



## LINCOLN COUNTY BOARD OF COMMISSIONERS

January 6, 2014  
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**

Ed called the meeting to order at 9:08 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL DONOHUE  
ED HIGBEE  
ADAM KATSCHKE  
KEVIN PHILLIPS  
PAUL MATHEWS (left the meeting at 12 p.m.)

LISA LLOYD, Clerk  
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 12-30-13. The Invocation was offered by Ed and Adam led the Pledge of Allegiance.

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

Ed called for public comment. Ed received a call from Senator Goicoichea; he would like to meet on 1-15-14 in Winnemucca regarding wilderness and sage grouse. Ed received a letter from Clark County Commission Chairman Sisolak regarding tortoise; they would like to end the listing of the tortoise. Ed asked about a clearing house on Atlanta Mine; comments are due by 1-31. Kevin reviewed the "land with wilderness characteristics" topic, which falls in the Atlanta Mine territory. Paul D. discussed the receipt of the Air Force funds. If the Air Force funds hadn't been included in the general fund the county wouldn't be able to pay its bills today.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the December 16 meeting.
- #4 Approve/Deny the reappointment of reappointment of – John Crosthwait and Robin Simmers to the Fair and Recreation Board; Stana Hurlburt to the Regional Transportation Committee; William T. Lloyd to the Board of Equalization; Vaughn Higbee, Phyllis Robistow, and Wendy Rudder to the Airport Authority; Angie Wright and Brad Loveday to the Alamo Town Board; Shawn Hand to the Panaca Town Board; John Christian and Phyllis Robistow to the Pioche Town Board; Kathy Hiatt, Gerri Phillips, and Suzanne Reifsnnyder to the Library Board; Ken Dixon, Ross Stirling, David Hurd, and Susan Austgen to the Planning Commission; Gerri Phillips and Meril Van Dusen to the Housing Board; Glennon Zelch to the Flood Control Board; Varlin Higbee, Kena Gloeckner, and Dave Hurd to the Public Lands Committee.
- #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).

**Adam made a motion to approve the consent agenda; seconded by Kevin. All voted in favor.**

### **#6-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$384,087.90 with estimated expenditures being \$200,185.89. General County will have a balance of \$183,902.01. Transportation has a cash balance of \$58,787.20 with estimated expenditures being \$6,017.77. Transportation will have a balance of \$52,769.43. Senior Nutrition has a balance of \$142,604.51 with estimated expenditures being \$11,563.54. Senior Nutrition will have a balance of \$131,040.97. Detention Center has a cash balance of \$462,527.00 with estimated expenditures being \$94,232.98. Detention Center will have a cash balance of \$368,294.02. Solid Waste has a cash balance of \$74,112.71 with expenditures of \$23,776.91. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Solid Waste will have a balance of \$50,335.80.

Airport has a balance of \$5,253.45 with estimated expenditures of \$125.00. Airport will have a balance of \$5,128.45. Planning has a balance of \$23,887.57 with estimated expenditures being \$2,955.78. Planning will have a balance of \$20,931.79. China Springs has a balance of \$2,044.77 with estimated expenditures of \$8,158.00. China Springs second and third payments are owed but Leslie doesn't have the cash to pay it. The Air Force funds have been received; China Springs received approximately \$915 from the apportionment. China Springs will have a balance of \$6,113.23. Leslie presented the Board the apportionments of the Air Force funds. Taxes from the state are very slow coming in. **Adam made a motion to approve the vouchers as presented with the exception of the Meadow Valley Pharmacy, Mainstreet (Panaca) Market, and Mountain Merc vouchers; seconded by Kevin. All voted in favor. Kevin made a motion to approve the Meadow Valley Pharmacy and Mainstreet (Panaca) Market vouchers; seconded by Paul D. Adam disclosed that he is part owner of the pharmacy and the store; he abstained from the discussion and the vote. Motion carried. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin disclosed he is part owner of Mountain Merc and abstained from the vote. Motion carried.**

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

**DISTRICT ATTORNEY** Daniel Hooge advised they'll be sending about 1 dozen liens for garbage bills. These are past bills and they'll be taken to court soon. There will be a new list of outstanding garbage bills for the Board to take action on in the near future. Ashley Hall & Associates receive a portion of the Air Force funds that were received; Daniel will submit an invoice at the next meeting for payment. The Hardy Construction lawsuit discovery is winding down. Currently, the county is in about \$10-15,000 in costs. Arbitration is scheduled for the first week of February. **ADMINISTRATIVE ASSISTANT** Denice Brown asked if the Board wants to reorganize this year. No. The consent agenda will become shorter as the only things that go on there are items the Commissioners want on there. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever attended a meeting concerning the transportation of nuclear materials to the Test Site. It is assumed that this meeting was held is because this type of material will be transported in the near future. Rick received notification on the Caliente Youth Center bridge project; they'll start construction in the spring. **TREASURER** Shawn Frehner presented the tax roll for secured taxes. We have received the first quarter distribution from the state but not the second. Shawn has contacted the state concerning this and was advised that they're working on it. Shawn said this is an indication of how the state is struggling as well; payments are three months late. Shawn is getting ready to mail out landfill bills; they are \$200 this year. 1,565 bills will be mailed and no advance waivers have been given. \$313,000 is the amount billed but this isn't the amount that will be collected. Shawn presented the monthly report of collections for December 2013; this includes end of month balance summary. Shawn reported on the acquisition of land for the Bristol Mill townsite; she referred to NRS 361.603. A title search will be required for the properties and this will be a cost for purchasing the land. The Board will have to pay past taxes.

