



## LINCOLN COUNTY BOARD OF COMMISSIONERS

April 4, 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 9:08. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS (leaves the meeting at 12:10) LISA C. LLOYD, Clerk  
KEVIN PHILLIPS THERESA LIEDLICH, Deputy D.A.  
TOMMY ROWE  
PAUL DONOHUE  
ED HIGBEE

There is a quorum present and the agenda was posted on 3-30-11. The Invocation is offered by Paul D. and Ed led the Pledge of Allegiance.

### **CONSENT AGENDA**

- #2 Approve/Deny minutes of the March 9, 2011, March 16, 2011, and March 21, 2011 Commission meetings.
- #3 Approve/Deny appointment of Vern Holaday to the Lincoln County Fair & Recreation/Room Tax Board to fill current vacancy.
- #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).

**Kevin made a motion to approve the consent agenda; seconded by Paul M. All voted in favor.**

### **#5-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$983,528.08 with estimated expenditures being \$169,732.49. This leaves General County with a balance of \$813,795.59. Transportation has a cash balance of \$36,415.52 with estimated expenditures being \$3,279.35. This will leave Transportation with a balance of \$33,136.17. Nutrition has a cash balance of \$41,852.48 with estimated expenditures being \$12,947.07. This leaves Nutrition with a balance of \$28,905.41. Detention Center has a cash balance of \$163,509.76 with estimated expenditures being \$81,321.25. Detention Center will have a balance of \$82,188.51. Solid Waste has a balance of \$99,060.26 with estimated expenditures of \$19,963.56. Solid Waste Fund owes Water Plan/Development Fund, Fund 87, \$27,484.15. Solid Waste will have a balance of \$79,096.70. Airport has a negative cash balance of \$1,578.67 with no expenditures. \$1,500 will be augmented into the Airport Fund. Planning, Fund 110, has a balance of \$30,781.24 with estimated expenditures being \$2,820.92. This leaves Planning with a balance of \$27,960.32. There are no vouchers for LC Telephone. **Paul M. made a motion to approve the vouchers as presented with the exception of the Mountain Mercantile vouchers and a voucher for Resource Concepts; seconded by Paul D. All voted in favor. Paul M. made a motion to approve the Mountain Mercantile vouchers; seconded by Ed. Kevin abstains. Motion carries. The Board addressed the final bill from Resource Concepts. Paul M. made a motion to approve the voucher for Resource Concepts; seconded by Paul D. All voted in favor.**

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

**LC EMERGENCY MANAGER** Rick Stever advised that an individual is missing on the lake at Eagle Valley. Search & Rescue has been working on this and Las Vegas Dive Team is on its way up to search the water. All

parties have been notified. **GRANTS ADMINISTRATOR** Shawn Frehner presented the single audit. The trend is that there will be less and less grant funding available; we'll have to work harder to get it. Unemployment for February is 13% for LC. 208 are unemployed, total labor force is 1,595. Shawn attended CDBG forum. The only CDBG grant that LC received was for the LaCour Street sewer project in Pioche. CDBG anticipates being cut, so only half of the project was funded. The Grover C. Dils Hospital rehabilitation center wasn't funded. Shawn advised that they continue to work on the communication tower. We're still waiting for the BLM letter. Shawn has requested an extension on the project, but Shawn isn't sure the BLM will provide the letter we need in time. Shawn is working on the Million Dollar Courthouse and has attended meetings with SHPO, the engineers, and our consultants. We currently have two grants on the MDC. A two month extension has been received on the grant from Cultural Affairs.

#### **#7-HIGHWAY COMMISSION**

This item is handled under separate agenda.

#### **#8-LINCOLN COUNTY FIRE DISTRICT**

This item is handled under separate agenda.

