



LINCOLN COUNTY BOARD OF COMMISSIONERS

November 7, 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 9:12a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL MATHEWS (leaves the meeting at 12:00) LISA LLOYD, Clerk
ED HIGBEE MATTHEW CARLING, Deputy DA
TOMMY ROWE
PAUL DONOHUE
KEVIN PHILLIPS

There is a quorum present and the agenda was posted on 11-1-11. The Invocation is offered by Tommy and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. Dawne Combs advised that NDOT is doing a statewide bicycle plan; Kim Lee Horne is the project manager. Dawne will meet with them on 11-14 in LC Commission chambers.

CONSENT AGENDA

- #3 For Possible Action: Approve/Deny minutes of the October 17, 2011 meetings.
- #4 Approve/Deny Change Order request for the Alamo Rodeo Grounds Southern Nevada Public Lands Management Act project, in the amount of \$5,441.00.
- #5 Approve/Deny Lincoln County Transportation changing bus drivers from one full time driver to two part time drivers.
- #6 Approve/Deny Exhibit D for WR Henderson Construction contract for the Million Dollar Courthouse.
- #7 Approve/Deny allowing the Habitat Conservation Plan to pay Ronda Hornbeck's cell phone, not to exceed \$50.00 per month.
- #8 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).

Kevin made a motion to approve the consent agenda; seconded by Ed. There were additional fees involved in laying the sod for the Alamo Rodeo Grounds; hence the change order under Item 4. Paul D. stated that the cost for the use of the rodeo grounds in Alamo needs to be addressed. They're beautiful, but locals have stated that they can't use them because it costs too much. **All voted in favor.**

#9-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$665,846.61 with estimated expenditures being \$143,873.88. This leaves General County with a balance of \$521,972.73. Transportation has a cash balance of \$16,859.95 with estimated expenditures being \$3,869.89. This will leave Transportation with a balance of \$12,990.06. Senior Nutrition has a balance of \$6,461.40 with estimated expenditures being \$10,413.68. This will leave Senior Nutrition with a negative balance of \$1,672.48. Detention Center has a negative cash balance of \$158,331.60 with estimated expenditures being \$65,108.24. Total revenue received is \$17,001.60. Detention Center will have a negative balance of \$82,109.84. There is some discussion regarding the fact that the Detention Center fund has been in the red for quite a few months. Detention Center is exceeding its revenue. Solid Waste has a balance of \$22,865.84 with estimated expenditures being \$20,766.06. Solid Waste owes LC Water Special Projects, Fund 87, \$26,788.90. Solid Waste will have a balance of \$3,085.78. Airport has a balance of \$3,593.34 with no

expenditures. Planning has a balance of \$9,940.43 with expenditures being \$7,501.34. Planning will have a balance of \$2,439.09. **Paul D. made a motion to approve the vouchers as presented with the exception of the Mountain Mercantile and LC Telephone System vouchers; seconded by Ed. All voted in favor. Paul D. made a motion to approve the Mountain Mercantile vouchers; seconded by Ed. Kevin disclosed that he is part owner of Mountain Merc, and his son is a senior engineer with Sunrise Engineering, and he abstained from all discussion and the vote. Motion carries. Ed made a motion to approve the vouchers for LC Telephone System; seconded by Paul M. Paul D. disclosed that he works for this company and abstained from the vote and the discussion. Motion carries.**

#10-TRANSFER

Paul D. stated that he is aware that the county has worked to keep the rates down, but questioned when the Board agrees that this has to pay for itself. Paul M. stated that the rates are raised 6% every year and there has been a time delay as the company raises the rates in October but the county doesn't raise rates until a couple of months after that. The county isn't subsidizing this expense as much as it used to. Paul M. stated that the contract expires in 2014 and it isn't too soon for the county to think of an alternative if the present rate increases aren't acceptable. Paul M. outlined the rates and other fees as charged by Recology. **Paul D. made a motion to approve the transfer from Federal In Lieu Special Revenue Fund to Solid Waste Management Fund in the amount of \$50,000; seconded by Ed. All voted in favor.**

#11-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised that he's been working on the concerns with the first portion of the road down Rainbow Canyon. A vehicle left the pavement. There is a meeting with NDOT in Las Vegas that Rick will attend in Las Vegas tomorrow. Fish & Game have removed seven beavers from the Rainbow Canyon area and Rick was advised that someone is blocking the culvert with wood, which means the water isn't backing up solely because of the beavers.

