



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 5, 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 9:07 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS
ED HIGBEE
TOMMY ROWE
PAUL DONOHUE

LISA LLOYD, Clerk
MATTHEW CARLING, Deputy DA

ABSENT: PAUL MATHEWS

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

#2-PUBLIC COMMENT

Tommy called for public comment. Wade Poulsen stated that LCWD has reached an agreement with the Seeno Brothers and Vidler. LCWD would like to hold a special meeting to approve the agreement on 12-19 at 12p.m.

CONSENT AGENDA

#3 For Possible Action: Approve/Deny minutes of the November 21, 2011 meetings.

#4 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 Paul D. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$663,839.75 with estimated expenditures being \$163,355.42. This leaves General County with a balance of \$500,484.33. Transportation has a cash balance of \$13,696.03 with estimated expenditures being \$5,218.16. This will leave Transportation with a balance of \$8,477.87. Senior Nutrition has a balance of \$8,872.34 with estimated expenditures being \$8,913.69. This will leave Senior Nutrition with a negative balance of \$41.35. Detention Center has a negative cash balance of \$191,029.09 with estimated expenditures being \$86,730.48. Detention Center will have a negative balance of \$277,759.57. We are still waiting for two payments (October/November). Solid Waste has a balance of \$57,461.03 with estimated expenditures being \$23,556.99. Solid Waste will have a balance of \$33,904.04. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,622.59 with estimated expenditures being \$45.98. Airport will have a balance of \$3,576.61. Planning has a balance of \$23,920.16 with expenditures being \$2,684.74. Planning will have a balance of \$21,235.42. **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 D. Kevin disclosed that he is part owner of Mountain Merc, and he abstained from all discussion concerning the store as well as the vote. Motion carries. Ed made a motion to approve the vouchers for LC Telephone System; seconded by Kevin. Paul D. disclosed that he works for this company and abstained from the vote and the discussion. Motion carries.**

#6-NATIONAL RADON ACTION MONTH

Paul D. made a motion to approve the proclamation declaring January 2012 as National Radon Action Month; seconded by Ed. All voted in favor.

#7-ORDINANCE #2011-05

This item concerns an ordinance entitled "Authorization for the Building and Planning Department to Issue Misdemeanor Citations", which amends the County Code to authorize the LC Building and Planning Department to prepare, sign, and serve misdemeanor citations, pursuant to NV Revised Statutes Chapter 171, to enforce the provisions of Title 11, and to prosecute any violation thereof diligently. Vaughn Higbee stated that he is face with many restrictions as a property owner, including turtles and wetlands. Vaughn stated the only thing he has the right to do is pay taxes. You can't build, farm, or do anything without an agency telling you what you can do on your property. Matthew Carling stated that under this type of system, any system that infringes on private property can only be enforced by the executive branch. Whoever enforces this must be 100% electable, not appointed. Any type there is a private property issue, it must go before a public body. **Paul D. made a motion to set a date for public hearing on January 3, 2012 at 11:00 a.m.; seconded by Kevin. All voted in favor.**

#8-LINCOLN COUNTY COURTHOUSE

This item was tabled to 12-19 meeting.

#9-OFFICER/DEPARTMENT HEAD REPORTS

LC Health Nurse Jean Lucht advised that she received 100 doses of flu vaccine and has 12 left. Jean attended a LEPC meeting. Chuck Reifsnnyder and George Rowe were nominated. Jean's office will continue to support LEPC but she won't be co-chair.

#10-HIGHWAY COMMISSION

This item is handled under separate agenda.

#11-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#12-RETIRED SENIOR VOLUNTEER FOOD DROP PROGRAM

Jean Lucht stated that we have the opportunity to get a couple more food drops if we obtain a 5th wheel trailer. We need a trailer that's about 25 feet long due to the amount of pallets we get from Beryl Junction. All of the food goes to anyone who wants it. There is no "income criteria". Paul D. stated we really need a trailer, and suggested that Federal In Lieu funds be used for the purchase. There is some discussion about purchasing a used truck as well. No action is taken on this item, it will be on the January 3rd agenda, and Jean and Paul D. will look for a used trailer in the meantime.