#### **#9-UNITED WE STAND GRANT**

Rick Stever presented this item, which is a request for a grant application to United We Stand to purchase equipment for First Responders, not to exceed \$30,000. The Sheriff's Office and Caliente/Panaca/Pioche Fire Departments have applied. The requested items have added up to over \$32,000; the departments involved will cover the additional fees so that the grant will stay under \$30,000. **Paul M. made a motion to approve; seconded by Kevin. All voted in favor.**

#### **#10-LINCOLN COUNTY HAZARD MITIGATION PLAN POSITION**

Rick Stever addressed the Board and discussed the hiring of Ken Dixon for a part time position to update the LC Hazard Mitigation Plan. This is a temporary, grant funded position for a total of \$12,810. Any services that Ken provides outside of the scope of this proposal are to be reimbursed at the rate of \$35.00 per hour, including travel time. Ken advised that many issues that need to be included will require meetings in other County towns. The meetings are part of the original scope of work, the additional charges over and above the \$12,810 would be for possible meetings with Department of Emergency Management. **Paul M. made a motion to approve the contract with of Ken Dixon; seconded by Kevin. The length of this contract is 120 days. All voted in favor.**

#### **#11-LIQUOR BOARD**

This item is covered under separate agenda.

#### **#12-LC SHERIFF'S OFFICE/LAS VEGAS METROPOLITAN POLICE DEPARTMENT AGREEMENT**

Sheriff Kerry Lee discussed the mutual aid agreement between LC Sheriff's Office and Las Vegas Metropolitan Police Department. This is a standard five year agreement at no cost. **Kevin made a motion to approve; seconded by Paul M. All voted in favor.**

#### **#13-COUNTY VEHICLE**

Sheriff Kerry Lee addressed this item and discussed a surplus vehicle from LC Sheriff's Office for general county use. There is a Crown Victoria that would be suitable as well as a Hyundai. There is a 2005 pick up with 113,000 miles on it. If Pioche Town wants the truck for minimum bid, Kerry can pull the truck from the auction. Kerry advised that the cost of the Crown Vic would be a wash as it would be transferred from one county entity to another. **Kevin made a motion to obtain the Crown Victoria for county general use; seconded by Paul M. All voted in favor.**

#### **#14-PINYON JUNIPER PARTNERSHIP**

Bill Wolfe offered a request from the Pinyon Juniper Partnership (PJP) for partnership and funding. Bill advised that they are working to get someone on board who will handle the issues full time. The funding will be used to match grants as well as hire an individual. Bill cited that we are at a stage where we can move forward if they can get someone on board full time. One of the big issues for LC is the power plant. BLM will only do a ten

year stewardship contract, but investors want a 20 year stewardship. This partnership will aid in resolving issues like this. PJP is requesting a contribution of \$20,000 from each partner; their funding goal is \$100,000. PJP will also request funding from the National Forest. Tommy discussed possible funds and cited that the county isn't certain what type of funding will be received from the state this year for our budget. Ronda Hornbeck advised that PJP has worked hard and this is vital to the county. LC has over 2 million acres of pinyon juniper and she would hate to see the project move forward without LC. Ronda suggested that this issue be addressed during the budget process to see if there is funding to invest in this. Ronda would hate to see everything go to White Pine and Nye Counties as LC has been very involved from the beginning. The deadline for the National Forest grant is June 30. Connie Simkins supports this partnership and stated that it will help with many things, including erosion, fire control, and more water in our springs. Bill commented that this isn't just about the trees; it's about sage grouse and wild horses as well. Opening up the range for the wild horses will allow for distributing the horses further. Opening up the area will facilitate the recovery for the sage grouse. All these issues are interconnected and this one vehicle will allow for work on many different problems. The Board will address this issue during the budget hearings to see if funding can be allocated towards this partnership. No action is taken.