#12-HIGHWAY COMMISSION

This item is handled under separate agenda.

#13-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#14-PANACA FIRE DISTRICT

This item has been tabled.

#15-MATHEWS DROP STRUCTURE

This item concerns a request from the Lincoln County Conservation District to repair/restructure the Mathews drop structure located on the south edge of the Charles Mathews, Sr., homestead site. This is in the Cold Springs area. Maggie Orr, Vice Chair, and Robert Mathews, Chair, are present on behalf of the Conservation District. Paul M. disclosed that Robert Mathews is his father, but they have nothing to do with the Mathews Drop Structure. Maggie advised that the structure was built in 1937-1938. This would be a direct application for SNPLMA funds. The purpose of the structure is to stop the headcutting up Meadow Valley Wash. It is now headcutting above the structure. The county addressed this problem in 2007 and put a temporary patch in place. The goal is to replace the structure, but the Corp of Engineers will make that decision (their goal is to keep sediment out of the Colorado River). Maggie requested access to the site. This was a CCC structure and the county assumed responsibility for it. Access needs to be clarified with regards to rights-of-way. Cory Lytle has an old survey that shows this on Wendell Mathews' property. Permission will need to be received from Wendell Mathews' estate in order to gain access to the structure. Access to the west from Highway 93 is the ingress being considered, and it goes into the Weaver Ranch. There are three owners in the estate. Maggie asked that this be a regular agenda item. Robert stated that the Corp of Engineers has some jurisdiction; Robert met with Pat McCleary concerning several items with regards to flood control in the valley. Pat was very supportive of what's going on in the valley and she's aware of several aspects, including riparian areas. Pat advised that they will help obtain permits and work towards obtaining funding. There are other structures along this corridor for a total of 6. There are a couple in Eagle Valley and Rose Valley, including a drop structure at the end of Ken Lytle's fields. All of these need maintenance and the Mathews drop structure is the worst. **Ed**

made a motion to support the endeavors of the Conservation District with regards to the Mathews drop structure and any others deemed necessary by the Corp of Engineers; seconded by Paul D. All voted in favor. Glenn Zelch asked that the Road Department do another patch on the drop structure in the meantime as the water is trying to go around it and wash it out; Paul D. will work with the Road Department on this. The Board will address the access issue through the Mathews' estate.

#16-MATHEWS DROP STRUCTURE

Paul D. made a motion to appoint Commissioner Kevin Phillips as a representative to work with the Conservation District on the Mathews drop structure; seconded by Ed. All voted in favor.

#17-QUARTERLY JAIL TOUR

This item was tabled.

#18-2012 COMMUNITY DEVELOPMENT BLOCK GRANT

Gary Elmer addressed the Board and made presentation of his request for installation of sidewalks, curb, and gutter in Panaca from the senior housing to main street. This would allow the seniors to access the grocery store and the post office. This installation would only be on the east side of the street. One proposal is for asphalt, the other is for gravel between the existing road and the new curb/gutter. The sidewalk, curb, and gutter are concrete. Asphalt, sidewalk, curb, gutter is \$412,853.50, and the cost for gravel, sidewalk, curb, gutter is \$294,473.50. Paul D. advised that the cost to install utilities under asphalt is extremely high. If the town decides on asphalt, Paul D. stated that the telephone, power, and water/sewer would need about a year to address the situation. It is possible to submit the asphalt project, and if CDBG doesn't have enough money, they can scale back to the type II gravel.

