kevin will have Public Lands/Water, Regional Transportation Commission, BLM-Range Management, Tri-County, Quad State, HCP, Legislative Issues, JCCIAC, Landfill Issues) (Paul M. will have Landfill Issues, Quad State Alternate, BLM-Range Management Issues, Ag Extension, Emergency Management, Detention Center/Public Safety, Finance and Budget); seconded by Paul D. All voted in favor. Kevin made a motion to assign Planning and Building to Paul D.; seconded by Paul M. All voted in favor.**

Tommy takes over the meeting at this time as Chairman.

### **CONSENT AGENDA**

#3 Approve/Deny minutes of the December 20, 2010 regular Commission meeting.

- #4 Approve/Deny changing of January 17, 2011 meeting to January 18, 2011 due to holiday.
- #5 Approve/Deny agreement between Lincoln and Clark Counties for the placement of the communication tower equipment.
- #6 Approve/Deny administrative match for the Pioche Public Utility sewer replacement project grant application to Community Development Block Grant.
- #7 Approve/Deny administrative match for the Grover C. Dils Hospital rehabilitation building grant application to Community Development Block Grant program.
- #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).

**Paul M. made a motion to approve the consent agenda, with the exception of Item 3 and Item 5; seconded by Kevin. All voted in favor.**

#### **#9-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. Kevin disclosed that he is part owner of True Value/Mountain Mercantile and he will abstain from any vote on vouchers payable to this company. Paul D. disclosed that he works for LC Telephone System and he will abstain from voting on vouchers to this company. Paul D. further disclosed that LCTS owns the cell sites in LC that are used by Verizon, but Daniel has advised that Paul doesn't need to abstain from this. General County has a balance of \$521,349.56 with estimated expenditures being \$116,150.95. This leaves General County with a balance of \$405,198.61. Transportation has a cash balance of \$13,323.61 with estimated expenditures being \$2,896.59. This will leave Transportation with a balance of \$10,427.02. Nutrition has a cash balance of \$34,724.55 with estimated expenditures being \$7,343.78. This leaves Nutrition with a balance of \$27,380.77. Detention Center has a cash balance of \$115,824.49 with estimated expenditures being \$70,748.39. Detention Center will have a balance of \$45,076.10. Solid Waste has a balance of \$83,393.97 with estimated expenditures being \$18,833.55. Solid Waste Fund owes Water Plan/Development Fund, Fund 87, \$27,484.15. Airport has a cash balance of \$1,056.07 with no expenditures. Planning, Fund 110, has a balance of \$51,738.30 with estimated expenditures being \$2,641.03. This leaves Planning with a balance of \$49,097.27. **Paul M. made a motion to approve the vouchers as presented with the exception of the LC Telephone vouchers and Mountain Mercantile vouchers; seconded by Kevin. All voted in favor. Paul M. made a motion to approve the LC Telephone vouchers; seconded by Kevin. Paul D. abstains. Motion carries. Paul M. made a motion to approve the Mountain Mercantile vouchers; seconded by Ed. Kevin abstains. Motion carries.**

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

**Treasurer Kathy Hiatt** advised that no report has been turned in by the ambulance since August. Kathy also asked if the Board decided what they are raising the solid waste bills to. No. It will be on the next agenda.

#### **#11-HIGHWAY COMMISSION**

This item is handled under separate agenda.

#### **#12-LINCOLN COUNTY FIRE DISTRICT**

This item is handled under separate agenda.

#### **#13-LIQUOR BOARD**

This item is handled under separate agenda.

#### **#14-FY 2009/2010 AUDIT**

Dan McArthur presented the 2009/2010 audit. Dan provided the Financial Statement, a compliance letter, and various graphs and then reviewed said documents for the Board. **Paul M. made a motion to approve the audit; seconded by Kevin. All voted in favor.**