#### **#15-PLANNING DEPARTMENT AUGMENTATION**

By the end of the fiscal year the Planning Department will be short of funds. **Paul M. made a motion to approve the augmentation of \$12,000 to the Planning Department Fund from Fund 086; seconded by Kevin. All voted in favor.**

#### **#16-RESOLUTION #2011-05**

Doug Carriger, Coyote Springs Investment, LLC, presented this item. This resolution would allow the county to accept the funding assistance provided by the LC-Coyote Springs Consolidated General Improvement District for the construction of a reliable two-way radio public safety communications system in satisfaction of CSI development agreement obligation to fund LC Sheriff's Department communications tower. CSI is presently the only taxpayer within this tax district. The development agreement obligates CSI to provide funding in the amount of \$22,400 for reliable communications equipment. CSI sees a need for public safety communications in the area they are developing. The tower project is currently on hold awaiting a letter from BLM. **Paul D. made a motion to approve the resolution; seconded by Kevin. All voted in favor.**

#### **#17-FIVE STAR LIFE INSURANCE**

This item is tabled.

#### **#18-FEDERAL AVIATION ADMINISTRATION GRANT FOR ALAMO AIRPORT**

Grants Administrator Shawn Frehner presented this item. This item concerns the Federal Aviation Administration (FAA) grant application for Phase I construction of the Alamo Airport landing field in the amount of \$3,325,000.00. This grant has been signed by Commissioner Ed as it had a deadline prior to this Commission. The match requirement is \$166,000. RTC has funding set aside and Wendy Rudder is donating all of her time. Shawn's time will go towards the match as well. NDOT will be providing funding towards the airport improvements. The match will not come out of county funds, other than the salary of the grants administrator. Wendy hopes that RTC will provide \$63,000 for paving the road to the airport; this is part of the match. By applying, it doesn't mean we are accepting the grant; this is to "hold our place in line". The Air Force has agreed to this. Phase I includes fencing of the property; this is the first task that will be completed. **Paul D. made a motion to approve; seconded by Ed. All voted in favor.**

#### **#19-MEADOW VALLEY WASH LINEAR PARK**

Grants Administrator Shawn Frehner advised that bids were opened on 3-23. Hardy Construction was the low bidder. **Paul M. made a motion to approve the Notice of Award for Meadow Valley Wash Linear Park improvements to Hardy Construction in the amount of \$2,428,887.26; seconded by Paul D. All voted in favor.**

#### **#20-FEDERAL AVIATION ADMINISTRATION GRANT FOR PANACA AIRPORT**

Grants Administrator Shawn Frehner presented the grant application to FAA for completion of an Environmental Assessment for a new fuel farm at the Panaca/Lincoln County Airport in the amount of \$83,000. The match is

\$4,150, which was budgeted in Airport Capital. **Paul D. made a motion to approve; seconded by Ed. All voted in favor.**

#### **#21-ORDINANCE #2011-01**

This is the time and place set for public hearing on an ordinance amending Section 1 of Chapter 2 of the Lincoln County Code to allow the Board of Lincoln County Commissioners to exclude or amend provisions or requirements of the International Codes adopted in 2001 from time to time by resolution. Tommy read the ordinance by title and called for public comment from the floor. **Kevin made a motion to approve; seconded by Paul D. Paul M. was absent. Remaining members voted in favor. Motion carried.**

#### **#22-LINCOLN COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN**

This item concerns a letter from Bureau of Land Management (BLM) received in response to a letter submitted requesting reimbursement of funds expended for the Lincoln County Multiple Species Habitat Conservation Plan. The Board acknowledged receiving the letter and will take it under advisement.

#### **#23-LC NUCLEAR OVERSIGHT PROGRAM**

Connie Simkins addressed the Board and presented an update on current activities. 4-20 the NWTRB will be in NY to discuss disposition of West Valley Demonstration Project Nuclear Waste. Connie discussed SB119 and SB121. One revises provisions governing the agency for nuclear projects and the other revises the provisions governing the commission on nuclear projects. Nye County has authorized a resolution calling for NRC to continue working on Yucca Mountain (YM) licensing. Nye reaffirms their prior resolutions in support of Yucca Mountain if it can be constructed and safety can be demonstrated. Connie reviewed Congressional activities. Connie continues to work with Cory Lytle and Dawne Combs to purchase aerial photographs of the route to YM and access roads. Last year about 1/3 of the photographs were purchased. This year they hope to purchase another 1/3, with the remaining 1/3 to be purchased next year.

