



LINCOLN COUNTY BOARD OF COMMISSIONERS

November 21, 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 9:10 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
MATTHEW CARLING, Deputy DA

There is a quorum present and the agenda was posted on 11-16-11. The Invocation is offered by Ed and Tommy led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment and advised that the first public comment is only for items on the agenda; the second is for anything else that might be brought up. Tommy asked if this is according to law. Daniel responded that he didn't see anything in the bill that requires it to be that way. Paul D. stated that he was at a meeting and the secretary contacted the AG's office. AG's office instructed the secretary that this is how the public comment periods are to be handled. Daniel will research this and get back to the Board.

CONSENT AGENDA

- #3 For Possible Action: Approve/Deny minutes of the November 7, 2011 meetings.
- #4 Approve/Deny tax strike for Richard Pinkham/City of Caliente, APN 003-134-12, 3,671 assessed. Property was purchased by the City of Caliente on 10/31/11 and is now exempt.
- #5 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 \$753,726.60 with estimated expenditures being \$172,647.23. This leaves General County with a balance of \$581,079.37. Transportation has a cash balance of \$18,296.40 with estimated expenditures being \$4,705.69. This will leave Transportation with a balance of \$13,590.71. Senior Nutrition has a balance of \$20,137.00 with estimated expenditures being \$12,622.94. This will leave Senior Nutrition with a balance of \$7,514.06. Detention Center has a negative cash balance of \$98,154.52 with estimated expenditures being \$92,956.20. Detention Center will have a negative balance of \$191,110.72. Solid Waste has a balance of \$53,519.78 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,823.34 with estimated expenditures being \$275.75. Airport will have a balance of \$3,547.59. Planning has a balance of \$5,590.25 with expenditures being \$2,710.09. Planning will have a balance of \$2,880.16. **Kevin 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. Ed made a motion to approve the Mountain Mercantile vouchers; seconded by Paul M. Kevin disclosed that he is part owner of Mountain Merc, and he abstained from all discussion and the vote. Motion carries. Kevin made a motion to approve the vouchers for LC Telephone System; seconded by Ed. Paul D.**

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

#7-BUDGET TRANSFER

Ed made a motion to approve the transfer from Lincoln County General Fund to the Lincoln County Planning Fund in the amount of \$20,000; seconded by Kevin. All voted in favor.

#8-BUDGET TRANSFER

This money is transferred annually and is used for public safety vehicles. Paul D. asked if the funding is "locked up" every year. Paul M. responded that it is locked now as it is being used to pay the lease on vehicles. The time to free up this money is the next time the SO wants to lease a vehicle; say no. Paul D. suggested that the Board use this money in the near future to get a fuel efficient car for the county employees to use. **Kevin made a motion to approve the transfer from Lincoln County Capital Improvement Fund to the Vehicle Capital Project Fund in the amount of \$82,197.00; seconded by Ed. All voted in favor.**

#9-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANAGEMENT COORDINATOR Rick Stever stated that the Final Hazard Mitigation Plan has been submitted to the state. **DISTRICT ATTORNEY** Daniel Hooge advised that he's advertised for a Deputy and will be interviewing within the next couple of weeks. Daniel has two sexual assault cases that are large; these involve life sentences and will most likely go to trial. The Judge has ordered psychiatric evaluations for the defense that could cost a great deal. The trials will be fairly expensive, and Daniel's budget is spent. He may have to request an augmentation. **SHERIFF** Kerry Lee discussed the funding for the Detention Center. The fund has been negative for several months. The payments for Clark County are late and the expenditures of the Detention Center (DC) are exceeding the revenue. DC only had 63 inmates for a while, and it's been determined that 73 inmates is the smallest amount needed to cover the expenditures. DC will request 20 inmates, but by the time all screening requirements are met we end up with only four inmates. Clark County (CC) has some political things going on with other agencies. If these issues are resolved, it will result in us being able to house more than 90 inmates. It takes about 60 days from the time we bill to the time we get paid. We are currently more than two months behind in receiving payments from CC. DC would like to increase the minimum amount of inmates per day as well as the cost per day. Kerry stated that agreement with CC ends on July 1st, but he believes that the increases will be worked out. Kerry hopes for a \$10 per day, per inmate, increase. Kerry stated that reduction in force isn't possible; he can't lay someone off for a month. Currently, we are ten inmates above the minimum. Kerry estimates the amount received for 80 inmates is about \$170,000 per month. Kerry reminded the Board that these costs are also covering county inmates. Costs for dispatch and county inmates are being covered through the payments for the contract inmates. Currently, we have about 15 county inmates. **BUILDING/PLANNING DIRECTOR** Cory Lytle stated that the window upgrades and blinds are moving along; the project is nearly complete. The roof insulation and membrane is nearly complete. Richard Simpson and some volunteers have been working on painting and doing touchup work. The Million Dollar Courthouse roof is 80% complete. There are negotiations and technicalities revolving around the retaining wall. Panaca and Rachel parks are close to completion. Planning has been busy; Cory met with Tommy, Ed and several representatives from the Air Force concerning solar development. Cory met with BLM concerning land disposal last week. BLM can do many of the large parcels in one survey which will expedite the process. Cory will work to establish rights-of-ways on some of the parcels. Paul D. stated that utility ROWs need to be addressed as well. Cory and Dawne Combs met with John Brown concerning a draft Fire Protection Report. Cory will take part in the Brownsfield teleconference tomorrow.

