



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 19, 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 9:00 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 9-12-11. The Invocation is offered by Paul M. and Ed led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Tommy discussed Item 4 and stated that we need something in our policy that shows the Board's gratitude for the service rendered by individuals who serve on advisory boards.

CONSENT AGENDA

- 3* For Possible Action: Approval of the September 6, 2011 Regular Commission Minutes.
- 4* For Possible Action: Acceptance of Kaye Medlin, Rachel Planning Commissioner's resignation.
- 5* For Possible Action: Approve/Deny Original and Renewal 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; seconded by Kevin. All voted in favor.

#6-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$662,362.51 with estimated expenditures being \$187,068.59. This leaves General County with a balance of \$475,293.92. Senior Nutrition has a balance of \$10,876.79 with estimated expenditures being \$11,173.16. This will leave Senior Nutrition with a negative balance of \$296.37. Paul M. stated that he met with Toni Pinkham and the numbers received this morning will cause us to be \$38,000 short. Serious decisions will have to be made as to whether or not services will be cut or the county will fund the shortage. Transportation has a cash balance of \$19,545.15 with estimated expenditures being \$4,244.86. This will leave Transportation with a balance of \$15,300.29. Detention Center has a negative cash balance of \$53,263.70 with estimated expenditures being \$82,241.98. Detention Center will have a negative balance of \$135,505.68. Solid Waste has a balance of \$26,788.90 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$26,788.90. Airport has a negative balance of \$2,066.82 with estimated expenditures being \$30637. This leaves Airport with a balance of \$3,746.81. Planning has a balance of \$4,404.73 with expenditures being \$2,733.71. Planning will have a balance of \$1,671.02. **Ed made a motion to approve the vouchers as presented with the exception of the Mountain Mercantile and LCTS vouchers; seconded by Kevin. All voted in favor. Ed made a motion to approve the Mountain Mercantile vouchers; seconded by Paul D. Kevin disclosed that he is part owner of Mountain Merc, and he abstained from all discussion and the vote. Motion carries. Ed made a motion to approve the vouchers for LC Telephone; seconded by**

Kevin. Paul D. disclosed that he works for this company and abstained from the vote and the discussion. Motion carries.

#7-BUDGET TRANSFER

Kevin made a motion to approve the budget transfer of \$10,000 from the General Fund to the LC Planning Fund; seconded by Ed. All voted in favor.

#8-2011 SPECIAL ELECTION CANVASS

Clerk Lisa Lloyd advised that things went well but turnout was very low; we had 24.62%. Paul D. made a motion to approve the canvass of the Special Election; seconded by Ed. All voted in favor.

#9-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANAGER Rick Stever advised that West Nile Virus has been detected in the Pahrangat Valley area. Another test will be done in this area next week and, if there is another indicator that it exists in the county, Rick will set up a meeting with the health department. As of right now, there has only been one trap with an indicator of the virus. The department of health wasn't very concerned, but if there is an increase they will take appropriate action. Rick attended the Emergency Managers conference last week in Carson City. The state hasn't had a director of EM for about 8-10 months, but an appointment was made last week. There was flooding last week that stranded some campers at Cathedral Gorge. **GRANTS ADMINISTRATOR** Shawn Frehner advised that there will be a scoping meeting on 10-6 for the Pioche Lower Park and the LC Fairground. Shawn will be attending CDBG forum on 10-26. Shawn had to go before the comprehensive planning department for the communication tower but there has been an appeal. Shawn is working with CDBG to get the bid documents approved. Shawn is hoping that the appeal won't slow this project down. **PLANNING/BUILDING DIRECTOR** Cory Lytle stated that he would like to follow through with the towns concerning street signs. The original plan was to obtain a list of needed signs and present it so there is funding for the materials. Once this is done, Julie Lamb will make the signs and they will be erected. Cory stated they are going through the issue with the addressing system and the E911 system. The streets weren't segmented and the roads layer is off. Each road has segments with crossroads, but this was never laid into the addressing system. Dawne, Cory, and Rick will work through reconstruction of the roads layer. Cory is working on a non-disclosure agreement with BLM regarding roads. The shared use path is still up in the air; comments have been submitted but the state needs to go to the AG's office for an opinion. Cory is working on right-of-way for the transfer station in Alamo. Cory is working on land disposals. Cory continues to work on GIS. Park upgrade meetings are coming up. Cory continues to work on the EECBG grant on the LC Courthouse and storm windows will be installed within the next few weeks. Cory has looked at the Million Dollar Courthouse balcony; the only fix is to take it down, rebuild it, and reinstall it. This isn't a life safety issue or the building would've been red tagged. There have been many inspections and Cory will work on the permit ordinance with Daniel within the next few weeks.