#### **#24-ENERGY COMMUNITIES ALLIANCE**

Connie Simkins presented this item. There is a meeting of the Energy Communities Alliance Peer Exchange on April 6-7 in Denver, CO. The subject to be discussed is energy parks. Kevin doesn't feel it is necessary to send someone to this meeting. The Board agreed and decided that no one will attend.

#### **#25-LINCOLN COUNTY/A-POWER ENERGY GENERATION SYSTEMS, LTD AGREEMENT**

Mike Baughman, Intertech Services Corp., presented the proposed amendment to the September 7, 2010 Memorandum of Agreement between LC and A-Power Energy Generation Systems, Ltd., for an extension of time from 120 days to 270 days as provided in provisions 11 and 12. **Paul D. made a motion to approve the amendment; seconded by Ed. Paul M. was absent. The remaining members voted in favor. Motion carried.**

#### **#26-LC BIOMASS ENERGY FEASIBILITY STUDY**

Dr. Mike Baughman presented the proposed change order. The cost of the change order is \$10,000. This expanded scope of services and budget increase will enable The Beck Group to respond to out-of-scope comments and requests for additional information contained with comments to the Draft Feasibility Report received from A-Power Energy Generation Systems, Ltd. **Kevin made a motion to approve Change Order #2 to the agreement between Lincoln County and the Beck Group for the LC Biomass Energy Feasibility Study; seconded by Paul D. Paul M. was absent. The remaining members voted in favor. Motion carried.**

#### **#27-LC NUCLEAR OVERSIGHT PROGRAM BUDGET**

Connie Simkins reviewed the recommended budget for the July 1, 2011-June 30, 2012 Nuclear Oversight Program. The contractors asked to be kept at full funding for this year, and if there is no more funding they will be reduced to zero next year. The total proposed budget is \$442,000. Nuclear oversight is proposing to purchase 130 run books to help with emergency response. **Paul M. made a motion to approve the July 1, 2011-June 30, 2012 Nuclear Oversight Program budget; seconded by Kevin. All voted in favor.**

#### **#28-RESOLUTION #2011-06**

This item was on the last agenda for public hearing, but the language on the agenda prevented approval. Tommy read the resolution into the record. **Kevin made a motion to approve the resolution adopting the LC Open Space and Community Lands Plan; seconded by Paul M. All voted in favor.**

#### **#29-SILVER STATE 300 TRUCK AND BUGGY RACE**

Cory Lytle presented the applications as sent to the race committee members. The two day pre-race fun run hasn't been permitted; it is non competitive. BLM permits are in place and one change was made to preserve a grazing permit area. LC Ambulance is on notification, but Best In the Desert (BID) has a private contract with emergency services. Encroachment permits have been approved through NDOT. BID has completed some agreements with the Road Department; the county repairs certain sections of the road and BID repairs others. Insurance and BLM permit are in place for this race. Connie Simkins addressed the crossing at the mouth of Antelope Canyon; Connie would like the signs to be even further out than required by the state due to safety. The more advanced notice given to travelers, the safer it will be. Connie addressed the last repairs by BID to Elle Mountain. It was more impassable after he worked on it than it was prior to the repairs. Connie feels that insurance should be required for the fun races as well. Paul M. cited that this race course goes through active cattle allotments. Will there be cost recovery for the cattle if they get run over? This is a great economic boon to the county, but it's extremely hard on the cattle ranchers. Frank Cesena agreed with Paul M. Frank suggested that the permits cost \$5,000 to pay for the road repairs. Tommy responded that many of these roads are BLM roads. Connie further stated that the county needs to make sure they have a race wide communications system, especially with this promoter as it's been a problem in the past. **Paul M. made a motion to approve the Silver State 300 Truck and Buggy Race on April 30, 2011; seconded by Paul D. Connie recommended that a policy be made that requires a sit-down meeting with the active grazing operators whose allotments will be impacted. All voted in favor.**