#10-HIGHWAY COMMISSION

This item is handled under separate agenda.

#11-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#12-PANACA FIRE DISTRICT

This item has been tabled.

#13-RESOLUTION #2011-27/CALLAWAY STREET ABANDONMENT

Lincoln County School District has requested the abandonment of a portion of Callaway Street that is adjacent to APN 002-061-03, 002-061-05, 002-062-05, 002-091-01, 002-091-02, 002-091-03, and 002-091-04 located in Panaca. Principal Marty Soderborg is present with counsel, Dylan Frehner. Dylan proffered a map containing the subject parcels. The initial request was for the portion of Callaway from 3rd Street to the end of school property. Fourth Street was already vacated and deeded to the school district in the 1980s. As Assessor's records were reviewed, it was discovered that the eastern portion of Callaway Street, between 3rd and 5th Streets, has been assessed to the school district; this portion is withdrawn from their request. The only portion the school district is now asking for is from north 3rd Street over to the east boundary, or the portion of 4th Street that was vacated. The purpose for the request is due to negotiations with Thiriote, who has indicated that he will trade 45-90 feet on the southern boundary so that the school can have more access to the football field as well as install drainage pipes. Most people believe when a roadway is vacated it is divided equally between property owners. An initial patent gave all of Panaca to the county, then people had to apply for their individual lots. Based on this, Dylan doesn't believe this has to be divided 50/50. The school is requesting the entire right-of-way (ROW). Mr. Thiriote isn't in opposition, but the Norman parcel to the north is in a state of confusion. It is being managed by Mary Love, but she doesn't know who owns the property now. Notices have been sent out, but no protests or opposition have been submitted. There are no power or water lines to be considered. This was approved by the Planning Commission and Panaca Town Board. The school district is a public entity. The intent of this is to swap land with Mr. Thiriote. Dylan sees nothing that requires the county to divide the property. **Paul M. made a motion to approve the abandonment and resolution; seconded by Kevin. All voted in favor.**

#14-PANACA/ALAMO CEMETERY MAINTENANCE

This item concerns the designation of the Panaca and Alamo Cemetery maintenance to a non-profit or other organization. There are two individuals who take care of the maintenance on the cemeteries. The law states that the Board can donate the land to a non-profit or volunteer organization, they can have the town boards manage the cemetery, or the property can remain with the county and the non-profit or volunteer organization can do the maintenance. Some of the members of the town boards want to keep the responsibility of the cemeteries, but there are these gentlemen that are doing all of the maintenance work. Dahl Bradfield stated that Panaca has had a cemetery committee for a very long time. It came to a point where the old fellows that were caring for the cemetery couldn't do it anymore; the town stepped in to help with hiring someone to mow and care for the cemetery. Dahl does the mowing and watering of the cemetery. Dahl stated that the cemetery has always collected the plot fees, but they can't generate enough money to pay for the maintenance. The town and cemetery committee have shared the costs for projects at the cemetery. Gary Elmer would like to leave the maintenance of the cemetery the way it is, but would like the Board to recognize the committee. Alamo would also like to leave things as they are. The cemetery committee makes the decisions and takes care of the maintenance; the town pays for the maintenance. The cemetery can't be maintained with private funds. The Commissioners agreed that the cemetery committee is a sub-committee of the town board. People won't donate money to the town, but they will to the cemetery committee. When a plot is purchased, the cost goes to the cemetery committee. Paul M. stated if the town board is happy with how things are operating, then things will be left as is. If clarification is needed, it will be addressed at a future meeting. As of now, things will remain as they are and have been for ages. The ownership comes back to the county and everyone needs to understand where the ownership lies and what the responsibility of the committee is. Paul M. stated he has no issue with tax payer money being used for the cemetery. Paul M. further stated that things will continue status quo. The cemetery committee and the town board have funds to cover the maintenance. Paul D. asked if an audit of the funds collected by the committee needs to take place annually. Dahl stated he's asked Dan McArthur to audit the funds, but it hasn't happened yet. Dahl stated that Renea Hansen handles the money. There is some discussion as to who is accountable and responsible for the money. Paul D. stated that the cost of the audit might bankrupt the fund used to run the cemetery. If this was an official sub-committee of the town board it can be audited with the town. It is separate from the town. Gary stated they would like to purchase a backhoe, but this will require both cemetery and town funds. Currently, they hire a backhoe for \$150. Paul M. will speak with Dan McArthur about the auditing issues. No action is taken on this item.