#10-DEPUTY TREASURER

There is some discussion about how the Board will fill the Treasurer's seat when she retires in January. Treasurer Kathy Hiatt addressed the Board and requested approval to hire a new Deputy Clerk to begin working on October 3, 2011. Kathy stated that she has posted in the county buildings requesting an in-house lateral transfer. Paul M. made a motion to approve the hiring of a new Deputy Treasurer, to begin working on 10-3; seconded by Paul D. All voted in favor.

#11-HIGHWAY COMMISSION

This item is handled under separate agenda.

#12-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#13-PANACA FIRE DISTRICT

This item is covered under separate agenda.

#14-HANSEN STREET ABANDONMENT

This item concerns the vacation/abandonment of a portion of a public easement on east Hansen Street in Panaca. It is adjacent to parcel #002-162-02, Donald & Shelley Hunt, and parcel #002-192-14, Jonathan & Celeste Neighbor. Dawne Combs discussed the issue with the Board. This vacation was requested by the Hunts and Neighbors. This has been before the Planning Commission, and the recommendation is to deny this request. There is a sewer main that runs down Hansen Street. The community was against it as many people use this easement. Dawne has been working to find a different solution to this problem, but the PC didn't feel abandonment is the solution. There is some discussion about making the road a dead end, but Panaca Farmstead has stated they don't want it blocked off as that's how they access that area. There is a great deal of traffic over the dike and this is the core issue for the Hunts/Neighbors. There are some long term problems, including public safety and access. Wendell Cowart stated the monitoring well is on the town's side of the dike just off of Hansen Street. There is a high pressure water line and gravity feed back there as well. Panaca Farmstead has several items in this area and that's why they don't believe it will be to their benefit to close the street down. A construction crew will be doing work shortly on the new sewer improvements. This crew will be digging through the dike. Wendell stated that the worn spot in the dike can be fixed during construction. Four wheelers are using this area as a way to get out of town and the traffic has increased greatly. Abandonment will solve the traffic problem, but then the land must be made private. Wendell stated that the alleys will just create another facet to the problem. Paul M. advised that he is in favor of denying the abandonment but also working with the Sheriff to control the traffic. Panaca needs an ATV plan. **Kevin made a motion to deny the vacation/abandonment; seconded by Ed. All voted in favor.**

#15-LINCOLN COUNTY OWNED PROPERTY

This item concerns Lincoln County owned property located east of Hansen Street in Panaca and adjacent to the sewer ponds. It includes the flood control dike, transfer station area, and access trail. Leslie & Associates did a drainage study and there is concern about traffic going over the dike in many areas of town. Cory Lytle addressed the Board and discussed access points. There are some options, including fencing and keeping access for utilities only, but this will increase access at the other two points as well as traffic. There is a possibility of collision of ATVs over the dike where you can't see. The ATV traffic doesn't have an impact on the dike itself. The low point of the dike that is of concern is down by the cemetery. There is discussion concerning the options to eliminate traffic. Gary Elmer, Panaca Town Board, advised that it might be possible to put in a cattle guard. Gary stated that he doesn't want to see the integrity of the dike compromised. If a 500 year flood were to happen the weakest point would be by the cemetery. It is possible to put signs up and allow people to go up over the dike to dump their trash. No maintenance has been done on the dike. There is some discussion about having the flood control board meet to make a recommendation on this issue. There is a problem with ATVs leaving on Hansen Street; there is a channel and the ATVs coming over the top create the possibility for accidents. Cory worries that if Hansen Street access is closed off, it will result in Lee Maughan seeing increased traffic in his area. Access in the south end of town is a possibility. Kevin suggested that the Board assign the Panaca Town Board to draft an ATV routing plan and present it to the Commission. The ATV law is very difficult to enforce. Sheriff Kerry Lee stated that this is going to be a difficult issue to resolve. The abandonment request wasn't an integrity issue, it was an ATV traffic issue. The only way to avoid crossing the dike is to go down the highway, which is illegal. Paul M. asked if there are SNPLMA monies available to build ATV trails and agreed that a plan is needed. The dike is on county property. No action is taken.