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

This item was handled under separate agenda.

#### **#9-WESTERN COUNTIES ALLIANCE**

Ken Brown offered an update on Western Counties Alliance activities, including PILT, wild horse/burro issues, wilderness, sage grouse, and secure rural schools. No action was taken.

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

This item was handled under separate agenda.

#### **#11-AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

Rick Stever advised that when he first started working for the county we had received a grant to purchase the Automatic External Defibrillators (AED). The batteries in these have a life that has been met; Rick is looking for funding to purchase more batteries. If Rick goes through North Lake Tahoe/Truckee, he can save quite a bit of money since they're an outlet for the state. If Rick orders \$25 he can get a \$50/battery discount. The batteries are \$199 each and the pads are \$30 each. Rick will order 10 of the pediatric pads. \$6,250 is the total cost for batteries and pads. Paul D. suggested that the school district be tapped to purchase some of the batteries and pads since they use them as well. **Paul D. made a motion to approve the purchase of batteries and pads, not to exceed \$10,000, to be paid from Fund 95; seconded by Adam. All voted in favor.**

#### **#12-LIQUOR BOARD**

This item was covered under separate agenda.

#### **#13-MEADOW VALLEY WASH RIVER STUDY**

This item concerns a presentation by Natural Channel Design, Inc., regarding the result from the Meadow Valley Wash River Study. This study was conducted for the Meadow Valley Wash Technical Review Team (MVWTRT) as directed by the LC Coordinated Resource Management Steering Committee. A power point presentation was offered. No action was taken on this item.

#### **#14-JAIL TOUR**

This item was tabled.

#### **#15-NV ENERGY/ON LINE PROJECT**

Mark Sullivan advised that the ON Line project has been energized and it's up and running. Northern NV service area is now connected with the southern area. A renewable energy pathway has been opened up and there are 13 projects in the works/completed. They are working on re-vegetation in various areas as well as cleanup that includes reseeding and putting topsoil back in. The roads are also being cleaned up and restored to as good/better condition. No action was taken on this item.

#### **#16-PANACA TOWN BOARD**

Adam made a motion to appoint Tyler Free to the Panaca Town Board; seconded by Kevin. Paul M. was absent for the vote. Motion carried.

#### **#17-PAHRANAGAT LAKE ASSESSMENT**

Adam made a motion to approve the special assessment for Pahrangat Lake and its tributaries/Ash Springs in the amount of \$24,936.86; seconded by Paul D. Paul M. was absent for the vote. Motion carried.

#### **#18-PAHRANAGAT LAKE ASSESSMENT**

Adam made a motion to approve the special assessment for Pahrangat Lake and its tributaries in the amount of \$20,332.93; seconded by Paul D. Paul M. was absent for the vote. Motion carried.

#### **#19-ZERO TOLERANCE DRUG/ALCOHOL POLICY**

Adam made a motion to approve the Zero Tolerance Drug and Alcohol Testing Policy for LC Transportation; seconded by Kevin. All voted in favor.

#### **#20-ALAMO LANDING FIELD**

Adam made a motion to approve and sign the LC, NV 2014 Extraordinary Circumstances form letter to the Federal Aviation Administration (FAA) to accompany the categorical exclusions for various actions projects at the Alamo landing field and the LC airport in Panaca; seconded by Kevin. Paul M. was absent for the vote. Motion carried.

#### **#21-RESOLUTION #2014-01**

If approved, the funds will go into capital projects account. Kevin advised that there are many needs within the county for capital improvements. Out of the general fund, 80% is spent for employee compensation. 20% went to services and supplies while capital outlay is 0%. Kevin would like to see the Board engage in capital projects that will benefit the county long-term. Kevin proposed that, since we have additional funds, and, rather than see them gobbled up by other purposes in the general fund, that these be put in a fund for capital projects that will benefit the citizenry in the future. Kevin would like to see a justice complex built. This complex would make money for the county in the long run. Kevin would also like to see an addition made to the LC Courthouse. **Kevin made a motion to approve the resolution augmenting the LC Land Act of 2000 special revenue fund with the increase from possessory use taxes obtained from the federal government; seconded by Adam.** Treasurer Shawn Frehner stated her concern is that the general fund will be in the red if these funds are removed from it. Shawn agrees that we need a plan for capital improvements, but she suggested that the funds be budgeted during the budget hearings and addressed at this time. If the county needs the money to stay

