



## LINCOLN COUNTY BOARD OF COMMISSIONERS

June 17, 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 9:06 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 6-11-13. The Invocation was offered by Paul D. and Adam led the Pledge of Allegiance.

### **#2-PUBLIC COMMENT**

Ed called for public comment. Ed was told by a man that works for Sturgeon on the power line that they found a bird's nest and they had to shut down. It cost \$.5 million and they had to move out of the area. The ratepayers will end up paying the costs. Ed will continue to try to get in touch with Mark Sullivan.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the June 3 meeting.
- #4 Approval for the Detention Center to purchase a food for training meetings in the amount of \$34.50.
- #5 Transfer of \$10,000 from the Fair and Recreation Fund to the Fair Board Fund as budgeted.
- #6 Transfer of \$52,319 from the Federal In Lieu Tax Special Revenue Fund to the Building Department Enterprise Fund as budgeted.
- #7 Transfer of \$40,000 from the Federal In Lieu Tax Special Revenue Fund to the Senior Nutrition Fund as budgeted.
- #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 Paul M. All voted in favor.**

### **#9-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$383,665.02 with estimated expenditures being \$179,795.76. General County will have a balance of \$203,869.26. Transportation has a cash balance of \$65,815.67 with estimated expenditures being \$2,259.49. Transportation will have a balance of \$63,556.18. Senior Nutrition has a balance of \$77,782.60 with estimated expenditures being \$11,410.78. Senior Nutrition will have a balance of \$66,371.82. Detention Center has a cash balance of \$139,348.12 with estimated expenditures being \$76,766.39. Detention Center will have a cash balance of \$62,581.73. Solid Waste has a cash balance of \$81,187.24 with expenditures of \$165.00. Solid Waste will have a balance of \$81,022.24. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$2,359.70 with estimated expenditures being \$278.85. Airport will have a balance of \$2,080.85. Planning has a balance of \$5,878.21 with estimated expenditures being \$2,145.13. Planning will have a balance of \$3,733.08. There is a voucher from John Ely for services provided for solid waste. Leslie asked that the Board take these expenses out of Solid Waste Fund instead of the DA's budget. The pest control bill has been included in the vouchers, \$815.00, but it will be removed as it is dated July 1. **Adam made a**

motion to approve the vouchers as presented (including paying the voucher to John Ely out of Solid Waste) with the exception of the LCTS, Meadow Valley Pharmacy, and Mountain Merc vouchers; seconded by Kevin. All voted in favor. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul D. Kevin disclosed he is part owner of the business and abstained from the vote. 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. Kevin made a motion to approve the MV Pharmacy vouchers; seconded by Paul D. Adam abstained and disclosed he is the owner of MV Pharmacy. Motion carried.

#### **#10-OFFICER/DEPARTMENT HEAD REPORTS**

**DISTRICT ATTORNEY** Daniel Hooge advised that the solid waste small claims have gone out; the north half of the valley was done last week. The other half will be done the first week of July. Results have been good. Cory and Daniel attended a meeting with C&O Holdings last week; they want to proceed with the township idea but will run it by the Commissioners first. A workshop will be set for the second Commission meeting in July. Cory advised that C&O has a standing development agreement. It is hard to say it's a good idea, work on it without considering how it will affect Title 14 as well as the development agreement. Michelle Wadsworth called and needed permission to issue a quote. Daniel wrote a letter last Wednesday, since it was due that day, and Michelle will be giving quotes to the Board in the near future. Daniel and Paul D. met with Teamsters last week. Teamsters introduced them to another private broker. Teamsters has advised that the insurance premium will be \$850 per employee; this doesn't include dependants. **BUILDING/PLANNING DIRECTOR** Cory Lytle advised that his office is very busy. The generator required a service call and it was incredibly expensive. Cory attended the NDEP meeting concerning Western Elite. Cory will work with Daniel concerning the special use permit that will be requested. NDEP will not issue anything officially until mid July. **CLERK** Lisa Lloyd reported that things continue to go well in her office and she will be out of the state until 6-25.

