



LINCOLN COUNTY BOARD OF COMMISSIONERS

March 16, 2011
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips
Tommy Rowe
Paul Donohue
Ed Higbee

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

Chairman Tommy Rowe called the meeting to order at 10:26 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL DONOHUE
KEVIN PHILLIPS
TOMMY ROWE
ABSENT: ED HIGBEE
PAUL MATHEWS

LISA C. LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 3-10-11. Paul D. offered the Invocation and Kevin led the Pledge of Allegiance.

#2-CASE NO. CV 1250010/LC LAND ACT ANNEXATION

This item concerns stipulation to stay legal proceedings for 60 days pending negotiations between the parties in Case No. CV 1250010, which case involved the annexation of property in the Lincoln County Land Act by the City of Mesquite. Daniel discussed current pending litigation between LC and C&O Holdings with regards to their annexation into the City of Mesquite. C&O has requested the stay in order to attempt to negotiate a resolution. The disadvantage of this is that if no agreement is reached it will set the court proceedings back. This stay will apply to all legal proceedings. Dylan Frehner addressed the Board and commented that this request involves attorneys from all parties, not just C&O. Chris Armstrong, C&O Holdings, respectfully requested the stay and cited that this is an opportunity for all parties to come together and hopefully come up with a resolution. Doug Carriger commented that all parties should agree to not pursue any legislative resolution during the 60 days. Kevin asked Chris what resolutions he feels the stay will yield. Chris cited that the opportunity for discussions between all parties hasn't occurred yet, and this is one big advantage. This will be the commencement of dialogue. Dorothy Timean-Palmer advised that the 60 days was decided upon based on storm water, sewer, streets, schools issues that need to be fully vetted. Dorothy agrees with Doug that legislative issues shouldn't be pursued during this time, and Vidler will yield to the decisions of the Board. Kevin feels there is a good master plan in place and he thinks that Vidler believes all of these issues need to be ironed out as part of the package. Kevin believes these issues are already in the plan. Dorothy believes the plan addressed interlocal agreements. Dylan stated that the attorneys believe the 60 days will be tight, and there is potential for an extension. Chris commented that there has been a lot of work on master studies to address these issues, and they will be helping to create framework for the actual agreements themselves. Master studies will be addressed as development occurs. Mark Teepen, BLT, commented that if they are talking about storm water, etc., all of the developers will need to be involved and the 60 days will not be enough to address all the issues. Mark further commented that all of the developers will need to be included. Dylan said that involving all developers was discussed and it was realized that if this was going to affect the other developers, and there's an agreement, the other developers would have to be involved as well. They wanted to start off with the smaller parties to see if there is potential for an agreement between them, and if there is, it will be expanded to include the other developers. Dylan commented that they realize the picture is huge and they are starting with the smallest part. There are four other developers that could be affected. Paul D. said that he doesn't understand why meetings can't take place while the court proceedings continue. Paul D. is under the impression that if the stay is not approved then the developer and Mesquite have decided they won't talk. It is difficult to hold discussions when you're involved in a lawsuit, Chris responded. Paul D. cited that the issue that needs to be decided is whether or not the annexation is legal, and Paul feels a judge needs to make this

decision. Don Pattalock stated that he understood, from his attendance at the meetings, that it didn't look like Mesquite was going to come to the table to work on this. There is always concern that you lose control of the process when you are in front of the judge. The more you control your process, the better for LC. Everyone's goals for the development of the property should be aligned; if there is a way to do that where everyone agrees, it's important to pursue it. Don cited that hopefully this can happen in discussions with the law suit hanging over everyone's head. Mesquite hasn't reached out to LC at all; now we are reaching out through lawyer. Tommy cited special meetings and agendas are required for Board action, thirty days just isn't enough. **Kevin made a motion to put in place a 60 day stay on the actions, with the caveat that there will be no legislative remedies sought within this time frame by any of the parties (legislation remedies would be specific to annexation); seconded by Tommy. Paul D. is opposed. Motion carries 2-1.**

#3-PUBLIC COMMENT

Tommy called for public comment. None is offered.

#4-ADJOURN

There being no further business for the Board to attend to, **Kevin made a motion to adjourn the meeting at 10:47 p.m.; seconded by Paul D. All voted in favor.**

Attest: _____ Approve: _____

DRAFT