



LINCOLN COUNTY BOARD OF COMMISSIONERS

March 18, 2013
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips, Vice Chair
Adam Katschke
Paul Donohue
Ed Higbee, Chair

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Ed Higbee called the meeting to order at 9:00 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: ED HIGBEE
PAUL DONOHUE
ADAM KATSCHKE
KEVIN PHILLIPS
PAUL MATHEWS

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 3-12-13. The Invocation was offered by Adam and Paul M. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny minutes of the March 4 meeting.
- #4 Approve/Deny appointment of Peggy Decker, Marty Buschman, Kerry Lee, Frankie Cheeney, Glen Zelch, Kathy Hiatt, Rita Cheeney, Nathan Adams, and Aaron Boyce as board members to the Pioche Recreation Park Organization.
- #5 Approve/Deny the officers for the Pioche Recreation Park Organization as follows: President-Glen Zelch,
Secretary-Rita Cheeney, Treasurer-Keith Stever, and Director-Keith Stever.
- #6 Approve/Deny the exchanging of landfill duties from Commissioner Kevin Phillips to Commissioner Adam Katschke.
- #7 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.

#8-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$580,748.83 with estimated expenditures being \$172,745.68. General County will have a balance of \$408,003.15. Transportation has a cash balance of \$71,445.58 with estimated expenditures being \$10,408.71. Transportation will have a balance of \$61,036.87. Senior Nutrition has a balance of \$80,227.24 with estimated expenditures being \$8,419.36. Senior Nutrition will have a balance of \$71,807.88. Detention Center has a cash balance of \$14,559.64 with estimated expenditures being \$79,416.61. Detention Center will have a negative cash balance of \$64,856.97. Solid Waste has a cash balance of \$98,676.72 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$4,434.03 with estimated expenditures being \$360.90. Airport will have a balance of \$4,073.13. Planning has a balance of \$28,243.23 with estimated expenditures being \$1,691.02. Planning will have a balance of \$26,552.21. **Paul D. made a motion to approve the vouchers as presented with the exception of the LCTS, Panaca Market, Mountain Merc, and Meadow Valley Pharmacy vouchers; seconded by Adam. All voted in favor. Paul D. made a motion to approve the vouchers for Mountain Merc; seconded by Adam. Kevin disclosed he is part**

owner of the firm; he abstained from the discussion and vote. Motion carried. Paul D. made a motion to approve the vouchers for MV Pharmacy and Panaca Market; seconded by Kevin. Adam abstained and disclosed that he is an owner of both Panaca Market and MV Pharmacy. Motion carried. Kevin made a motion to approve the vouchers for LCTS; seconded by Paul M. Paul D. abstained as he is an employee of LCTS. Motion carried.