#19-2012 COMMUNITY DEVELOPMENT BLOCK GRANT

The Board needs to prioritize the projects that have been submitted. Panaca sidewalk project, Alamo Senior Center, and the Caliente Olson Senior Center request. Caliente has received other funding to replace the roof, so that will not be included in the CDBG request. **Kevin made a motion to prioritize the 2012 CDBG project requests for this year as 1) Alamo Senior Center and 2) Panaca access project (sidewalk, curb, gutter with type II); seconded by Ed. All voted in favor.**

#20-MEADOW VALLEY WASH LINEAR PARK

Grants Administrator Elaine Zimmerman presented this item. **Paul M. made a motion to approve Change Order #3 for Hardy Construction for the Meadow Valley Wash Linear Park in the amount of \$183,540.73; seconded by Paul D. All voted in favor.**

#21-LINCOLN COUNTY COMMUNITY TOWER SITE

Elaine Zimmerman, Grants Administrator, presented this item. Five bids were received: AMB Construction, BCI Communication, Trade West Construction, Spectrum Surveying, and Eagle View Contractors. **Paul M. made a motion to approve the Notice of Award and contract to BCI Communication for the LC Communication Tower Site Improvement project; seconded by Paul D. All voted in favor.**

#22-MEADOW VALLEY WASH LINEAR PARK

Elaine Zimmerman, Grants Administrator, presented this item. Due to the change orders, Hardy is increasing the payment bond. **Paul M. made a motion to approve Change Order #4 for Hardy Construction for Meadow Valley Wash Linear Park in the amount of \$60,384.75; seconded by Kevin. All voted in favor.**

#23-GRANTS ADMINISTRATOR

Paul D. made a motion to approve the letter outlining the Grants Administrator replacement; seconded by Kevin. All voted in favor.

#24-ENERGY COMMUNITIES ALLIANCE

Connie Simkins presented this item. The estimate for travel is \$1,600 each, \$1,300 of which will be reimbursed by ECA. **Kevin made a motion to approve the request for two participants to attend the Energy**

Communities Alliance (ECA) intergovernmental meeting in New Orleans on December 13-16, 2011; seconded by Ed. All voted in favor.

#25-BLUE RIBBON COMMISSION

Dr. Mike Baughman addressed the Board and offered an explanation of this item. There is some discussion about having Commissioner Phillips attend as well. Connie advised that there are funds available to pay for Kevin's travel to this meeting. The Board will address Kevin's travel for this meeting at the next Commission meeting. **Kevin made a motion to approve Mike Baughman's participation, on behalf of Lincoln County, in group discussion regarding the proposed Blue Ribbon Subcommittee report revisions and how such revisions may influence the final Blue Ribbon Committee report; seconded by Ed. All voted in favor.**

#26-LINCOLN COUNTY COURTHOUSE

The roof insulation will be under \$50,000, which eliminates the need to go to bid. Cory has three different estimates. The leaks that occur in the building develop around the drains. The membrane will aid with leak prevention. **Paul D. made a motion to approve the contract for Pearson and Sons for installation and roof membrane on the Lincoln County Courthouse (per the Energy Efficiency and Conservation Block Grant); seconded by Ed.** Cory stated that when the electrician comes in to replace the lights, heat coils will be placed on the drains to prevent the freezing and roof leaks. **All voted in favor.**

#27-LAND DISPOSAL

This item concerns a letter to the Bureau of Land Management (BLM), Ely District, requesting the disposal of approximately 2000 acres of BLM managed land in LC pursuant to the LC Conservation, Recreation, and Development Act and the 2008 BLM Ely District Resource Management Plan. **Paul M. made a motion to approve the letter; seconded by Ed. All voted in favor.**