#13-ROAD MAINTENANCE AGREEMENT

Paul D. stated that he and Kevin met with Mr. Dwyer and Mrs. Barr of Bureau of Land Management (BLM) regarding the road maintenance agreement. Paul D. stated that if the county doesn't sign the road agreement BLM will follow through with the trespass. Paul D. will meet again with Mr. Dwyer and Mrs. Barr on 12-8. Kevin stated that, until he sees what they have in their file, he doesn't believe there is a violation on Kixmiller. The county can bill BLM for the roads that we maintain. There is some discussion concerning ownership of the roads, including pursuing legal rights-of-way (ROW). Cory asked if we can get a better list of the roads and the ROWs. Paul D. suggested that we pursue a 200 ft. ROW on the Delmue Road and that the process for the ROWs be started. Dawne Combs asked who will be responsible for filling out the paperwork for the ROWs. Paul D. advised that his understanding was that all of it would be done by BLM. Paul D. will work with the Road Department to obtaining the Delmue Road ROW. The road agreement is still in the works, and this item is just an update. No action is taken.

#14-LINCOLN COUNTY AMBULANCE SERVICE

Sheriff Kerry Lee met with Missy Rowe and they arrived at a flat fee of \$300. **Paul D. made a motion to approve the cost to the Sheriff's Office for ambulance service at \$300; seconded by Ed. All voted in favor.**

#15-LAKE VALLEY GROUNDWATER ASSESSMENT

The Board has received a letter from the NV Division of Water Resources advising that they've not received the payment for assessment of FY 2010-11 in the amount of \$9,977.49. Also owing is this year's assessment for the same amount. The total amount the state is requesting is \$19,954.98. No action was taken on this item and it was continued to the next meeting so that Lisa may research to see if we've already paid last year's assessment.

#16-CALIENTE LIBRARY

Kathy Hiatt reported that the library is 90% cleaned up, and they are still working to re-shelve the books. Hand checkouts are being used. A list is posted on the door every Monday outlining the hours that it will be open. There is an advertisement in the newspaper seeking a librarian. Tracy Lee worked on the computers Wednesday and they are all ruined. The state wants their computers back and the checkout system on the county computer is gone. It will have to be reinstalled on the computer and each book will have to be reentered into the system. No funds are missing. Paul D. stated that he understands that unless you take a hammer to a computer the information should still be there. Paul D. suggested that someone else be brought in to fix the computers. Jo Lloyd will present applications to the Board to hire and fill the vacant librarian position on 12-19. No action is taken as this is an update only.

#17-JEREMY LUDLOW, DDS

Jeremy Ludlow, DDS, is requesting a letter of waiver addressed to the NV Dental Board for limited license. Jeremy and another dentist, Dr. Ryan Gun, will be practicing in Caliente and this license would allow him to practice only in LC. Paul D. advised that Dr. Gun is his dentist. **Paul D. made a motion to approve the letter; seconded by Ed. All voted in favor.**

#18-QUARTERLY JAIL TOUR

This item was tabled.

#19-AGREEMENT RE: YUCCA MOUNTAIN/NV TEST & TRAINING RANGE

This item concerns the Memorandum of Agreement (MOU) between the Board of LC Commissioners and Lincoln County Regional Development Authority regarding the preparation of a Strategic Plan for capitalizing upon the prospective beneficial economic impacts associated with development and operation of the Yucca Mountain repository system and other activities on the NV Test and Training Range. Mike Baughman reviewed the agreement. The financial amount is the same, but the scope of work and dates are different. This agreement was approved by the JCCIAC and was included in the budget. **Kevin made a motion to approve the MOU; seconded by Ed. All voted in favor.**

#20-LC REGIONAL DEVELOPMENT BOARD OF DIRECTORS APPOINTMENT

LC Regional Development Authority (LCRDA) recommends that Dave Luttrell, Keith Pearson, or Bevan Lister be appointed to the LCRDA Board of Directors. **Kevin made a motion to appoint Dave Luttrell to LCRDA Board of Directors; seconded by Ed. Paul D. disclosed that his son is an employee of LC Power District. All voted in favor.**

#21-NUCLEAR WASTE

Connie Simkins, Nuclear Oversight Coordinator, presented comments to the draft site-wide Environmental Impact Statement for the Department of Energy (DOE)/National Nuclear Security Administration (NNSA), NV National Security Site and Off-Site Locations in NV. Tommy asked that the language in the last sentence of the letter be changed to read: I trust these comments to be of assistance in helping DOE and NNSA to continue its important operations in a manner mutually beneficial to Lincoln County, the State of Nevada, and the United States of America. **Ed made a motion to approve the comments letter, including the suggested changes; seconded by Paul D. All voted in favor.**

#22-LC NUCLEAR OVERSIGHT

Connie Simkins reported that Paul D. and Paul M. will go to New Orleans next week for the ECA meeting. England is in the middle of a plan to create two fast reactors to dispose of weapons grade plutonium. The US

Senate will vote on amendments to the water and energy act this week. Connie made brief statements at the solar PEIS supplemental draft meeting. Connie encouraged them not to keep a variance area for the rest of Dry Lake area north. Connie encouraged them to make the rest of Dry Lake area north as a solar exclusionary. The BLM will discourage applications in this area if that status is achieved. Vaughn Higbee stated that he listened to a TV program from Las Vegas. There was an individual from BLM and there was a hunter on the show; they discussed what solar would do to public land. The BLM person stated that it would be possible for BLM to issue these other permits if they so chose; this made Vaughn very nervous. Even if the four power lines we already know about were built to capacity, the amount of area for solar needed to create enough power to fill those lines can be created within the Ely Springs cattle allotment; there is plenty of room to meet the amounts those entities have on paper.