#16-MILLION DOLLAR COURTHOUSE

Donna Phillips requested an update as to the progress on the Million Dollar Courthouse (MDC). Shawn Frehner responded to this question and outlined the current status of the grant and work. We have received the Notice to Proceed and we are working with the contractor to get his price to the set budget amount. The contract will cover the roof and retaining wall. The project is ready to move forward. Shawn is working to pull together the bonds and hopes that the contract will be approved at the next meeting. The MDC grant expires in November and Shawn is asking the engineers to get confirmation from the contractor that there will be no problems in meeting the deadline. If all goes as planned, Shawn believes construction will start within the next two to three weeks. If the contractor comes back and says he is unable to finish the project within the allotted funding it will have to go back out to bid. Cory reminded the Board that we aren't dealing with a project we have full control over. Every time there is a change, it goes back to SHPO and results in delays. The contractor will do the roof first. Jane Humphrey stated that they've tried for several years to get this work done, to no avail. Jane referred

to minutes from a Commission meeting in June and discussed the difference in opinions between this current Commission and previous boards. Jane read a letter she wrote into the record. Jane cited that even more important than the roof is the maintenance on the building. Jane stated there is no follow through on any of the buildings in the county or even with the economy. Jane suggested that a task force be formed to make sure that the follow through happens. Paul D. responded that LC Chamber and LCAT are the committees that need to follow through on these things and he was confused as to why another committee would be needed for this. With regards to the maintenance, Paul D. stated that the Board will rely heavily on Jane and those who are in charge of the MDC and museum to know what is going on and what needs to be done. Donna stated she's been on the museum board for 22 years and she was attending the budget meetings every year asking for money for the old courthouse. If the roof gets put on, it'll be the first maintenance on the MDC in 22 years. Paul D. stated that if there are things in the building that need repair, the museum board members need to advise the Commissioners so that it can be addressed. Jane stated that problems have been brought to the county's attention but nothing has been done. Recently, a piece of the balcony fell and hit a tourist. This could have been avoided through proper maintenance. Jane is in favor of the community doing the upgrades to the MDC, but permission is required for that. There are several community members who have done various things to fix up the building. Not being able to afford a maintenance committee is no excuse for not ensuring this gets done. Tourism is a large stepping stone towards helping the county stand on its own economically. The county had over 6,100 tourists last year. Kathy Hiatt stated that the Commission is a County Board and they need to represent the entire town in this county. It is discouraging to hear some of the county representatives say they've never set foot in the MDC or other county buildings. Jane asked how a county can be governed if the Board isn't aware of what's going on. Paul D. stated that the other Board members rely on him, Shawn, and Cory to advise of the condition of this building. Duties are divided up between the Commissioners. Paul D. has discussed the building with the other Board members. There are many other issues drawing everyone in separate directions; they separate duties to accomplish what needs to be done. Jane cited that all five Commissioners get paid for governing the county and stated that it wouldn't take more than 15 minutes of anyone's time to come and see it. Something has to be done with the balcony. Shawn and Cory stated that we have to be cautious due to the requirements of SHPO. Shawn will contact SHPO and advise that we have a safety issue.

#17-PLANNING COMMISSION APPOINTMENT

Cory Lytle advised that there were two interested individuals, Jack Lenardson and David Hurd. The Planning Commission is a decision making board and Dawne cited that the recommendation from PC should be considered. **Ed made a motion to appoint David Hurd to the LC Planning Commission; seconded by Kevin. All voted in favor.** Paul D. expressed his concern about the lack of training for new individuals. Paul D. feels that training for these individuals should be made available.

#18-CHILD PROTECTIVE SERVICES PAYMENT

There is some discussion about whether or not the State has reviewed this as promised several months ago. No; Mike Willden hasn't contacted the county. District Attorney Daniel Hooge advised that he will contact Mike. Paul M. stated that these expenses have been taken out of Fund 12 today, but we are still waiting to hear from Dan McArthur. **Paul D. made a motion to approve the first quarterly payment of funds to NV Division of Child & Family Services in the amount of \$7,87.75, to be paid from Fund 12 and to have the DA contact Mike Willden; seconded by Ed. All voted in favor. Kevin was absent for the vote.**

#19-INTERLOCAL CONTRACT W/ NV DIVISION OF PUBLIC HEALTH & CLINICAL SERVICES

Paul M. made a motion to approve the interlocal contract between NV Division of Public Health & Clinical Services and LC; seconded by Ed. All voted in favor.