#9-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner introduced a couple of landfill reduction questions with regards to billing. One is from Brent Hafen, who is representing four different properties with four different owners. Brent is requesting a reduction in landfill fees not only for himself but for the other property owners. They are concerned as they receive no service for their trash and they don't spend much time in Barclay. Also, they are full time residents of Utah and they haul their trash out with them. Brent stated they shouldn't be charged for a service they don't receive, but they are open to having a dumpster placed in their area. Shawn has reviewed all four parcels; one already received a seasonal credit. Brent has now been given the seasonal billing as well. One property owner has already paid the bill in full. The fourth received a bill for the full amount but hasn't called. Kevin stated these people are probably coming into Barclay from the Utah side; if that's the case, they wouldn't even pass a waste site. In the past, when discussions were held about a dumpster, the Board decided that it wasn't feasible to place a dumpster in Barclay. Paul D. stated that he feels the question has already been addressed; they should receive 50% off for seasonal. Shawn responded that she doesn't give the discount unless the individuals contact her. The other reduction request is from an individual who has two residences; one they live in and the other is occupied by their son. This person feels that they should receive a full discount for the second residence. If a property owner has two residences and both are occupied, then both are charged the full amount. Daniel cautioned the Board about making judicial decisions on a case by case basis; the Board needs to set policy and live with it. Adam was told that the son only stays in the other home when he comes up from Las Vegas. Daniel suggested that the people submit an affidavit stating such. Daniel stated the policy is that everyone pays, with a handful of exceptions that require individuals to meet a certain list of exceptions. Taking it at face value, the second residence would be exempt as the son only stays there when he comes up to visit. As far as policy is concerned, Daniel feels they should provide some type of affidavit or proof that states this is true. As of this time, no form is required. Adam will contact the homeowners to get more information; in the meantime, Shawn will work on drafting an affidavit or declaration that can be used for future cases. **DISTRICT ATTORNEY** Daniel Hooge reported that he attended a meeting with C&O Holdings last Thursday; they are interested in a couple of different development ideas that aren't necessarily geared towards traditional housing. Another meeting will be held this Thursday at 2 p.m. Daniel continues to await decisions from the District Court with regards to 2nd North and some other criminal actions. Hardy Construction lawsuit has been set for arbitration in August. Daniel advised that the Tri-County Weed closed on the property. **ADMINISTRATIVE ASSISTANT** Denice Brown reported that Toni Pinkham will be advertising for a replacement Meals on Wheels driver for Alamo. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised that LEPC met with State representatives from DEM to review the Hazard Mitigation Plan last week. **PLANNING/BUILDING COORDINATOR** Cory Lytle attended meetings with C&O Holdings. Cory will meet with another one of the developers from the Toquop area this Wednesday. Cory has been working on the E911 with the roads layer. He has a hard drive that they will try to run as a model to eliminate some of the issues they're having. Jason Pitts has contacts with Google and Bing; he's working to get updates. Paul D. stated that Google Earth only updates every couple of years; this will cause a few problems. The best thing that can be done is to get the roads layer fixed and working. Cory will continue to work on this. Cory is working on the road inventory plan, but it isn't happening as quickly as hoped. Cory continues to work on updates for planning. There are some challenges with the old Panaca Elementary building; various renovations will be needed and Cory hopes to get this moving soon. The projects will have to be prioritized and phased in; it will take some time to work through some of the challenges. Cory presented an update of the disposal acreages, which has been sent to the town boards. Formal recommendations will be presented for approval in May. By mid-May, the official list will be generated. Any R&PP designations will be included at that time. Victoria Barr has advised Paul M. that they are having a difficult time getting the Medlin process completed in Washington, D.C. BLM would like to change it from direct sale to competitive bid. Paul D. stated that Victoria has advised him that the sale must be competitive bid. Victoria has received the application back from Washington; they're trying to rewrite it so it will go through. Stewart, Frias, Stoker, and several others requesting direct sale will now have to face this problem. Cory will work on this issue with Daniel and the resulting letter will be on a future agenda for approval. Cory will

be sending documents to Alamo Town Board concerning the cost estimates from Sunrise for the staking of Horizon Drive.

#10-SOUTHERN NV PUBLIC LANDS MANAGEMENT ACT (SNPLMA) GRANT

Elaine Zimmerman, Grants Administrator, advised that it is fairly certain that we will not receive funding for Phase III. It is up to the Board whether or not they desire to continue with the land purchase and then install type II at a later time. The contract with Mr. Thiriot is contingent upon receiving funding. Originally, the type II funding was in Phase II. We still have the flexibility to purchase the property as opposed to purchasing type II via Phase II funding. SNPLMA nominations will not be done next year. Panaca feels that the small parcels will be beneficial if we can obtain. There is no guarantee that we will have the option to purchase those parcels in the future if we turn it down now. Paul M. suggested this issue be taken to the Panaca Town Board to see what their preference is; do they want the lots or the type II? No action was taken on this item as Paul M. will speak with Panaca Town Board to see what they prefer. Connie Simkins asked if the county has received the abstract of title from Mr. Thiriot yet. No, we have to make sure we have the grant funding first.

#11-GRANTS

Paul M. made a motion to approve and sign the Notification of Grant Award for the Lincoln County Senior Services for NSIP funding in the amount of \$7,625.50; seconded by Kevin. All voted in favor.

#12-ALAMO LANDING FIELD

Grants Administrator Elaine Zimmerman presented this item. We owe the contractor for the final payments. FAA will not release the funds until closeout documents have been submitted. **Kevin made a motion to approve and sign the documents pertaining to the closing of the grant from the Federal Aviation Administration for the Alamo Landing Field Phase II; seconded by Adam. All voted in favor.**

#13-HIGHWAY COMMISSION

This item was handled under separate agenda.

#14-LINCOLN COUNTY FIRE DISTRICT

This item was handled under separate agenda.