#### **#11-BREATHALYZER ANALYSIS MACHINE**

Sheriff Kerry Lee advised that there is no testing facility in LC, and if you have a CDL, the state can call at any time and say you must get tested. There are several entities in the county that can randomly receive calls to take the test, including senior nutrition, power district, school district, Jim Wilkin Trucking, and road department. This test can no longer be performed unless a handheld breathalyzer is purchased. Toni Pinkham could receive 80% of grant funding to purchase a machine but it could only be used for her drivers. Kerry suggested that two of these machines be purchased, one for the north end of the county and one for the south end. Kerry stated that the majority of the people that are being tested are public employees. If private entities need to be tested, they can be charged. Toni is currently out of compliance if one of these machines isn't purchased. The county will have to come up with the initial payment then be reimbursed by the other entities that will be using the machines. If Toni had the machine it would be kept at the Detention Center but it can't be used for any other entity but LC Transportation. It was suggested that each entity pay a percentage of the costs based on the number of employees each department has; Road Department would pay more than Transportation. Kerry could cover the cost for the officers to attend training. These machines can't be used for criminal actions. Paul M. asked if each of those entities would be willing to contribute funds towards the payment for each piece of equipment. Paul M. suggested that a memorandum of understanding could be drafted outlining how much each entity will pay for the purchase of the machines and how much will be charged for testing. It might be possible to get a little funding from DOT as well; Kerry will talk to them and see. If an entity doesn't participate in the initial buy-in they will be charged for each test. As time progresses, if there is maintenance and upkeep associated with each machine all entities involved may have to pay a little bit towards that. **Paul M. made a motion to approve the purchase of two breathalyzer analysis machines for the Sheriff's Office to use to test for Commercial Driver's Licenses countywide (all entities are to share in the cost reimbursement), not to exceed \$8,500 and to be paid by Fund 12; seconded by Paul D.**

#### **#12-EMPLOYEE BUYOUT**

John Marich presented a request to have the county purchase two years of service credit for his Nevada Public Employees Retirement (PERS) pension. Total cost for the buyout would be approximately \$52,000. Paul M. stated that his understanding is that if the county offers a buyout to one person they will have to offer it to all who request it. There aren't many cases where the county receives a quick return or immediate benefit. On an overall basis the Board has decided to step away from buyouts as there is no benefit to the county. Paul M.

stated that the Board needs to be consistent one way or another so that everyone can know what to expect. John stated that the schools have a formula they use; if the buyout benefits the school they do it, if there is no benefit they won't. Adam agreed that he worries about precedence being set which will cause the county to have to buy out several other people if they request it; once one buyout is approved, it has to be approved for everyone else that requests it. Adam agreed that it is a good proposal, but he didn't know how feasible it was financially. When the new budget comes out there is no guarantee what taxes will be received and the amounts. **Paul D. made a motion to deny the buyout request for John Marich; seconded by Paul M. 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-INSURANCE RENEWAL**

Gordon Wadsworth of Dolan and Edwards, Wayne Carlson of POOL/PACT, were present. Wayne addressed the Board and reviewed the member coverage summary. Total program cost is \$237,755.72 for general county and \$2,470 for the airports. **Adam made a motion to approve the POOL/PACT renewal for the 2013-2014 policy period for general county and the airport; seconded by Paul D. All voted in favor.**

#### **#17-HEALTH INSURANCE**

Gordon Wadsworth advised that Dolan and Edwards was asked to look into different options for county insurance. Gordon stated that they've been stonewalled in their attempts to obtain health information. Jeff Hyde with Leavitt Group offered a presentation concerning a new health care insurer for county employees and modifying the existing plans and benefits. Paul D. stated that one of the requests that the union lady made was to give her access to the health history of all covered individuals and dependants. Teamsters/Zenith has agreed to allow all interested companies to view this health information if the Board so directs. Sierra Health and Life, Etna, Hometown Health/St. Mary's, Anthem were asked for quotes. Sierra Health and Life proffered a quote, but assured Jeff that it won't save money over the current coverage the county has through Teamsters. Jeff needs medical claim and health history to seek better proposals. The current policy renewal date is July 1, but Jeff advised that he is happy to seek information for next year. No action was taken on this item.