#23-LC PERSONNEL POLICY

Paul D. stated the Board approved a policy on April 2010; this is the version that everyone should be using. Not everyone is using the current edition. No action taken on this item.

#24-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS went to Washington, D.C. last week. Kevin visited with the NV Delegation and asked for amendments to LCCRDA. Kevin spoke with Bob Abbey of BLM while there, as well. Kevin met with Senator Reid's aid concerning reimbursement to the LCWD. Kevin attended the Blue Ribbon Commission meeting the next day. It's more of the same. There is a need for a national repository, they'll seek consensus for an area that wants to receive a facility to host spent nuclear waste. This was the last meeting of the Blue Ribbon Commission and they will now deliver a report to the President. **COMMISSIONER TOMMY ROWE** reported that a complaint has been filed concerning all of the unpaid monies required pursuant to changes in the statute. Tommy discussed redistricting. Tommy disagrees with having to share a Congressional representative with Las Vegas; rural NV shouldn't be represented by a metropolitan area like that. Tommy attended a forum on solar energy on 11-29 & 30. Tommy also attended the supplement to the draft solar PEIS; he offered comments. Tommy drove to Yerington for the NACO meeting last Friday. **COMMISSIONER ED HIGBEE** advised that he met with Sean Sanchez regarding the Pahranaagat Valley preserve. Assessor Melanie McBride will no longer do DMV work in Alamo. Ed disagrees with this, and stated he is representing his area and the DMV services are needed. Ed stated he doesn't feel it's a big issue to ask the Assessor's office to continue serving Pahranaagat Valley. Ed called DMV, and they advised that it isn't against any rules. Paul D. suggested that the Board can write a letter requesting her to reconsider her position. Ed stated there are some very upset people in the Pahranaagat Valley. Ed, as their representative, is bringing this issue forward. Ed stated his job is to protect the people of this county and asked what good the Commissioners are if they don't help the residents. Assessor Melanie McBride advised that Ed can gather up the DMV things for them and bring them up here when he comes for Commission meetings. Melanie stated she is like the pony express service; they don't have computers to do anything down in Alamo. If Ed will bring those things up, they will do all of the DMV work the same day. Melanie stated that the reason this service was cut is because the Board asked Daniel to look into her policies. Daniel discovered that going to Alamo and providing this service is the only thing that isn't part of county policies and procedures. Tommy agreed that the service needs to continue and be extended to as many people as possible. Melanie cited that this is one part of the job that isn't supposed to be done; it was continued because it's been done for so many years. **COMMISSIONER PAUL DONOHUE** reported that he missed the meeting with Brian Scroggins. Paul D. has met with Steve Chouquer many times. Steve wants Paul D. to go over the applications for the vacant position. Paul D. will speak with Steve about the Mathews Drop Structure. The VPN from the courthouse was discussed with Felix Murrin; he's been very ill so that issue hasn't been resolved. Paul D. stated he's been approached by BLT Group and Chris Armstrong concerning the costs of the annexation. Paul D. will provide them with Dan MacArthur's estimates.

#25-PUBLIC COMMENT

Tommy called for public comment and advised that he received a call last Friday from Linda Bissell of NV Energy stating that due to some problems that they have on the new power line several towers have collapsed. Some of the poles were dangling from cables. They've had to close down several roads in both Lincoln County and Nye County. No injuries occurred. The roads that are being closed are project access roads and a BLM road. Construction on the line continues as before. Connie Simkins stated that Linda Resighee, Renewable Energy in D.C., is retiring. Vaughn Higbee reported on the Mathews Drop Structure. Mr. McDonough doesn't

feel like SNPLMA funding will be available for this project. However, he gave Vaughn an application to work on the entire Meadow Valley water basin flood structures. Vaughn stated they will try to set it up so that the different dams and streams will be cleaned to protect downstream structures, including Lake Mead.

#26-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 1:57 p.m.

Attest: _____ Approve: _____

DRAFT