



## LINCOLN COUNTY BOARD OF COMMISSIONERS

November 4, 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 9:03 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: ED HIGBEE (leaves the meeting at 12 p.m.) LISA LLOYD, Clerk  
PAUL DONOHUE DANIEL HOOGE, District Attorney  
ADAM KATSCHKE  
KEVIN PHILLIPS  
PAUL MATHEWS

There is a quorum present and the agenda was posted on 10-29-13. The Invocation was offered by Ed and Paul M. led the Pledge of Allegiance.

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

Ed called for public comment. Ed received a copy of a letter addressed to Chairman McFarlane; the State of Nevada wants to move forward with the Yucca Mountain licensing. Ed received a letter from BLM in response to the County's request that LCCRDA be used to implement landscape and mitigation. BLM has ruled that LCCRDA funds cannot be used for these things.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the October 21 meeting.
- #4 Approve/Deny tax strike for Nicholas W. and Amber L. Pearson, APN 004-051-02, basement is not finished minimal finish, \$18,481 assessed.
- #5 Approve/Deny original and renewed business licenses according to 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 Adam. All voted in favor.**

### **#6-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$674,795.87 with estimated expenditures being \$174,014.37. General County will have a balance of \$500,781.50. Transportation has a cash balance of \$55,062.08 with estimated expenditures being \$4,746.55. Transportation will have a balance of \$50,315.53. Senior Nutrition has a balance of \$146,703.19 with estimated expenditures being \$10,049.18. Senior Nutrition will have a balance of \$136,654.01. Detention Center has a cash balance of \$181,531.06 with estimated expenditures being \$88,787.11. Detention Center will have a cash balance of \$92,743.95. Solid Waste has a cash balance of \$111,131.88 with expenditures of \$23,776.91. Solid Waste will have a balance of \$87,354.97. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$1.63 with estimated expenditures of \$25.00. Airport will have a negative balance of \$23.37. The funds for the Airport still haven't been received; Leslie will pay the \$25 bill for Airport from General County (to be reimbursed when Airport funds come in). Planning has a balance of \$30,915.93 with estimated expenditures being \$2,150.00. Planning will have a balance of \$28,765.93. **Paul M. made a motion to approve the vouchers as presented with the exception of the Mountain Merc and Meadow Valley Pharmacy vouchers; seconded by Paul D. 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 Mountain Merc and abstained from the vote. Motion carried. Paul D. made a motion to approve the Meadow Valley**

**Pharmacy vouchers; seconded by Paul M. Adam disclosed that he is the owner of the pharmacy; he abstained from the discussion and the vote. Motion carried.**

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

**DISTRICT ATTORNEY** Daniel Hooge advised that he needs to meet with Board members concerning Hardy Construction arbitration and union negotiations. Denice Brown reminded the Board that agenda items for December 22 and January 1 are due earlier than usual due to the holidays. **TREASURER** Shawn Frehner presented the monthly report. \$2.3 million was received in receipts for October. Shawn presented the State statistical report. Sales have decreased for the month again. The second installment for secured property taxes has been received; Shawn presented an overview of five years to see if collections have stayed consistent. Shawn is preparing for the Hardy deposition that is coming up soon. Shawn asked when the landfill committee will meet next. 11-12 at 8 a.m. is the meeting.

#### **#8-HIGHWAY COMMISSION**

This item was handled under separate agenda.

#### **#9-CALIENTE GAS TAX**

This item is a continuation of many discussions held at previous meetings concerning the amount the county pays to Caliente for gas tax funds. Paul M. commented that if it isn't possible to pay this out of gas tax funds then that means there are no funds to pay it at all. Daniel hasn't been able to speak with Dan McArthur concerning the creation of funds and using certain monies to pay this. Ed stated his question is whether or not it is proper to set up a fund for these monies to pay Caliente. Questions remain as to the payment of these funds and Dan McArthur will have to be consulted for solution. Mayor Stana Hurlbert presented information from the City attorney to the Board. Stana addressed the funds that the Board had previously approved, and that the City has budgeted for. Caliente hasn't received June or September's payments and she advised that they applied for a FEMA mitigation project to make changes to Spring Street to prevent flooding when they were receiving these funds. They committed a match of about \$900,000 to the project since they knew they'd have the gas tax funds to put towards this project. They were eligible for LMI status and got a 10% match. Caliente has been paying into this project and they're in need of the payments so they can finish. Stana advised that she doesn't see anything wrong with Caliente applying for these funds every year. Stana would like to get caught up and receive the quarterly payments they're due so they can get caught up with the hazard mitigation project. There was some discussion about possible funds that the money can be taken out of. Adam stated that the money received by Caliente in the past may not have been used for roads; there wasn't a strong accounting of it. one of the advantages to having the Road Department do the work is that we know where the funds are being spent. Paul D. cautioned the Board to remember private contractors vs. public. No action was taken on this item as the Board is awaiting answers.

#### **#10- LINCOLN COUNTY FIRE DISTRICT**

This item was handled under separate agenda.