#15-SOLID WASTE FEES

The new bill for November was received from Recology; it includes a 6% increase. There is no choice but to approve the increase and pass it on to county residents. **Paul D. made a motion to approve the 6% increase in solid waste fees and assess it to the citizens; seconded by Paul M. All voted in favor.**

#16-QUARTERLY JAIL TOUR

This item was tabled.

#17-DETENTION CENTER

Kevin made a motion to approve the contract with A&F Electric for lighting upgrades for the Detention Center; seconded by Paul M. All voted in favor.

#18-ALAMO WEST REPEATER SITE

Sheriff Kerry Lee addressed the Board and offered the history of the Alamo West repeater site. LC has had a repeater site for a number of years in this area. Several years ago we had a cooler box for the radios/batteries. When we had the heavy winds it blew the box over and trashed the site. We were then able to move into the state site, but since then the telephone company has built a new site. Kerry stated that the SO has requested the opportunity to rent space from the telephone company in this building. The radio communications in Alamo are horrible. There have been times that we've had no communication in this area. The phone company is allowing us some rack space in that building for \$2,400 per year. Kerry has approached Pahrnagat Valley Fire District to pay \$600 of this, and the remaining \$1,800 will be paid through county funds. Paul D. disclosed that he is an employee of the telephone company. This contract is for one year only, but if all goes well the contract can be renewed for an additional five years. **Kevin made a motion to approve the communication facility agreement for Alamo West Repeater site, to be paid using the PILT Fund (Fund 12), in the amount of \$1,800; seconded by Ed. Paul D. abstains. Motion carries.**

#19-DISPATCHER POSITION

Sheriff Kerry Lee stated that Linda Dubovick will run out of sick leave/annual. Linda has given her notice and has to retire for medical reasons. Shannon Miller has been working part-time and filling in for Linda. Kerry asked that Shannon be able to fill Linda's position. **Paul M. made a motion to approve the filling of the dispatcher vacancy; seconded by Ed. All voted in favor.**

#20-LINCOLN COUNTY AMBULANCE SERVICE

Sheriff Kerry Lee stated that the cost to the Sheriff's Office for LC Ambulance service costs him \$1,000 for an inmate to be taken from Pioche to Caliente. LCDCC is a county entity and this is a county ambulance service. Kerry is asking that the rate be negotiated. Several inmates have been taken to the hospital in the last few months, and it comes directly out of the DC fund. Kerry has spoken to the lady who does the billing for the ambulance, but he was told to address this issue with the Commissioners. Kerry negotiates ER visit costs with the hospital. DC maintains the radios and dispatch for the ambulance at no cost. Kevin suggested that Kerry and Missy Rowe negotiate a price that works and then Kerry will report back to the Board. Kerry suggested that \$250-300 is a reasonable cost. No action is taken on this item.

#21-MILLION DOLLAR COURTHOUSE

Paul D. made a motion to approve Change Order #1 for Sunrise Engineering in the amount of \$18,000; seconded by Ed. Kevin disclosed that his son is a principle engineer at Sunrise, and he abstained from the discussion and vote. Motion carries. Cody Alleck with Sunrise advised that the bid came in extremely high and some of the retaining wall had to be redesigned.

#22-MEADOW VALLEY WASH

Paul M. made a motion to approve Change Order #1 for Sunrise Engineering in the amount of \$160,000; seconded by Ed. Kevin disclosed that his son is a principle engineer at Sunrise, and he abstained from the discussion and vote. Motion carries.