#20-NV DIVISION OF PUBLIC HEALTH & CLINICAL SERVICES PAYMENT

Paul D. made a motion to approve the quarterly payment of \$3,278.00 to the NV Division of Public Health & Clinical Services, to be paid from Fund 12; seconded by Ed. Paul D. advised that the towns should pay the costs of the pool inspections. **All voted in favor. Kevin was absent for the vote.**

#21-CALIENTE YOUTH CENTER CLEAR SPAN BRIDGE

This item concerns the identification of funding sources for the Caliente Youth Center Clear Span Bridge in an amount up to \$15,000. Rick Stever stated that he believes this figure is now \$10,000 cash. Tommy stated that Caliente approved \$5,000 cash, \$5,000 in-kind, and \$5,000 equipment use in-kind. **Paul D. made a motion to commit \$5,000 from Fund 85; seconded by Ed. All voted in favor. Kevin was absent for the vote.**

#22-CALIENTE YOUTH CENTER CLEAR SPAN BRIDGE

Paul D. made a motion to approve the letter of support for the in-kind match for the Caliente Youth Center Clear Span Bridge; seconded by Paul D. All voted in favor. Kevin was absent for the vote.

#23-PARK TO PARK EXTREME 100

Jonathan Brunjes from State Parks presented the details of the bicycle race. The ride encompasses four state parks, begins and ends at Kershaw-Ryan. The goal is to promote state parks and the county. **Paul M. made a motion to approve the NV State Parks Century "Park to Park Extreme 100" Pedal; seconded by Paul D. All voted in favor.**

#24-EMERGENCY MANAGEMENT PERFORMANCE GRANT

Grants Administrator Shawn Frehner advised that the full grant is \$47,140, and the federal award is \$23,593. **Paul M. made a motion to approve the grant; seconded by Paul M. All voted in favor. Kevin was absent for the vote.**

#25-ALAMO LANDING FIELD

Paul D. made a motion to approve the issuance of Notice of Award and contract for Mel Clark in the amount of \$2,175,589.00 for the Alamo Landing Field; seconded by Ed. All voted in favor. Kevin was absent for the vote.

#26-LINCOLN COUNTY AIRPORT

Paul M. made a motion to accept the grant offer from the Federal Aviation Administration (FAA) in the amount of \$78,850.00 for the environmental assessment for the new fuel farm at the LC Airport in Panaca; seconded by Ed. All voted in favor.

#27-SOUTHERN NV PUBLIC LAND MANAGEMENT ACT (SNPLMA) ROUND 13

Grants Administrator Shawn Frehner advised that she hasn't had any responses with the exception of Panaca. Gary Elmer presented a project on behalf of Panaca Town. The project will be to complete Phase II of the Pioneer Park. Total cost of the project is \$297,625.00. New lighting, playground shade structure, road base, public announcer's system, and improvements to the announcer's booth are included. Shawn asked how this will be maintained. Replacement of such things as light bulbs will be included in the Panaca Town budget. Paul D. advised that the Room Tax Board sets aside \$4,500 for each town that can be used for maintenance on parks; this is an annual payment. **Paul M. made a motion to send this project forward to SNPLMA; seconded by Paul D. All voted in favor.**

#28-NUCLEAR OVERSIGHT PROGRAM

Connie Simkins advised that JCCIAC met 9-15 to review Blue Ribbon Commission comments. There is a site wide EIS concerning low level nuclear waste that she and Vaughn have been preparing comments on. They will recommend that LC ask for cooperating agency status so that we may have a seat at the table. Right now, there is no route of this waste through LC. The transportation working group met last week. We continue to look at operating under a continuing resolution. Mike Baughman attended at Nuclear Waste Technical Review Board meeting last week. EIS meetings for the site wide low level waste will take place this week and next. China has four nuclear plants ready to come online in the next four years, and they are planning construction of 18 more. The countries of Russia and China have decided to cooperate on the floating nuclear power plants.