#### **#11-PIOCHE GYM**

Clint Moore is requesting that the Board open the weight gym located in Pioche Town Hall to the public. Clint stated that he has handicaps to work out in that room. It's the only facility in the county that doesn't cost. There are several individuals who have used the Pioche gym for years. Clint feels that the room is a health facility for everyone in the county. There is a great deal of health equipment in the room. Pioche Town has rented the room to one individual, who has locked it and will no longer let people in there. A year ago, Nathan Adams asked Clint if he'd like to rent the room. He said no as there was too much liability and vandalism going on. Teenagers got keys to the room somehow and they were going in there to party and smoke. Clint would like to see the room opened to the public again. At the time that Clint denied renting it, he wasn't told that he wouldn't have access to it anymore. Clint advised that there are several older men who need body maintenance that really need to use the room. Clint is a retired soft tissue therapist and he knows how important it is to do rehab. There are free weights and several universal gyms. Clint is willing to help people rehab, and he has done that in the past. He's willing to share information to help people improve whatever problems they have. The man that has rented the room from the town has advised that it is his personal work out room; he will not allow anyone else in there. Clint would like to see the room available to anyone who needs to improve their health. The

original universal system was purchased by several Pioche individuals. Paul M. asked what the Pioche Town Board's position is. Glenn Zelch reported that this issue was considered while Clint was out of town but if Clint wants to bring it before the town board again it will be reconsidered. Legally, the gym can't be rented to someone for an amount less than fair market value. The machines don't belong to the town, so the town should advise the owners that the building is being rented out and the machines need to be removed. There are several questions that the town board needs to address. Clint attended the last town board meeting, at which time he was told that there was nothing that could be done. Clint advised that he put about 40% of the equipment in the room. Glenn advised that Clint's issue wasn't on the agenda at that time so no action could be taken; if it was put on the agenda correctly the town board could consider it. No action was taken on this item.

#### **#12-COMMUNITY DEVELOPMENT BLOCK GRANT 2014**

Grants Administrator Elaine Zimmerman was present. Vern Holaday, representing Alamo Sewer and Water District (ASW), presented a request for a grant. ASW would like the opportunity to apply for funding to develop a master plan for the community to secure the water rights they currently have as well as get a preliminary engineering report (PER) in place. The PER will assist greatly with future planning. Kirk Swanson of Farr West Engineering reviewed the specifics of the request. The CDBG grant would allow for a good look at the water resources throughout the valley and provide information as to whether or not pulling from a bedrock aquifer will be sustainable in the future. The cost is \$40,000 along with a \$5,000 match from ASW, a \$5,000 in kind match, and a \$3,000 match from the county. Total cost would be \$53,000. Cody Halleck with Sunrise Engineering presented a request that would include some studies for the flooding concerns in the county. Storm water in Pioche and the dyke in Panaca have been looked at. The two studies would be combined and would address the two highest priorities in the county for flooding. Total cost of the studies would be \$63,700. Elaine advised that Pioche is looking to move forward with the Buck Avenue project; total cost would be about \$100,000. Dr. Mike Baughman presented a request on behalf of LC Regional Development Authority. During FY14-15 they'd like to advance some of the development work in the Alamo Industrial Park. This work would help to increase the tax base in the county by increasing the usability of the land. LCRDA has about \$67,000 in their funds that can be used for various projects, including capital projects and infrastructure. LCRDA would like to use the funds they've accrued to do a "construction for land exchange" program. This is a way to get additional work done without spending capital. The concept is to use the funds they have, pursue a CDBG grant of about \$100,000, and use the value of in kind construction services provided. If the land is valued at \$3,000 per acre it would give them a total of about \$275,000 which can be used to match an EDA grant. EDA would be a source for construction, and we would apply for \$275,000. This would allow for a total budget of \$550,000 for construction. Sunrise's estimate to develop the first phase of the project was about \$1.7 million. Elaine spoke to the Director of Economic Development from the Governor's Office. There is a requirement for job creation that must benefit the people of Alamo. There would have to be 2.89 permanent jobs created in order for us not to have to pay that back. Elaine isn't certain that we can meet the job creation requirements. No action was taken on this item as it was informational only.

#### **#13-COMMUNITY DEVELOPMENT BLOCK GRANT 2014 RANKING**

Kevin disclosed that one of the principal engineers of Sunrise Engineering is his son; he recused himself and abstained from all discussion and action. Two applications can be submitted. **Adam made a motion to rank the projects as follows: 1. Panaca/Pioche flood, 2. ASW utility master plan, 3. Pioche Buck Avenue, and 4. Alamo Industrial economic development; seconded by Paul D. Kevin abstained. Motion carried.**

#### **#14-RESOLUTION #2013-19**

Ed opened the public hearing on the resolution to authorize a medium-term obligation installment purchase agreement. Ed called for public comment. None offered. The resolution has been advertised for two consecutive weeks in the newspaper. Adam read the resolution into the record. Ed called again for public comment; none offered. **Kevin made a motion to approve and sign a resolution to authorize a medium term obligation for the purchase of 3 patrol/detention vehicles, not to exceed \$90,000 for 36 months; seconded by Paul M. All voted in favor.**