#### **#18-HEALTH INSURANCE**

**Adam made a motion to open this up to interested insurance brokers to obtain health insurance through the DA's office; seconded by Paul D. All voted in favor.** Daniel will write letters to Teamsters to obtain the information as requested by the brokers.

#### **#19-BUDGET TRANSFER**

**Kevin made a motion to approve the resolution to transfer of funds within the Pioche Town General Fund; seconded by Paul D. All voted in favor.**

#### **#20-BUDGET TRANSFER**

**Kevin made a motion to approve the resolution to transfer funds within the Alamo Town General Fund; seconded by Paul D. All voted in favor.**

#### **#21-BUDGET TRANSFER**

**Kevin made a motion to approve the resolution to transfer funds within the Panaca Town General Fund; seconded by Paul D. All voted in favor.**

#### **#22-BUDGET TRANSFER**

Kevin made a motion to approve the resolution to transfer funds within the Lincoln County General Fund; seconded by Paul D. All voted in favor.

#### **#23-EXHUMATION OF REMAINS**

Cory would have to draw up and issue the permit, but there are no legal concerns. The body covers the cost of moving the body. Kevin made a motion to approve the request from Wilkes Funeral Home to exhume the remains of a person buried in Rachel and move them to Idaho pursuant to the request of family (the family is to pay all costs); seconded by Paul M. All voted in favor.

#### **#24-XTREME TECHNOLOGIES CONTRACT**

Tracy Lee, Xtreme Technologies, advised that the new contract is mostly the same it's been over the last ten years. The warranty section has been removed as Tracy and the DA have had a difference of opinion as to how to handle warranties. Previously Tracy said there were no warranties. As long as he's working here his duties are specified and he has to fix things. If at some point the contract is terminated the county wouldn't want him here working on things anyway. Tracy has averaged less than 40 hours per week over the last several years. He now has more remote abilities and he doesn't have to be here nearly as much. From the present operating year to the next year there is no increase. Year two and four include 3% increases. Paul D. asked if the increases in the contract can be tied to the fluctuation in the revenue stream from consolidated and ad valorem taxes. Would Tracy be opposed to that? Tracy's only issue with that is that most of his costs are tied to increases in costs as well. Tracy provides his own transportation costs and he flies several times per year for training; these costs are killing him. If he reduces the amount of training he participates in then the contract increases could be negotiated. Adam made a motion to approve the Xtreme Technologies contract; seconded by Paul D. All voted in favor.

#### **#25-AMBULANCE ISSUES**

Adam stated that LC Ambulance receives a renewal from Medicare. Sometimes Medicare overpays and they then send a notice of refund to Missy Rowe and give only about 10 days to pay it or there are penalties. If this goes through the proper voucher procedure it will be late and there's no way to avoid it. Adam asked if there is some way to get a credit card or some way to pay these fees. Daniel advised that the credit card policy was changed a couple of years ago and you can use your credit card to avoid penalties. Adam will look at the contract as well as talk to Missy concerning deadlines. Paul D. suggested that a credit card and specific account/fund be created to deal with this issue. Adam suggested that he can talk to Jason Bleak to see if the hospital can just pay it. Adam will look into this issue; no action was taken.