#### **#15-EMERGENCY MANAGEMENT**

Rick Stever reported that he's been very busy. The City of Caliente declared a state of emergency due to high waters and possible flooding. The burden then shifted to the County, who also declared a state of emergency. The State has been very good in working with us. Rick worked closely with the City and the NIMS policies and procedures were used. Everything went well. There were no serious incidents due to the high water. There

was a great deal of concern about undermining of the power transfer station. LC Power and the City crews got to work on it right away, as did several private contractors. The City received many recommendations on pre-disaster mitigation. Paul D. commented that he understands that the transfer station is built so that it can be moved. Paul D. feels that moving it is something that should be reviewed immediately. Kevin advised of the history of the voltage and the situating of the station. The transformer station is necessary to reduce the voltage to Antelope Canyon. It would cost a great deal of money to remedy this situation. Kevin advised that building a free span bridge would be the simplest resolution, but it is extremely expensive. The road issues have been a point of contention for several years. There is always an issue of who is responsible for cleaning culverts. A representative from the State is working on a solution. Maps have been provided that clearly show the crossing is in the state property boundary. The water stayed in the creek in Caliente. Ken Dixon asked the Board to postpone this discussion until Mayor Larson arrives. There was high water in Eagle Valley as well that stayed within the embankment through town. The water came to the top of the road bed, but didn't cover the road. No washouts or undercuts occurred on the roads in town. Pioche had excessive water on the west edge of town. A few homes were threatened, but the Town crew, County Roads, and Division of Forestry were quick to respond and a flood situation was avoided. Rick will be working to get sand bags for the County and he will be recommending that the towns obtain sand bags as well. Some of the flooding in Pioche was due to culverts not having been cleaned for several years. Once the culvert was opened, the water went into the channel. However, the water was coming so fast that it overtook the culvert in a short amount of time. Rick asked if, when there is an emergency situation and he isn't able to get home for a meal, is he allowed to purchase a meal with County funds or is he required to bring his own. Paul M. responded that, in emergency situations, Rick should submit the vouchers for determination by the Board.

#### **#16-DECLARATION OF EMERGENCY**

A Declaration of Emergency was approved on December 22, 2010. Mayor Keith Larson commented that he is very appreciative of the help Caliente received. The substation and the debris on the west bridge over Hwy. 93 are the current issues that need to be addressed. They are working to clear the debris. The emergency was declared on the 22<sup>nd</sup> and that date wasn't included in their resolution, but it will be addressed at the City Council meeting on this Thursday. Caliente purchased a number of sandbags and they are prepared to meet the costs for such. Paul D. discussed the possibility of having a bridge to the Youth Center. Keith responded that they will thank the Army Corp for use of equipment and request continued 404 permits to clear debris from the wash. Keith is working on letters to the various involved entities to address this issue. Rick Stever advised that the state is currently working to determine ownership of the current bridge. Phyllis Robistow suggested that, with the snow melting, the City may want to contact Frank Siracusa as to whether this declaration will be enough to cover the anticipated snow melt. **Paul M. made a motion to ratify the Declaration of Emergency with the typo corrected to read "December 22, 2010" as opposed to "December 22, 2011"; seconded by Kevin. All voted in favor.**

#### **#17-LEASE AGREEMENT**

Sheriff Kerry Lee provided a copy of the lease. \$28,107.50 is the total per year for three patrol vehicles. **Paul D. made a motion to approve the agreement and authorize Tommy to sign the lease as the VINs becomes available; seconded by Ed. All voted in favor.**

#### **#18-GROVER C. DILS HOSPITAL DISTRICT APPOINTMENT**

**Paul M. made a motion to appoint Dixie Scarbro as Grover C. Dils Hospital Trustee, District E; seconded by Ed. Paul D. has stepped out of the room. Remaining Commissioners vote in favor, motion carries.**

#### **#19-TOQUOP ANNEXATION**

This item has been tabled.

#### **#20-MESQUITE LANDFILL**

Paul M. advised that this item is tabled to the next meeting.

