



LINCOLN COUNTY BOARD OF COMMISSIONERS

June 18, 2012
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 9:04 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 6-12-12. The Invocation was offered by Ed and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny minutes of May 10, June 1, and June 4 meetings.
- #4 Approve/Deny a resolution to transfer within the General Fund for Fiscal Year 2011-2012.
- #5 Approve/Deny a resolution to transfer within the Pioche Town general funds for Fiscal Year 2011-2012.
- #6 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 with the exception of the minutes; seconded by Paul M. All voted in favor.

#7-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$555,440.37 with estimated expenditures being \$143,194.62. General County will have a balance of \$412,245.75. Transportation has a cash balance of \$8,200.46 with estimated expenditures being \$2,451.54. This will leave Transportation with a balance of \$5,748.92. Senior Nutrition has a balance of \$10,219.19 with estimated expenditures being \$7,162.62. This will leave Senior Nutrition with a balance of \$3,056.57 but a budget transfer of \$48,000 will be made soon. Detention Center has a negative cash balance of \$98,932.24 with estimated expenditures being \$71,032.22. Detention Center will have a negative balance of \$169,964.46. The transfer hasn't been made yet as Leslie is waiting on the Department of Taxation. Solid Waste has a cash balance of \$55,485.37 with estimated expenditures of \$135.99. Solid Waste will have a balance of \$55,349.38. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$9,938.33 with estimated expenditures being \$297.60. Airport will have a balance of \$9,640.73. Airport loan is due 6-30-12 in the amount of \$6,000. There was some discussion concerning forgiving the loan or requiring it to be paid back. No decision was made. Planning has a balance of \$31,142.81 with expenditures being \$2,986.35. Planning will have a balance of \$28,156.46. **Paul M. made a motion to approve the vouchers as presented with the exception of Mountain Merc vouchers; seconded by Kevin. Paul D. was absent for the vote. Motion carries. Ed made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin disclosed that he is part owner of that company; he abstained from the vote and conversation pertaining to Mountain Merc. Paul D. was absent for the vote. Motion carried.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner advised that the CFOA conference will be held this week. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised that he received an email from Springfield, PA, from a lady that has a team program going. They've read our county website and emailed a link on fire safety; this link has been included on the county's website. **DISTRICT ATTORNEY** Daniel Hooge discussed Item 17. He's been working with C&O Holdings and City of Mesquite; they are close to finishing negotiations. In principal, they've agreed to retract the annexation and the lawsuit will be withdrawn. They will go back to working out different memorandums. Daniel has been working with Leslie concerning augmentations to his budget; \$10,000 was spent on an expert witness. **BUILDING/PLANNING DEPARTMENT COORDINATOR** Cory Lytle stated they are working on GIS issues. A gentleman from NDOT came in last week; they are looking at a preliminary agreement with NDOT to trade data. Cory has been working with Connie on sage grouse issues. The Delamar patent application is pending. The road inventory maintenance plan is moving forward. Building Department has been busy. Cory continues to work on the Pioche Park and LC Fairgrounds projects.

#9-2012 PRIMARY ELECTION

Clerk Lisa Lloyd advised that things went very smoothly for the Primary. Turnout was 32.46% and there were no major issues; the equipment ran well. **Paul D. made a motion to approve the canvass for the 2012 Primary Election; seconded by Ed. All voted in favor.**

#10-COMMISSION MEETING DATE CHANGE

Kevin made a motion to change the regularly scheduled Commission meeting from November 5 to November 12; seconded by Paul D. All voted in favor.

#11-HIGHWAY COMMISSION

This item was handled under separate agenda.

#12-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#13-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#14-COYOTE SPRINGS GENERAL IMPROVEMENT DISTRICT

This item was covered under separate agenda.