afloat locking it up will prevent it for use. Kevin stated that a portion of the funds from the Air Force are monies we should have been receiving all along. Kevin suggested that the funds that have historically come in can go into the general fund while the excess can be put into capital projects. Paul D. advised that the county budgeted knowing full well that by the end of this year we'd be broke and hard decisions would have to be made. \$224,960 went into the general fund today from the Air Force funds, but approximately \$56,000 of that will be paid to Ashely Hall & Associates. If not for these monies, we'd have been over \$40,000 in the red today. Paul D. commented that the minute the county goes in the red the state will come in. If our bills exceed what we have we must pay our bills. If the county was solvent and the numbers were good all the way around Paul D. would be in favor of this resolution. Paul D. suggested that the prior year's payment be used for capital projects, once it comes in. Kevin stated that if the Board doesn't force itself to make some changes  $\frac{3}{4}$  million dollars will be piddled away every year in addition to the arrears. Paul D. said, by virtue of the budget we have now, we will be forced to make difficult decisions to address the budget woes in the coming budget hearings. Kevin reiterated the need to take advantage of this opportunity to the degree that we can. We must set a certain portion aside in capital projects where it can't be used for anything but capital projects. Adam asked what would've happened with the general fund if the Air Force money hadn't come in today. Recorder/Auditor Leslie Boucher stated that it is illegal to run a fund in the negative so bills wouldn't have been paid today. **Kevin amended his motion to approve the resolution, effective today (it will apply to future funds received, not current funds received); seconded by Adam.** Vaughn Higbee cautioned the Board about getting married to this money. There is nothing that says we will receive the arrears or even future funds. Shawn asked how the funds will be transferred when they come into general fund. All the money has to be apportioned and then it can be transferred after that. Daniel responded that it would be a simple fund transfer. **Paul M. was absent for the vote. Motion carried.**

#### **#22-BROWNFIELDS COALITION ASSESSMENT**

This item concerns participation in an application for grant funding in the amount of \$600,000 to the US Environmental Protection Agency for a Brownfields Coalition Assessment grant to conduct environmental site assessments and area-wide planning in support of renewable energy, transmission and economic development in the vicinity of identified Brownfields sites and to authorize the Chairman to sign a letter of commitment for submission with the application. This is a continuation of the Rural Desert Southwest Brownfields Coalition grant approved by the Board as a memorandum of understanding in 2011. **Kevin made a motion to approve; seconded by Paul D. Paul M. was absent for the vote. Motion carried.**

#### **#23-LAKE VALLEY GROUNDWATER ASSESSMENT**

This item was tabled.

#### **#24-RESOLUTION #2014-02**

**Kevin made a motion to approve the resolution replacing the 2012 International Energy Conservation Code with the 2009 International Energy Conservation Code, to be included under Title 11 of the LC Code; seconded by Adam. Paul M. was absent for the vote. Motion carried.**

#### **#25-LAND DISPOSALS**

**Paul M. made a motion to approve a letter of request for disposal of Bureau of Land Management (BLM) managed land located within LC per LC Conservation, Recreation, and Development Act and the BLM Ely District Resource Management Plan (RMP); seconded by Kevin. All voted in favor.**

#### **#26-AID FOR SALARIED EMPLOYEES' WORKLOADS**

This item concerns a plan of action to provide adequate help for salaried employees' workload and help for taking of vacation time accrued. Paul D. recommended that the Chairman be responsible for this; salaried employees will report to him when taking time off so Board members are aware of the need to fill in during the vacancy. Rick Stever was unable to take over 200 hours of vacation time as he hasn't any help to cover his office while he's gone. The Board is attempting to prevent employees losing their time accrued when the end of the year comes. The Board can't afford to pay for vacation time, so a plan needs to be made to help those who don't have assistants in order to allow them to take vacation time. Paul D. suggested that another fire chief can take over when Rick is gone. **Paul D. made a motion that the Chairman of the Board will work with all**

employees who don't have a supervisor with regards to vacation time; seconded by Kevin. Paul M. was absent for the vote. Motion carried.

**#27-COMMISSIONER REPORTS**

**COMMISSIONER ED HIGBEE** advised there will be a political breakfast in Ely on 1-18. **COMMISSIONER ADAM KATSCHKE** asked that host fees for landfills be addressed on the next agenda. **COMMISSIONER PAUL DONOHUE** will attend a water meeting in Las Vegas in February.

**#28-PUBLIC COMMENT**

Ed called for public comment. Cory Lytle advised that Van Cluff emailed a proposal for weed control, it includes various county properties as well as the bike path. Cory discussed the Hollinger Debris Basin assessment, which is about \$1,000. This is required by NRS if the county is the owner. Cory will research this item and put it on a future agenda for action. Wade Poulsen, LC School District, thanked the Board for their work on getting funds from their federal agencies to the west of the county. DA Daniel Hooge received a message from David Spurlock of Teamsters, and his assistant Julie, advising that they no longer work for Teamsters.

**#29-ADJOURN**

There being no further business for the Board to attend to, Ed adjourned the meeting at 3:04 p.m.

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

**DRAFT**