#### **#21-NEVADA ASSOCIATION OF COUNTIES (NACO)**

Jeff Fontaine of NACO presented an update on current and future activities. The new officers for NACO will be sworn in next Monday. Activities include geothermal, PILT, wild horses, pinyon juniper initiative/fuels reduction,

and the continuation of the College of Agriculture at UNR. Nevada has the largest percentage deficit of any state in the Nation. All indications are that there will be cost sharing and continued funding diversions for this year's state budget. Jeff commented that cost shifting, transferring state responsibilities to the counties, is being considered. NACO intends to stay involved in these discussions and they hope that the recently passed advisory question will be considered and the counties be included in resolving the funding shortages. There will be several bills for the legislature to consider, including those put forth by NACO: continuance of the Commissioners adjusting office hours for county offices, to adjust the way indigent accident fund is administered, indigent defense issues, give the counties more authority in negotiating tax abatements, and allow Commissioners to establish fees for services, for example Clerk/Recorder fees. Collective bargaining will be an issue discussed by the Legislature; Reno has submitted a BDR concerning such. Glenn Zelch suggested that NACO consider, in the future, how the road department is supported. Currently, the County doesn't get any revenue from diesel and with the development of alternative fuels, fewer gas taxes will come in. Glenn questioned how we will be able to continue funding our road departments. NDOT is looking at a distance tax at this time, and it could occur within the next 10-20 years.

#### **#22-GRANTS**

Phyllis Robistow, Grants Administrator, presented these items. a) Update—Shawn Frehner is officially working as the new Grants Administrator, being trained under Phyllis. Phyllis and Shawn will be going to Alamo for preconstruction conference. The airport will be doing an environmental for the LC Airport in order to get a grant for an above-ground fuel tank. SNPLMA Round 12 is on the 12<sup>th</sup>; Phyllis is representing the County this year. b) Grant application to Community Development Block Grant (CDBG) for work on Lacour Street sewer in Pioche—**Paul M. made a motion to approve; seconded by Paul D. All voted in favor.** c) Grant application to CDBG for a building for the Grover C. Dils Hospital rehab center—**Paul M. made a motion to approve; seconded by Ed. All voted in favor.** d) Grant from Joint City Impact Alleviation Committee (JCCIAC) for update to Solid Waste plan by Resource Concepts—There is funding in the current year's budget. Kevin and Paul agreed that specific guidance is needed for the landfill/waste management issues. **Paul M. made a motion to approve; seconded by Kevin. All voted in favor.** e) Extension of the contract for Resource Concepts for the Southwestern Willow Flycatcher Mitigation Bank Project until February 28, 2011—**Paul M. made a motion to approve; seconded by Kevin. All voted in favor.** f) Extension of the contract for Resource Concepts for the Open Space Plan until April 30, 2011—**Paul M. made a motion to approve; seconded by Kevin. All voted in favor.** g) Purchase of an ambulance and creation of a purchase order—The cost of the ambulance is \$122,000 and only one bid was received. Tommy disclosed that George Rowe is his son. **Paul D. made a motion to approve the purchase of an ambulance and the issuance of a purchase order; seconded by Ed. All voted in favor.**

#### **#23-LINCOLN COUNTY NUCLEAR OVERSIGHT PROGRAM**

a) Update—There will be no AULG funding in the continuing resolutions this year. Bruce Breslow has been leading the NV Yucca office but has accepted an appointment with the Department of Motor Vehicles. A new head of the NV Yucca office hasn't been appointed yet. Connie has been working with Dawne Combs and Tracy Lee on completion of purchasing equipment for document storage. Connie is working on the Draft Solar Programmatic EIS. There are 34 current solar applications. Comments will be generated by Connie, Dr. Mike Baughman and others for consideration by the Board at a future meeting. Vaughn Higbee commented that, in the Omnibus Bill, there was a statement that would've completed unfunded the entire project. Because that didn't happen, we move forward on the continuing resolution. It's possible that there is AULG funding, but very unlikely unless Senator Reid steps up and says we want funding next year. It is possible the licensing will be completely funded in 2012. With the change in the politics, there is the likelihood that the licensing process will move forward for the deep repository. Once again, we'd be looking at them telling us "this is what you're going to do". LC needs to be prepared so that we might tell them what is acceptable and what is not. Vaughn commented on the reconfiguration of the new legislator for the State of Nevada. Vaughn suggested that the Board have someone meet regularly with Senator Giochechea and the committee concerning the redistricting. If we lose representation, we might as well not even show up. Commissioners need to speak regularly with the redistricting committee. Nevada is small enough that if you don't show up, they assume you don't care. Nothing beats an appearance in front of the Legislators. Vaughn Higbee commented that he is concerned because they always want a vast area for solar. Until they can demonstrate this is viable, they should hold all of those solar designations as there are many things they aren't taking into consideration, including that the SWIP corridor isn't