#15-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#16-WESTERN COUNTIES ALLIANCE

Ken Brown of Western Counties Alliance presented an update on public lands issues. The news for 2013 isn't as good as 2012. PILT payments are proposed to be cut by 5.1% due to sequestration. They are working towards eliminating the decrease, but it is unknown whether or not that will happen. Other issues Ken reviewed include Secure Rural Schools (SRS), geothermal, sage grouse, wild horse burro, public land transfer, and grazing fees. The SRS funding was received for 2013. The school district receives its funding when the taxes are apportioned. Ken asked the Board to budget \$2,300 for 2014 membership fees. No action was taken on this item as it was informational only.

#17-PLANNING COORDINATOR

This item concerns a request from the Planning/Building Department to replace the Planning Coordinator position, which may include internal promotion, external advertisement, or a reassignment of duties within the county. Cory Lytle addressed the Board and presented comparable numbers for the current position. Dawne Combs will be leaving soon; she submitted her resignation letter effective April 30. Several options have been discussed. The GIS program needs to continue moving forward; Cory has spoken with the Assessor's Office about this as they have some capable ladies who know how to do GIS. The possibility of hiring someone part-time versus full-time has also been discussed. One of the issues with hiring someone part-time is that there is a great deal to this job; the learning curve is very steep. It was also discussed that the Assessor's Office would do business licenses. Adam met with Victoria Barr of BLM; she thought some of the LC Land Act funds should be used for a planning person for the county. Right now, the ordinance would have to be amended to allow that. Paul M. responded that this is a can of worms. If the ordinance is changed and salaries are paid out of those

funds they will dry up. To date, the bargaining units haven't been able to use the funds. If the ordinance is changed, the arbitration rules change. The funds have been kept for capital improvement, not salaries/wages. The county has already contributed a tremendous amount of funding towards the land act. The law spells out clearly what BLM's money should be spent on; Paul M. wasn't certain why BLM is looking at our funds to see how we spend it. LC should have a say in how BLM spends the funds; the law is very clear about what the money can be spent on. If BLM would continue selling lands the funds would increase, but BLM isn't following through and the land sales aren't happening. At the time of the sales, the county had a tremendous peak in personnel hired to deal with the land act area. The economy changed and the county was spending a great deal of money on a project that had come to a complete standstill. Should that change again in the future, there are several ways to ramp that up again and handle the land act project. Paul D. advised that the meeting the other day included GIS and business licenses being handled by the Assessor's Office. This will leave the Coyote Springs GID secretary work, Planning Commission secretarial work (including all paperwork to do a variance), and several other things. One of the issues we run into is that if Cory and Richard are out doing inspections or attending meetings, there is no one to answer the phones. Dawne has advised that it will be difficult to handle this position, and the many responsibilities that come with it, under 19 hours per week. Discussions were held to see if there are other responsibilities that can be shifted to other elected officials. After these discussions were held, it was decided that a person needs to be hired for the position. If someone is hired at 19 hours per week they don't receive benefits, and this could result in a great deal of turnover. Cory advised that his department is busy with land act issues but he doesn't believe it would necessitate a full time planner. With moving GIS and business licenses, Cory doesn't believe a full-time person is needed. Cory would prefer to hire someone at 24 hours per week with benefits. Paul D. asked how the Board would feel if there was already a person working 19 hours per week for the county who would be willing to take this position on and go full time. Would that save any money? Discussions about how to advertise were held; in house or to the public? Adam reiterated his concern about the county's financial status. Cory advised that Melissa Free would be the person primarily responsible for GIS; she happens to be Cory's sister-in-law. Cory was willing to try and hire someone at 19.5 hours per week. Cory also asked for the ability to hire the individual, due to timelines. Paul M. stated that moving GIS and business licenses to the Assessor's Office and hiring a 19.5 hour per week person is the best option. **Paul M. made a motion to approve the advertisement for hiring a part-time 19.5 hours per week person, to use a hiring committee (Paul D., Daniel, and Cory), GIS and business licenses are reassigned to the Assessor's Office, and the committee has the discretion to hire; seconded by Kevin.** Daniel stated that statute says you can't hire someone within the third degree of consanguinity. The county policy says that you can't "supervise" an individual within that degree. **All voted in favor.**

#18-PUBLIC EMPLOYEES RETIREMENT SYSTEM RE: MARIBAH COWLEY

This item concerns a recommendation letter to the Public Employees Retirement System (PERS) about critical labor shortage in regards to Maribah Cowley's position as Special Investigator. The letter to PERS would request an exception as Maribah is the only qualified individual to fill this position of Special Investigator for child sex crimes. This position is funded through grants. **Kevin made a motion to approve the letter; seconded by Paul M. All voted in favor.**

#19-ENERGY COMMUNITIES ALLIANCE

Paul M. made a motion to approve the trip to the Energy Communities Alliance (ECA) New Leadership Peer Exchange, April 10-13, 2013, for Ed and Kevin; seconded by Adam. All voted in favor.