#### **#30-WHITE WASH 100 HARE 'N HOUND RACE**

Cory Lytle presented this item. **Kevin made a motion to approve the Motorcycle Racing Association of Nevada White Wash 100 Hare 'n Hound race on April 9, 2011; seconded by Ed. Paul M. was absent. Remaining members voted in favor. Motion carried.**

#### **#31-LAS VEGAS DISTRICT BLM TRAVEL & RECREATION IMPLEMENTATION PLAN**

Cory Lytle advised that he will send comments on the BLM, Las Vegas District, Travel and Recreation Implementation Plan. This plan will include recreation area management plans and comprehensive transportation and travel management plans. Cory will reiterate to BLM that we don't want any roads taken away. **Ed made a motion to allow Cory to make comments on the plan; seconded by Kevin. Paul M. was absent. Remaining members voted in favor. Motion carried.**

#### **#32-LC COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY**

Dr. Mike Baughman reviewed the 2010 Annual report, LC Comprehensive Economic Development Strategy. **Kevin made a motion to approve the report and submit it; seconded by Ed. Paul M. was absent. The remaining members voted in favor. Motion carried.**

#### **#33-LC REGIONAL DEVELOPMENT AUTHORITY**

Dr. Mike Baughman presented an Overview of Initiatives of the LC Regional Development Authority, Senate Select Committee on Economic Growth and Employment. No action is required on this item; information only.

#### **#34-COMMISSIONER REPORTS**

**COMMISSIONER KEVIN PHILLIPS** will work with the state BLM director concerning reimbursement to the water district and the communications tower. **COMMISSIONER ED HIGBEE** reported that he and Tommy went to a ribbon cutting ceremony for the helicopter landing pad by the Alamo ambulance barn. Ed will attend an archaeological meeting on 4-6. **COMMISSIONER PAUL DONOHUE** discussed upcoming meetings. Paul commented that he is nervous about the issue of polling and recommended that the representatives from Nye County come to a Commission meeting to offer their information as opposed to calling each of the Commissioners individually. Polling is a violation of the Open Meeting Law. Paul will attend POOL/PACT meetings at the end of the month. Paul will sit in on the interviews for the Pioche Town position.

**COMMISSIONER TOMMY ROWE** attended the NACO board meeting this last week. Tommy discussed SB287. Tommy met with Senator Manendo who advised he hasn't made up his mind on the bill. Sen. Manendo stated he hasn't received any comments from the counties on SB287. SB287 is to stop the placement of wind generation on Table Mountain. Connie has advised the Legislature of the four resolutions that have been passed by the Board opposing wind generation on Mt. Wilson and Table Mt. Tommy also spoke with Senator Lee about this issue. Tommy advised him that the county is for wind generation, but asked that the Legislature work with the county officials to find proper places for these sites. Tommy cited that he is in favor of the bill. Keeping wind generation off that mountain will maintain a core habitat for sage grouse. If the wind generation is put there, all multiple uses will be eliminated. Fish & Wildlife has said that putting wind generation in core habitat areas will cause them to list the sage grouse as endangered. Building a road on that mountain will necessitate an enormous amount of dirt removal. 56 miles of power line are proposed from the top of the mountain to the SWIP corridor. There are 40 acre pieces around every spring and Tim Carlson has an application in all four mountain areas (Wilson, Table, White Rock, and Atlanta). These four areas are the only mountains that LC has left that aren't part of wilderness. Connie testified and encouraged the Legislature to support the bill and offered the members a tour of the mountain.

**#35-PUBLIC COMMENT**

Tommy called for public comment. None is offered.

**#36-ADJOURN**

There being no further business for the Board to attend to, **Ed made a motion to adjourn the meeting at 2:46p.m.; seconded by Kevin. All voted in favor.**

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

*[Large, faint, red watermark text reading "DRAFT" is visible diagonally across the page.]*