in place. Vaughn can't imagine them wanting to take thousands of acres until it's proven that these work and until it's been tested on private land. b) Contract Change Order #1, dated 12-21-10, to add Tom Beck to list of consultants as President, and extend the term of this agreement to February 15, 2011—**Paul D. made a motion to approve; seconded by Ed. All voted in favor.** c) Selection of people to attend the annual Energy Communities Alliance meeting in Washington, D.C., on February 17 and 18, 2011—It has been suggested that this trip be routed through Chicago so that the Commissioners may meet with Argon to address questions about the Solar Programmatic EIS. Paul M. questioned whether or not the County needs to split the funding for the travel. Connie responded that we are routed through Chicago and this is well within the requirements. Connie suggested that whoever goes to D.C. visit with the head of BLM, Linda Ressingue, who works as the go-between with Argon. Paul suggested that, if Argon is part of the trip, two Commissioners attend. There is enough funding for three people to go. **Paul made a motion to approve the travel of Connie Phillips, Mayor Keith Larson, and Commissioner Kevin Phillips to the ECA conference; seconded by Ed. All voted in favor.**

#### **#24-BUILDING/PLANNING ITEMS**

Cory Lytle presented these items. a) Update—Cory discussed the Solar Programmatic EIS; he will be moving forward with more formal comments. There have been a few leaks in the Courthouse over the last few weeks. There was a problem with the generator, but it has been addressed. There is a public notice in the newspaper for the Oddfellows Hall; auction is set for this January. Cory continues to work on the Special Events Policy. Cory is working on an ordinance regarding the International Building Code. Any new single family residential requires the installation of fire sprinkler systems. However, the County can make exceptions and Cory is working with local entities on the exceptions. There are several issues that come into play with the installation of fire sprinklers that will drive the annual costs per household up considerably. Kevin commented that the Board needs to be very careful not to price the new homes that could be built in the County out of the realm of possibility. Tri-County meeting has been scheduled for the Thompson Opera House. b) Certified letter received from Bureau of Land Management concerning ranking of priority and/or additions to the list of properties for direct sales and/or modified competitive sale—Ed commented that many years ago, when Chick Hecht was a U.S. Senator, the Medlins were trying to get this land; they've been working on obtaining this land for years. Priorities have been established for Medlin/Pearson lands. Windmill Ridge and Dan Stewart are the lands that need to be addressed now. Ed advised that he works for Phyllis Frias, owner of the Windmill Ridge. Cory reminded everyone that another consideration is the land requested by Dennis Sonnenberg down Antelope Canyon. Cory suggested that prioritization be: Stewart, Sonnenberg, and then Frias. Other than private requests, the Commission hasn't set any priorities for public disposal. Paul M. feels that any private citizen trying to resolve issues should be first. Paul M. disclosed that he doesn't have anything to do with Stewart's land anymore; until a few days ago, Paul leased this land. Dawne Combs advised that Stewarts have been in the process longer than Medlins/Pearsons. Paul D. disclosed that he is related to the Sonnenbergs, but this is the first mention he's heard of this. **Paul M. made a motion to prioritize as 1. Stewart Enterprises and 2. Sonnenberg, and move them at the same time if possible; seconded Kevin. Paul D. abstains. Motion carries 4-1.** Vaughn Higbee advised that the Medlin issue was supposed to have been solved 20 years ago.

#### **#25-SOLAR LEGISLTATION**

This item is tabled.

#### **#26-PUBLIC COMMENT**

Tommy called for public comment. Paul M. stated that BLM contacted him last week concerning plowing snow on the Atlanta Road since they want to do a wild horse gather this week. BLM feels they can catch the horses easier in the snow but it's harder to haul them out of there. Paul M. advised them to call Steve Chouquer. 600 horses will be gathered.

#### **#27-ADJOURN**

There being no further business for the Board to attend to, Tommy adjourned the meeting at 3:37 p.m.

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

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