#15-NEVADA PUBLIC AGENCY INSURANCE POOL

Wayne Carlson presented the benefits. \$264,601.25 is the total cost, and it's a 4% reduction from last year. **Paul D. made a motion to accept the renewal proposal from Nevada Public Agency Insurance Pool (NPAIP) and to pay the premium from FY 2012-2013 funds; seconded by Ed. All voted in favor.**

#16-LINCOLN COUNTY AIRPORTS

Gordon Wadsworth offered a proposal for liability insurance for the Lincoln County Airports through POOL/PACT. There has been no change in premium coverage from last year. **Paul D. made a motion to approve the liability insurance through POOL/PACT and to pay the premium with FY 2012-2013 funds; seconded by Ed. All voted in favor.**

#17-MESQUITE ANNEXATION

This item was tabled.

#18-LACOUR STREET SEWER BID

Phyllis Robistow addressed the Board concerning the LaCour Street sewer replacement bid. The bid being brought forward for approval is from Barajas & Association, Inc., in the amount of \$86,494.15. There is a problem with this part of the grant as there is only \$71,000 left. This means we are short about \$15,000 on the bid and there is no contingency funding. It looks as though the sewer capital projects was ignored; nothing was budgeted in this category and Pioche requested \$14,000. Paul M. stated that they can transfer money into that

category. Phyllis hopes to be able to augment the budget; she will work with Paul D. and Dan McArthur to sort this out. Even with the \$14,000, they don't have enough money and Phyllis asked that the Commissioners give them grant match funds from PILT. There was some discussion concerning RTC funding, which was received in the approximate amount of \$40,000. Phyllis' request is for additional funds, over and above the RTC funding. Phyllis stated that they need an additional \$30,000 from PILT Grant Match. Barajas has been advised that there is no funding for change orders. Phyllis commented that they are working with the businesses along the streets and there will be access to the businesses 24/7. Paul D. commented that PILT funding is tight and the funding issues must be addressed before awarding the bid. Paul M. responded that there is some money on the Grant Match funding side, but he questioned why the county would pay \$30,000 when it is unknown what Pioche can afford. Paul M. recognized this is a county grant, but asked if it would be more consistent to require Pioche to figure out how to afford the grant match. Grant Administrator Elaine Zimmerman said the funding wouldn't be used unless it was needed. Paul M. asked if Pioche can cover the deficit through shuffling budgets or is this just a loan. The Board needs to decide on the definition of the county-Pioche relationship. Paul D. commented that, based on the advice from the DA's office concerning the county's relationship with Pioche, Pioche needs to decide whether or not they can afford the grant. Pioche needs to figure this out. Phyllis asked if Pioche Town can do transfer to cover the project. A contract needs to be approved that matches the grant funding available. There is some discussion about approving the project per linear foot, to be paid until the funding runs out. The project can be reduced to match the funding available. There was continued discussion concerning a loan from the county to pay for the project. No decision was made about a loan. **Paul M. made a motion to approve the bid in the amount of the grant funds available, approximately \$71,000; seconded by Ed. All voted in favor.** Pioche Public Utility will continue to research funding.

#19-LACOUR STREET SEWER CONTRACT

Elaine will revise the contract to fit the \$71,000. **Paul D. made a motion to approve the contract with Barajas & Associates contract (in an amount to match whatever grant funds are available); seconded by Ed. All voted in favor.**

#20-HOSPITAL BOARD APPOINTMENT

Kevin made a motion to appoint Teresa Hansen to the Hospital Board; seconded by Paul M. Paul D. was absent for the vote. Motion carried.

#21-DISBURSEMENT OF LAND SALE PROCEEDS

This item concerns the designation of the fund for the proceeds from the District Court land sale of Assessor's Parcel Number 001-132-05 to Michael and Mary Rydberg in the amount of \$1,950. Historically, the proceeds from sales have gone to the town of Pioche. The DA has advised that this money can be put in any fund the Board wants it in. **Paul D. made a motion to put the \$1,950 in Pioche Fund; seconded by Ed. All voted in favor.**

#22-MUSEUM BOARD APPOINTMENT

Paul D. made a motion to accept the resignation from Mrs. Phillips and to appoint Kathy Hefner to the Museum Board; seconded by Ed. All voted in favor.