#29-2012 ENERGY AND WATER APPROPRIATIONS BILL

Kevin made a motion to approve the letter urging the U.S. Senate to approve 2012 Energy and Water Appropriations Bill; seconded by Paul M. Paul D. stated he is comfortable keeping Connie's office open, and

he recommended that the JCCIAC restrict the available funding for consultants and use it to keep the office open. **Paul D. is opposed. Motion carries.**

#30-WIFI ACCESS IN LC COURTHOUSE

Paul M. stated that there is a WIFI connection in the Commission room that the Board has access to and uses. People that attend the meetings don't have access to the WIFI and Paul M. feels it would be a good service to provide if it isn't too expensive or there are security issues. Tommy advised Paul M. that he check with Tracy Lee to determine costs. Paul D. is concerned about leaving it on all of the time as there is a company that provides internet service and it is their revenue. If we create a hotspot that is free, pretty soon the building will be full of people using it. Rick asked if it could be tracked and billed in the same manner as the one uptown. Paul D. stated the way to do this is to have LC Telephone put a WIFI tower on the courthouse.

#31-ADVISORY BOARD APPOINTMENT POLICY

Paul D. spoke with DA Daniel Hooge and recommended a policy/procedure for appointing advisory boards. Paul D. feels a committee should be chosen for each community that would include business people, John Q. Public, and a senior citizen. The letters would then go to that committee and they would then bring forward two-three names for the Board to choose from. Daniel stated that he is concerned about the Board listening to the advisory boards' opinions. There are often polarizing opinions. Many times, a member will resign as they are tired of fighting the fight. This creates the possibility that the next person chosen by the advisory board will be of the same opinion of the remaining members. Having a committee of well-rounded voices creates a more equal opinion. Paul D. is concerned about having committees for each board or one general committee that would choose for all of the advisory board. Paul M. asked that something be prepared in writing. Paul M. stated that one committee would potentially have a great deal of power. No action is taken.

#32-LC PERSONNEL POLICY

Daniel advised that this has been put on the backburner and there is nothing new to address at this time. Daniel stated that he has presented proposed policy changes to the different offices and every once in a while it gets nasty. Daniel emailed the current, adopted policy. Paul D. asked Daniel to send out the signature page.

#33-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS advised that he attended the ECA conference with Commissioner Ed Higbee in Washington, D.C. They met with nearly all of our Congressional Delegation, with the exception of Mark Amodei, who was just sworn in. They were working on the reimbursement of \$365,000 to the LC Water District and they are waiting for a response from Amy Leuters. Short of success at this stage at the state level, they requested that Senator Reid help LC access Mr. Abbey to see if we can be reimbursed for the work done on rights-of-way. Kevin stated that there are many who don't feel that Yucca Mountain is dead, particularly in the House side of things. The Chairman, Doc Hastings from Washington, opined that the establishment of the Blue Ribbon Commission was a ploy to give time to destroy the office of Civilian Radioactive Waste Management. NM wants the repository at Carlsbad, and Nye County wants the repository to be located at Yucca Mountain. The meeting was informative but it all remains up in the air. Kevin stated he made no presentations or speeches while in D.C. concerning Yucca Mountain or nuclear waste. **COMMISSIONER TOMMY ROWE** went to Tonopah last Friday for the kickoff meeting for the brownfields. There was a great deal of information given with regards to energy parks. Tommy had a couple of phone calls stating that the agendas haven't been posted on the internet. **COMMISSIONER ED HIGBEE** discussed his attendance at the ECA meeting in Washington, D.C. There were numerous speakers at the conference; some of these people state that Yucca Mountain is dead while others say that Yucca Mountain is still online. Ed discussed the Fukushima tragedy in Japan. **COMMISSIONER PAUL DONOHUE** stated that he attended the LC Water District meeting.

#34-PUBLIC COMMENT

Tommy called for public comment. Marge Detraz addressed the Board and discussed the Energy Communities Alliance (ECA) agenda for the meeting held in Washington, D.C., earlier this month. Marge stated that these meetings should be discussed; it should be outlined as to who was there, what was discussed, and how much it cost. Connie Simkins stated that there was a legal notice in last week's paper that says that the Wilson Creek people have filed an application. It asks for participation and Connie asked that the Board advise the DA as to how we will be a party to this. Connie suggested that the DA write a letter to the Public Utilities Commission

advising that we didn't know about this until 9-15. Connie stated that she, as an individual, and the N4 Grazing Board will be a party to this. Daniel stated that he will look into this.

#35-ADJOURN

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

Attest: _____ Approve: _____

DRAFT