#28-RESOLUTION #2011-26

Paul M. stated that he, in partnership with his family, holds a lease from the Seenos. Paul m. reviewed the history of the fees for the Coyote Springs Planning area; this resolution changes the current fees. Cory Lytle advised this is the 24 month review on their project. The development agreement review will be reduced from \$2,000 to \$300. The Planning Commission will review the development agreement next month. **Paul D. made a motion to approve the resolution establishing fees necessary and required for the county to administer and implement the provisions of Title 15 of the LC Code, pursuant to Chapter 6; seconded by Ed. All voted in favor.**

#29-COWBOY'S DREAM & WINDMILL RIDGE

This item concerns a letter to Bureau of Land Management (BLM) Ely District in support of direct sale on parcels located adjacent to The Cowboy's Dream and Windmill Ridge in Alamo (Parcel 1:T65, R61E, Section 29, 10 acres; Parcel 2: T65, R61E, Section 32, 11.5 acres). Ed disclosed that he works for Phyllis Frias, owner of these two businesses, occasionally. **Paul M. made a motion to approve the letter; seconded by Kevin. Ed abstains. Motion carries.**

#30-LC PERSONNEL POLICY

This item is tabled.

#31-COMMISSIONER REPORTS

COMMISSIONER TOMMY ROWE advised he met with the Southern NV Workforce Investment Board recently. There is a renewable energy workshop in Pahrump this Wednesday. **COMMISSIONER ED HIGBEE** stated there is a meeting with the new Colonel of Nellis Air Force Base on 11-15. The wind turbines will be discussed at this meeting. Ed stated that the Assessor's office went to Pahranaagat Valley and some of the people there are now riled up. The DA stated that people have every right to make people leave their property, but the owner will have to deal with the consequences. The county follows the state's policy. It is understood that the issue with the Assessor's Deputies going on this private property has something to do with tactfulness. Paul D. stated that the complaint then needs to be handled through Assessor Melanie McBride. It is believed that whoever goes on the property from the Assessor's Office is required to let the property owners know ahead of time before entering the parameter of the property. Paul D. reiterated that the Board can't make a policy for how

Melanie runs her office; they can only make suggestions. Ed stated he met with Chivia Horton of the Pahranaagat Valley Wildlife Refuge. **COMMISSIONER PAUL DONOHUE** advised he will be going to Las Vegas tomorrow to meet with NDOT.

#32-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins advised of a bill just introduced by Senator Heller. It pertains to designation of waters of the U.S. Connie stated that she has delivered a data package concerning the Solar Energy PEIS. BLM has recommended dropping all of Delamar Valley, East Mormon mountains, and they've reduced Dry Lake Valley north down to the acres where the development was invited. Connie presented an article concerning England and wind farms; wind energy isn't the panacea that some proponents have made it out to be. Connie has been working on the Emergency Run Books but stated they haven't been able to get the GPS locations for the fire hydrants in each town. This information is vital to the emergency response personnel. Caliente City Hall has been upgraded for heat/central air conditioning; Connie has two units that she is willing to donate to another department that needs it. Vaughn Higbee discussed the work that was done on whether or not the amount of energy we are producing now will affect us in the future. A report came back showing that by 2020 if we don't begin to develop major energy producing capacity both the east and west coast will begin experiencing major rolling blackouts. If the government doesn't wake up to the fact that we have to have energy and stop shutting down our coal fired plants, not only will the east & west coasts be in trouble, but we will be in trouble out here in the Great Basin. Over 100 coal fired plants have been shut down and many more have been stopped. Vaughn urged the Board members to encourage our legislators to help us have enough power to reach the green energy era without going through what happened in the late 70s, early 80s. Vaughn believes it's too late now, based on his studies. Tommy was contacted by Congressman Amodei, who has requested that LC provide two duplicate items that depict or represent the county. This item will be placed in the Washington, D.C. and NV offices.

#33-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 2: p.m.

Attest:

Approve: _____