#### **#15-SHERIFF'S VEHICLES**

**Paul D. made a motion to approve and sign the lease for new patrol/detention vehicles; seconded by Kevin. All voted in favor.**

#### **#16-PROPERTY PURCHASE**

This item concerns the formulation of terms for an offer to purchase a portion of the property owned by Mathias and Christy Blood in Pioche for flood control purposes. Terms may include property description, area, price, dates for closing, and other relevant terms. Paul D. outlined the history of the closing of the street. Upon talking with Mathias and Christy, it was agreed that the area should be surveyed so the wash doesn't go across their property and create a liability. Paul D. would like the area to be surveyed and then a cost could be determined. Daniel advised that the land would have to be appraised. Then the county could negotiate the purchase terms with Mathias and Christy. The square footage of the area could vary based on the flood study. **Paul D. made a motion to do a survey and appraisal on the Blood's property; seconded by Adam. All voted in favor.** A fund will have to be designated to pay for the costs. Paul D. will work with Cory Lytle on this issue.

#### **#17-LAW ENFORCEMENT AGREEMENT**

**Adam made a motion to approve the amendment as written for the LC Law Enforcement collective bargaining unit for 2012-2013 and 2013-2014 fiscal years; seconded by Paul M. Ed was absent for the vote. Motion carried.**

#### **#18-LC NUCLEAR OVERSIGHT**

**Paul D. made a motion to approve the request for Kevin and Ed to travel to Washington, D.C. on November 18-20 for the Technical Review Board on Yucca Mountain issues and to make Congressional visits regarding the LC Land Act amendments; seconded by Paul M. All voted in favor.**

#### **#19-2014 NEVADA ASSOCIATION OF COUNTIES**

This item concerns LC's participation in the hosting of the annual Nevada Association of County Officials (NACO) annual conference. The proposal would be for White Pine, Eureka, and Lincoln Counties to collectively host the conference, located in Ely. **Paul M. made a motion to enter into discussion with White Pine to host NACO; seconded by Adam. Ed was absent for the vote. Motion carried.**

#### **#20-CONTRACT WITH ITECH**

This item was tabled.

#### **#21-SAGE GROUSE**

**Paul D. made a motion to approve a letter to both Senators Dean Heller and Harry Reid concerning the conservation of greater sage grouse in LC; seconded by Paul M. All voted in favor.**

#### **#22-LC NUCLEAR OVERSIGHT**

**Paul M. made a motion to appoint Dr. Mike Baughman to represent LC in the Nuclear Regulatory Commission Licensing proceedings for the Yucca Mountain project; seconded by Adam. Ed was absent for the vote. Motion carried.**

#### **#23-SOLAR ENERGY ZONE**

**Paul D. made a motion to approve the memorandum of agreement between LC and LC Regional Development Authority regarding monitoring and participation in Bureau of Land Management's development of a regional mitigation plan and bounded environmental assessment for the Dry Lake Valley North solar energy zone; seconded by Paul M. Connie Simkins cautioned the LCRDA to remember that there are no more funds available for the upcoming budget cycle from nuclear oversight. Ed was absent for the vote. Motion carried.**

#### **#24-LC PERSONNEL POLICY**

**Adam made a motion to table this item to January 1, 2014; seconded by Paul D. Ed was absent for the vote. Motion carried.**

#### **#25-COMMISSIONER REPORTS**

**COMMISSIONER ADAM KATSCHKE** attended the Engaged Leadership conference. **COMMISSIONER PAUL DONOHUE** reported that he went to New Orleans with Connie for nuclear waste meetings. Paul D. will be out

of town this week. **COMMISSIONER KEVIN PHILLIPS** attended tortoise training on 10-30. Kevin went to Reno last Thursday for meetings with NV Public Land Management Committee; the next meeting will be 12-6 in Las Vegas.

**#26-PUBLIC COMMENT**

Kevin called for public comment. Adam stated Connie Simkins does an awful lot doing more than she is required to. If there is no money in the next budget, Adam would like to see the Board find a position for her so she can continue working for the county. Connie Simkins will attend the Pinyon-Juniper Partnership meeting on 11-12. Connie will be meeting with a representative from UNR to track down the oral histories of individuals from LC and then she will be attending the NV Cattleman's Association meetings. Cory Lytle addressed the payment of the invoice for Lenard Smith for the LC Fire District. There is an anchor piece that the county doesn't own yet. Cory has championed the LC Fire District's payment of this portion of Lenard's fee with the idea that any other encumbering costs, such as court costs, would be paid by the other property owners. Both Ronda Hornbeck and Mick Lloyd will receive small portions of the land that Lenard surveyed. Ronda Hornbeck addressed the Board and discussed the history of the piece of land, which has been surveyed differently every time a surveyor has been hired. Ronda is being forced to pay for acres that she has already paid for based on a new survey.

**#27-ADJOURN**

There being no further business for the Board to attend to, Kevin adjourned the meeting at 2:31 p.m.

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

*[Large, faint, stylized signature or stamp, possibly reading "DRAFT", is present across the page.]*