#23-NUCLEAR OVERSIGHT PROGRAM

Vaughn Higbee commented that DOE spent \$20 billion in settlement fees to the big reactors for not taking possession of the nuclear waste material as passed on 1989. DOE spent \$188 million for litigation in 24 cases that cover 65 reactors. All cases assume that the government will accept this stuff by 2020, which isn't possible. The Appeals Court ruled that the big companies should no longer be required to continue paying the fee. Money is being spent frivolously. Maybe Yucca isn't the answer, but you'd have thought they'd do something to meet their contract. The federal government can pass a law, not be required to meet the law, and they are not required to meet their obligations. The amount of money that our federal government has paid out is mind boggling, and they still have billions of rate payers' money sitting there. This continues to put pressure on DOE to move and take this stuff. As the courts rule that they can't leave the rods and cooling tools on site, this creates pressure on the NRC to act. Vaughn doesn't think anyone can say that the government cares that they are spending so much; billions of dollars worth of expenditures could've been avoided. Vaughn commented that he is required to meet his contracts and obligations and obey the law or he goes to jail. The federal government

will have to move quickly to meet the 2020 deadline or the current numbers will increase vastly. Connie Simkins advised that the hearing last week for the NRC nomination went smoothly. Mike Baughman will be here this afternoon to discuss the three cases that are before the US District Court of Appeals. One deals with whether or not rate payers should be required to continue to pay. The idle fleet of Japanese nuclear power reactors has permission to restart two reactors. Dr. Mike Baughman proffered updates with regards to the legal actions taking place concerning Yucca Mountain.

#24-SAGE GROUSE CONSERVATION WORKING GROUP

Connie Simkins presented this item, which concerns a comment letter for Governor Brian Sandoval's sage grouse conservation working group, Greater Sage-grouse Advisory Committee. The number one threat to sage grouse is predators. BLM has determined that they will treat sage grouse as though they are already listed. Paul D. asked how we stop that. Connie responded that the county has taken the first step. BLM is operating under two Interim Management Directives. Back in January, the Board approved a letter that speaks to the parts of the IM that would have BLM treat sage grouse as though it is already listed. This letter today is the next step in proffering input to the Governor's experts. NV is working towards creating a plan similar to WY's, while hoping for the same outcome. Paul D. understands that BLM doesn't want this species listed, yet they're ramping up like it's going to happen. Paul D. is worried about the "ramping up efforts" because it doesn't take much more than that to make it official. Paul D. asked if the Board can take a strong stance and say that nothing can be done in LC without LC's involvement/coordination in the process. We went through a similar scenario when we were dealing with wilderness. Listing these birds, and their habitats, has severe impacts to cattle grazing. Vaughn Higbee commented this is a symptom of a greater issue; we need to watch and get NV more involved in what's happening in UT. UT is working to wrest these rights back from the federal government and put them back in the hands of state/local governments. All issues will be negated except the issues around the sage grouse; every decision will be because of that. Once this becomes reality, then everything we do will have to be to the benefit of the bird. BLM will put together a management plan, and they will have all the authority; the county will have none and everything will be directed at sage grouse, tortoise, willow flycatcher. We are to the point where we have no more rights, Vaughn said. There is no such thing as multiple use anymore. Cory Lytle stated that a strong emphasis is put on the plan LC came up with before; we are so much farther ahead than other areas with this issue. Connie presented maps to the Board and reviewed them. **Paul D. made a motion to approve the letter; seconded by Kevin. All voted in favor.**

#25-VANGUARD PEST CONTROL

Cory presented a sheet showing the breakout, and costs, for all entities using this service. **Kevin made a motion to approve the contract, and scope of work, with Vanguard for pest control services; seconded by Paul M. Paul D. was absent for the vote. Motion carried.**

#26-MEADOW VALLEY WASH

Paul M. stated that the risk of asking for this outweighs the benefit. This survey is the opportunity to club everyone up and down the whole valley over the head. Paul M. stated he isn't willing to subject the county to this kind of scrutiny. Cory stated that he's received costs from Sunrise Engineering for a study. The cost of the study will outweigh the costs to rebuild the Mathews Drop Structure. Paul M. said when this kind of a study is done, it is so in-depth that it'll be a hook that all environmental entities use to bring everyone into compliance. Without a study like this we are prevented from getting some of the other types of funding. Sometimes the requirements for compliance are completely overboard. Vaughn Higbee agreed with Paul M. This study, it seems, is similar to an environmental impact study; Cory can research how extensive this study would be. Vaughn feels the whole idea is just to fix the old structures. A tour of the structures was conducted and identification of repairs has been made. The problem boils down to funding. Vaughn Higbee asked who has to do the study. Army Corp of Engineers. Paul M. stated he doesn't feel the need is such that we should open ourselves up to such scrutiny. All government programs have a hook; "we'll give you the money, as long as you do x, y, z". This survey would be the same thing. No action was taken on this item.