#### **#26-TRANSFER OR PUBLIC LANDS REPRESENTATIVE**

Kevin advised that a letter from Jeff Fontaine was received from NACO that provides more information about this issue. AB227 was signed into law by the Governor and it allows the transfer of public lands to the State. Teleconferencing and videoconferencing will be used to keep expenses down. The initial meeting is set for June 28 at the NACO office in Carson City. NACO will provide administrative support but are asking for representatives to help with the study. This data will be gathered and provided to the Legislature for phase II of the transfer. Paul M. made a motion to approve the appointment of Kevin as representative on AB227 committee, Transfer of Public Lands to the State of Nevada; seconded by Adam. All voted in favor.

#### **#27-RESOURCE CONCEPTS CONTRACT**

Kevin made a motion to approve the extension of time without additional pay for Resource Concepts, Inc., to complete the second phase of the Habitat Mitigation Plan; seconded by Paul M. All voted in favor.

#### **#28-OPEN SPACE**

Cory Lytle presented the letter of request for designation of certain areas of "Open Spaces" within Lincoln County on Bureau of Land Management managed lands. Areas include: Pioche Area—approximately 9 acres southwest of elementary school, and 320 acres north of SR 322 near milepost 5; Panaca Area—300 acres near old landfill north of SR 319, milepost 54, and 280 acres south of town; Alamo Area—22 acres west of US 93 containing water tank, and 320 acres east of US 93 near milepost 44 containing the old landing strip. Total

request is approximately 1,251 acres. **Paul D. made a motion to approve the letter of request for designation of certain areas of "Open Spaces" within Lincoln County on Bureau of Land Management managed lands; seconded by Paul M.** The Board is cognizant of grazing rights and if there are issues the Board will take them into consideration. The county will have title to the lands but it must be used for open space or public parks. **All voted in favor.**

#### **#29-PLANNING COMMISSION APPOINTMENT**

Cory Lytle advised that the at-large position was advertised and four notifications of interest were received (Bill Lloyd, Spencer Hafen, Ken Dixon, and John Crosthwait). The Planning Commission voted to recommend Ken Dixon. **Adam made a motion to appoint Ken Dixon to LC Planning Commission; seconded by Paul M. All voted in favor.**

#### **#30-PANACA SHARED USE PATH**

**Paul D. made a motion to have Vanguard spray the weeds along the Panaca shared use path; seconded by Adam.** Cory has money in Fund 108 to cover the costs of this. **All voted in favor.**

#### **#31-ECHO CANYON CAMPGROUND**

Elaine Zimmerman, Grants Administrator, presented the recommendation for park and restroom structures. Design, quality, and maintenance issues were considered. Elaine presented floor plans for the restroom. There were three companies that submitted quotes for the restroom (Public Restroom Company, approximately \$176,000; Park & Restroom Structures, approximately \$224,000, and Rockway Precast, approximately \$231,000). There is some variation and until the final award is granted it is not cost effective for these companies to submit final drawings. Funding for this is through a SNPLMA grant. These prices are for pre-fabricated buildings. **Paul M. made a motion to accept Sunrise Engineering's recommendation for the proposal for construction of a restroom building at the Echo Canyon campground; seconded by Adam. Kevin disclosed that his son is a principle engineer at Sunrise; he abstained. Motion carried.**

#### **#32-ECHO CANYON CAMPGROUND**

**Adam made a motion to accept the proposal from Coverworx for the shade structures at the Echo Canyon campground in the amount of \$106,538; seconded by Paul D. Kevin disclosed that his son is a principle engineer for Sunrise; he abstained. Motion carried.**

#### **#33-PLANNING DEPARTMENT**

Connie Simkins presented a proposal for continuation of program support for LC Planning Department into FY 2013-2014 using the unspent funds from FY 2012-2013 from the LC Nuclear Oversight Program. The total amount is \$21,000 for services including GIS server license and maintenance, plotter maintenance and supplies, parcel layer creation, and Transportation Plan Phase 3. **Kevin made a motion to approve; seconded by Adam. All voted in favor.**