#23-COMMUNICATION TOWER PROJECT

Sheriff Kerry Lee advised that the radio tower at Coyote Springs has been a great deal of work. Kerry doesn't believe the cost will be \$17,000 and they hope it will be closer to \$5,000. Funding for this comes from the money that came from Coyote Springs GID. There is some discussion about daily rates; Tommy feels the daily rate needs to match, or come close to, the rate that is paid to county employees for travel. Kerry believes many of the charges included in the contract will be eliminated and many of the expenses will be at a reduced rate. Kerry will discuss the charges for the mileage and field vehicle rates with Sunrise. **Paul M. made a motion to use Sunrise Engineering as project manager for the Communication Tower project (not to exceed \$17,000); seconded by Ed. Kevin disclosed that his son is a principle engineer with this firm and he abstained from the vote. Motion carries.**

#24-LC NUCLEAR WASTE

11-17 there was a JCCIAC meeting. There is a need to have the GPS readings on the fire hydrants completed. Jason Pitts has proposed the hiring of someone part-time to complete the work. Chaz Mitchell will be doing the work under Jason. A great majority of Caliente's work has been done so this will cost less than \$5,000. This issue will be addressed at the next Commission meeting. NV National Security Site-wide EIS comments will be reviewed at the January Commission meeting. The Air Force is in the middle of a study of places/things that will/will not conflict with their training and security. When the report is complete they will present it to the Commissioners. Kevin and Dr. Mike Baughman will attend the Blue Ribbon Commission meeting in Washington, D.C. on 12-2. Connie presented a new legal opinion that concerns the railroad's abilities to exclude people from certain areas. The railroad doesn't have as much say about things as they'd like the county to believe. Dr. Baughman has discussed this with Amy Leuters.

#25-BLUE RIBBON COMMISSION

This item is a result of the last Commission meeting. **Paul M. made a motion to approve Kevin's travel to Washington, D.C. for the Blue Ribbon Commission meeting on December 2; seconded by Ed. All voted in favor.**

#26-CERTIFICATION OF EXPENDITURES

Ed made a motion to approve the Certification of Expenditures PL 111-85 of 2010 letter to Dr. Lyons, Assistant Secretary of Nuclear Energy, Department of Energy; seconded by Kevin. All voted in favor.

#27-LC OVERSIGHT PROGRAM

Kevin made a motion to approve the request from Connie Simkins to pay for cell phone email and data charges in the amount of \$35.99 per month; seconded by Ed. All voted in favor.

#28-SOUTHERN LC HABITAT CONSERVATION PLAN

This item was tabled.

#29- LC PERSONNEL POLICY

Paul D. stated that we are still using two different policy manuals. Paul D. isn't sure that the manual that was emailed is the one that was approved. Paul D. said that some of the things in the old policy aren't included in the new policy, specifically children traveling in a county vehicle. Daniel responded that many of those things were offered and talked about but never approved. Since April of 2010 no changes have been made. Daniel believes that a great deal of the confusion is that some people think there are things in there that aren't really included. Many policy issues have been adopted by resolution but aren't included in the PP. Paul D. suggested the Board approve a PP and concerns can be addressed during that time. Daniel received a proposed contract from Teamsters that includes language they use. The language is more detailed than previous contracts. Much of the language deals with issues addressed in the PP. Teamsters have asked that the language be worked through prior to the spring when the finance issues are addressed. Daniel suggested that the collective bargaining language and the PP be worked on simultaneously. Paul D. reiterated that we are functioning using two different policies. No action is taken on this item.