#20-GUN FREEDOMS AND CONTROL PROPOSALS

Paul M. made a motion to approve the letter supporting Second Amendment Constitutional rights and commenting on the current proposed legislation in the 2013 Nevada Legislature relating to gun freedoms and control proposals; seconded by Adam. All voted in favor.

#21-LC NUCLEAR OVERSIGHT

Connie Simkins advised there is a NWTRB meeting on April 16 in Virginia to discuss how they will handle the waste they have there. Connie will attend a meeting concerning renewable energy. There is a week-long meeting in August in San Francisco concerning packaging of radio active waste management. Connie has been attending solar meetings and will continue to do so. Connie has been active in the LC sage grouse planning

efforts. Today there will be a central committee for grazing boards meeting. Tomorrow afternoon there will be a JCCIAC meeting.

#22-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS attended a Tri-County Weed meeting last week. They're grateful for the help and support provided so they could purchase their new building. Paul M. has been approached concerning the support of a wagon train event. Next year is the sesquicentennial of NV. Several months ago a letter was sent to the county inquiring what we are doing to commemorate the events. The state would like to publish our celebration activities. Panaca Town is planning some things as it is also their sesquicentennial. The idea was to come from Enterprise to Barclay, and from Barclay to Panaca with a wagon train. The county would be asked to blade the roads and help with watering the stock. Permitting with BLM will be required. Kirt Johnson has talked about doing a derby on July 30; Paul M. asked if there is any way to include this in the fair. **COMMISSIONER KEVIN PHILLIPS** attended a conference call with NACO Public Lands Committee last Friday. Kevin is very concerned about the Panaca dike. The drainage is really filled in since the time he was a boy. The drainage has filled in 6-8 feet and the dike has gotten lower. If we get a high-water even, Panaca will be flooded. Paul D. responded that he, Paul M., Gary Elmer, and Spencer Hafen traveled along the dike to see what the circumstances are. A funding source is needed to fix the dike. Kirt Johnson has been contacted about not infringing on the drain; his projects need to have more coordination with the Fair & Rec Board as well. The Fair Board has talked about putting the mud bog in a different area. **COMMISSIONER ED HIGBEE** will attend a PUT Air Force meeting this month as well as the Coyote Springs GID meeting in Pioche. Ed will attend a RAC meeting this month as well. **COMMISSIONER ADAM KATSCHKE** discussed the county's financial situation. Caliente recently laid off a few people due to lack of funding. Adam is concerned about spending. Adam stated that an elderly gentleman in Caliente asked about TV. A few months ago he was getting several TV stations but now only gets one station. He purchased an antenna, but the senior housing will not let him put it up. Paul D. stated that the TV Board meets once per month and the gentleman can address his concerns with them. A citizen from Caliente is concerned about individuals having proper business licenses. There are several construction companies that come in and are using an out of town port-a-john company that doesn't have a current business license. The Bountiful Baskets are also doing business in LC without a license. Adam has a conference call for the Regional Development Authority this afternoon. Mike Baughman has advised that if the county doesn't put forth its share of the funding for the Development Authority sometimes the state will see that as a negative and remove its portion of the funding as well. Adam will attend Workforce Connections and Local Elected Officials' meetings on Tuesday. **COMMISSIONER PAUL DONOHUE** advised there is a POOL/PACT meeting on April 25-26 that he will attend. Paul D. will be out of town from March 20-27. Paul D. attended a fire meeting concerning the NDF fund proposal. Paul D. went to a meeting between LC/NV Broadband; the report is complete and LC looks pretty good. The funding that helps rural telephone companies is in trouble due to the wireless companies. A portion of the funds set aside for rural telephone companies will now go to the wireless companies. Paul D. will attend a road meeting on 4-10 in Caliente.

#23-PUBLIC COMMENT

Ed called for public comment. Rick Stever advised that there was an incident last Friday. He received information that dynamite was discovered in Caselton. The area was quarantined, Las Vegas bomb squad was contacted, and they came in and took care of it without incident. There are items like this throughout the county. Information needs to be passed to the public concerning how to handle these incidents.

#24-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:59 p.m.

Attest: _____ Approve: _____