#### **#34-CORE GEO DATA CONTRACT**

**Paul M. made a motion to approve the as needed/task based contract for FY 213-2014 for Core Geo Data/Jason Pitts; seconded by Kevin. All voted in favor.**

#### **#35-VAUGHN HIGBEE CONTRACT**

**Kevin made a motion to approve the as needed/task based contract for FY 2013-2014 for Vaughn Higbee; seconded by Paul M. Ed disclosed that Vaughn is his cousin and abstained. Motion carried.**

#### **#36-INTERTECH SERVICES CONTRACT**

Connie Simkins presented a task based contract and advised that she received a different contract from Intertech. There was some discussion about the Intertech proposal, which includes eight more items than the other contracts previously approved on this agenda. Total cost of the proposed contract submitted by Intertech is well over \$36,000 and it doesn't include the statement that the work will be done on an as needed/task based basis. Paul D. stated he would feel better about accepting the submitted Intertech proposal without Exhibit A being included and with the insertion of the sentence "As Needed". There are things Dr. Baughman does and does very well, but at this time services must be reduced and tightly controlled due to lack of funding. Connie

isn't comfortable with giving Intertech such an enormous portion of the \$70,000 set aside in the budget for contractor services. The Board must remain as flexible with the money as possible to meet the needs that will arise in the near future. It becomes impossible to be flexible if all of the funding is tied down. Connie will bring the proposed Intertech contract with Exhibit A back on the July 1 meeting. **Paul M. made a motion to approve the as needed/task based contract for FY 2013-2014 for Intertech Services/Dr. Mike Baughman; seconded by Paul D. All voted in favor.**

**#37-RESOURCE CONCEPTS CONTRACT**

**Paul M. made a motion to approve the as needed/task based contract for FY 2013-2014 for Resource Concepts/John McClain; seconded by Paul D. All voted in favor.**

**#38-COMMISSIONER REPORTS**

**COMMISSIONER PAUL MATHEWS** will attend the Tri-County Weed meeting this Thursday. **COMMISSIONER KEVIN PHILLIPS** attended the NDEP hearing concerning the Western Elite Class I permit. Many of the people in Pahrnagat Valley are in favor of granting WE the Class I landfill. Coyote Springs is opposed to it. **COMMISSIONER ED HIGBEE** attended the Civilian Military Council meeting as well as the public hearing concerning the Western Elite Class I permit. Ed would like to send a letter of thanks to the Governor concerning the vetoing of our second amendment rights; this item will be addressed on the next Commission agenda. **COMMISSIONER ADAM KATSCHKE** advised the Caliente election went well. Adam attended the Local Elected Officials meeting last week. Adam attended the district court in Ely concerning Southern NV Water Authority and Great Basin water cases. There is a good deal of opposition. Adam will be absent from the next Commission meeting. Adam will attend CSBG Nutrition Meeting next week as well as LCWD meeting. **COMMISSIONER PAUL DONOHUE** attended the special June 6 meeting concerning the personnel policy. The road agreement meeting with BLM took place last week; LC was promised that we would get 20 roads per year, per office (Ely, Schell, etc). The next road agreement meeting is 9-4 in Caliente at 10 a.m. After the road agreement meeting, things spun out of control with the Road Department; several people gave their notice. The county will advertise to replace the RD secretary and positions that have been vacated. Union negotiations will take place tomorrow at 9 a.m.

**#39-PUBLIC COMMENT**

Ed called for public comment. Connie Simkins discussed the solar energy zone. Connie, Cory, and Jeremy Drew are working on strengthening the renewable energy portion of the public land policy plan with regards to solar energy zones to give the Commissioners a strong hand in what goes where. This will be brought before the Board at a future meeting. Cory Lytle thanked Connie for her hard work in helping Planning/Building Office out with funding.

**#28-ADJOURN**

There being no further business for the Board to attend to, Ed adjourned the meeting at 1:42 p.m.

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_