#30-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS will be traveling to New Orleans in December. Paul M. suggested that it is time to have another report from the Ambulance Administrator. **COMMISSIONER KEVIN PHILLIPS** met with Steve Chouquer, Paul Donohue, Victoria Barr and Mike Dwyer last week concerning road agreements. Kevin opined that the alleged violations on the Oak Wells/Kixmiller/Devlin Homestead roads don't meet the definitions of the trespass. BLM is not entirely up to speed on what can/can't be done on those roads. Kevin attended JCCIAC meeting. **COMMISSIONER TOMMY ROWE** attended a Local Elected Officials meeting in Las Vegas for the Southern NV Workforce Investment Board last week; LC has been named in a law suit. LC is making a payoff as a parting settlement for an employee. All of the funds are handled through grants received and handled in Clark County. LC's portion of the settlement will be approximately \$45. Tommy attended the renewable energy workshop in Pahrump on the 9th. Tommy doesn't feel that they were using local information in their planning departments as the statewide sites being considered don't have transmission capabilities. Tommy met with the Air Force in Alamo, along with Ed. Tommy attended the LCWD on the 16th. Tommy attended the JCCIAC meeting in Caliente on the 17th. Tommy attended the Tri-County meeting in Ely on the 18th. BLM is nearly fully staffed and ready to move on issues that have been tabled in the past. **COMMISSIONER ED HIGBEE** met with the Air Force on 11-15 concerning renewable energy. Ed apologized to Assessor Melanie McBride concerning the trespass issue discussed at the last Commission meeting. The Assessor's office will no longer do DMV in Alamo. **COMMISSIONER PAUL DONOHUE** went to Las Vegas on 11-8 concerning NDOT connecting NV issues. They are working to create a roads plan that will extend to the year 2050. Paul D. mentioned the beltway into Mesquite as well as road work that would be required for Coyote Springs. Paul D. discussed the requested turn lane on Airport Road with NDOT and advised that people are getting hurt. Paul D. has received complaints about different situations, including an old single wide trailer sitting behind Pioche Public Utilities' barn. People are concerned about how unsightly it is and that inmates are going in and out of the trailer. People in Rachel have complained that the property adjacent to the Rachel Park is a dump. Paul D. asked if there is anything that can be done. Daniel cited the public nuisance law and what is required. The Sheriff has to declare a public nuisance, then it's sent to the DA, who gives the owners 14 days to abate the nuisance. If it isn't cleared up, it goes to court. Cory Lytle stated that he's spoken to the owner of the trailer. The trailer is a dope trap for prisoners. The owner of the trailer has advised they haven't the money to get rid of the trailer. Paul D. suggested that it be used as practice for the fire department. Once burned, it is still an abatement issue. Paul D. received a call from Victoria Barr, BLM, who advised that they went to the Dry Lake Valley communications site. The site doesn't meet their standards; Paul D. responded that he doesn't know anything about this site and is unaware of its existence. Victoria said the site is in Dry Lake Valley and it has sage brush growing all around and it's not fenced. Paul D. will follow up on this. Paul D. met with Steve Chouquer concerning hiring to fill a vacant position. Paul D. stated that he feels the Caliente BLM office is more amenable to working with LC than the office in the north. Paul D. suggested that LC proceed with getting the Delamar ROW.

#31-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins attended the NV Cattleman's Association last Monday in Carson City. Connie attended the SNWA water hearings that morning. Hank Vogler stated that the project is an environmental holocaust. Connie stated that Amy Leuters of BLM is talking about a westwide planning effort for wildlands. Amy discussed horses, fires, and renewable energy as well. The man from US Forest Service spoke about water rights. It is Forest Service's national policy not to allow any improvements or maintenance to existing water rights without a rancher giving a portion of the rights. They are asking for 50% of the water right in the name of the US Forest Service. This issue is being litigated. Department of Interior has issued a report that is focused on recreation on public land. One of the things that skews this is that they include the national parks. It creates less than one job per allotment; this is completely erroneous. The National Cattleman's Association has hired three economists as well as John McClain to analyze this. During that meeting, there were two ladies that taught them how to research land and water rights for proof of vested water right claims. Katie DeLong and Teresa Yuri advised as to how and where to research. These ladies will present classes throughout NV during 2012 and Connie recommended that everyone attend. This helps solidify the claim and get a certificate of use. Treasurer Kathy Hiatt stated that Jo Lloyd and Gerri Phillips have been working to clean the Caliente library. It isn't going to be opened as there are no computers, no way to check out the books, and Tracy Lee won't be able to get down there until 11-30. Tracy will see what he can restore. Gerri is willing to go down there and work, but there is no way to check out books. It may not be open until after the first of the year;

it all depends on how much can be restored and whether or not we can get a librarian. All of the books have been taken off the shelves. If the computer can't be restored, volunteers will be needed to scan every last one of the books in. The library board members have offered to volunteer. The desk and all of the files from the filing cabinets are gone and no one knows where they are. Connie Simkins asked if it would be helpful to have the web students help scan in bar codes. Yes. Dave Maxwell wished the Board a Happy Thanksgiving.

#32-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 1:32 p.m.

Attest: _____ Approve: _____

DRAFT