#27-LINCOLN COUNTY COURTHOUSE

Paul M. made a motion to approve the contract with B.L. Construction for improvements to the Lincoln County Courthouse courtroom; seconded by Kevin. Paul D. was absent for the vote. Motion carried.

#28-MEADOW VALLEY WASH LINEAR PARK

Paul M. made a motion to approve Amendment #2 for Sunrise Engineering in an increased amount of \$61,000; seconded by Ed. Kevin disclosed that his son is a principle engineer with Sunrise; he abstained from discussion and the vote. Paul D. was absent for the vote. Motion carried.

#29-MEADOW VALLEY WASH LINEAR PARK

Ed made a motion to approve Change Order #2 for Kokopelli Landscaping in the amount of \$44,326.74; seconded by Paul M. Paul D. was absent for the vote. Motion carried.

#30-LINCOLN COUNTY SENIOR SERVICES NUTRITION PROGRAM

Paul M. made a motion to approve the Notification of Grant Award for Lincoln County Senior Services Nutrition program in the amount of \$18,305; seconded by Kevin. Paul D. was absent for the vote. Motion carried.

#31-ALAMO LANDING FIELD

Paul M. made a motion to approve the signature of the closing documentation for the Alamo Landing Field Phase I; seconded by Ed. Paul D. was absent for the vote. Motion carried.

#32-QUARTERLY JAIL TOUR

Kevin and Ed toured the jail and found all in order. The outside yard at the Detention Center is closed until the new razor wire is installed. DC is doing a great deal of maintenance right now. Currently there are over 80 inmates. The plumbing project is nearly complete.

#33-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS attended the pinyon-juniper conference in Ely last week. **COMMISSIONER TOMMY ROWE** came up here last Monday to meet with the Teamsters at 10:00; no one showed up for the meeting. Tommy will attend a NACO meeting in Carson City later this week. **COMMISSIONER ED HIGBEE** will be attending a meeting conducted by the Wayne Hage family to discuss the settlement in their court case. They sued for damages for taking when he was trying to clean his water ditch. The judge has ruled that BLM should pay Mr. Hage and do some paperwork items; this hasn't been done. The judge reprimanded BLM last week. This decision has far ranging affects in how we can deal with federal agencies. In the past, BLM has had a cloak of immunity around them and you couldn't sue. That isn't the case anymore. Ed stated that Hatches and Whipples have been trying for months to get approval from the state fire marshal to open up their business. They've had to turn away customers. Ed thanked Cory Lytle for his hard work on getting these issues cleared up. Ed met with the state inspectors at R Place; R Place is working to put in a new septic system. Alamo Truck Stop has closed down.

#34-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins stated there was a controlled burn in Spring Valley. The fire got away from them and this morning it has burned 22,000 acres. One structure has been burned. NV Legislature Public Lands Committee will meet tomorrow in Ely; Kevin will attend. Connie agrees with Paul M. concerning the Meadow Valley Wash study. Connie owns a few acres north of the drop structure; she's received a letter from US F&W instructing her not to cut her field until July as they believe there are endangered orchids living there. Connie sent them a letter several years ago but has not heard anything since. This study on the MV Wash could have a terrible impact on private property. Connie has been working with the Hafen Brothers as a government agency has identified property at Barclay as a wetland. The only reason it's a wetland is because the brothers installed a pipeline in there. In a short amount of time, with a leak or irrigation, you can end up with a wetland and certain species growing.

#35-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 1:34 p.m.

Attest: _____ Approve: _____