



## LINCOLN COUNTY BOARD OF COMMISSIONERS

July 21, 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  
KEVIN PHILLIPS  
PAUL MATHEWS  
ABSENT: ADAM KATSCHKE

LISA LLOYD, Clerk  
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-15-14. The Invocation was offered by Paul D. and Paul M. led the Pledge of Allegiance.

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

Ed called for public comment. Kathy LeFevre thanked the Road Department for the wonderful job they did on the roads in Highland Knolls. Kathy asked the next time the Board has public waste up for discussion they need to consider the Beaver Dam dumpsters. It is very difficult for Kathy to get her garbage in the dumpsters as they are incredibly tall. Kathy asked that the Board install a ramp up to the dumpsters.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the June 7 meeting.
- #4 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 Paul M. All voted in favor.**

### **#5-VOUCHERS**

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$390,307.96 with estimated expenditures being \$143,446.35. General County will have a balance of \$246,861.61. Transportation has a cash balance of \$44,583.55 with estimated expenditures being \$4,833.12. Transportation will have a balance of \$39,750.43. Alamo Town has a balance of \$1,938.02 with estimated expenditures of \$795.80. Alamo Town will have a balance of \$1,142.22. Senior Nutrition has a balance of \$111,979.95 with estimated expenditures being \$10,471.45. Senior Nutrition will have a balance of \$101,508.50. China Springs has a balance of \$703.91 with no expenditures. Detention Center has a cash balance of \$555,311.16 with estimated expenditures being \$85,927.49. Detention Center will have a cash balance of \$469,383.67. Solid Waste has a cash balance of \$103,761.50 with expenditures of \$182.65. Solid Waste will have a balance of \$103,578.85. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,058.88 with estimated expenditures of \$2,967.07. Airport will have a balance of \$91.81. Planning has a negative balance of \$2,428.37 with estimated expenditures being \$7,270.05. Planning will have a negative balance of \$9,698.42. The paperwork was just signed for the Planning Department; Leslie will be making the transfers shortly. **Paul M. made a motion to approve the vouchers as presented with the exception of the Mountain Merc and LCTS vouchers; seconded by Kevin. All voted in favor. Paul D. 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. Paul M. made a motion to approve the LCTS vouchers; seconded by Kevin. Paul D. abstained as he is an employee of LCTS. Motion carried.**

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

**DISTRICT ATTORNEY** Daniel Hooge met with Teamsters this week; the insurance deal that was in place has gone up. They are now asking for \$950 as opposed to the original \$800. This is approximately \$60,000 over what was budgeted. Daniel met with the negotiating heads the first time and everyone was happy; it didn't "pan out" when they took it back to their unit. Nothing is set in stone yet and this was simply a status report.

**SENIOR NUTRITION COORDINATOR** Toni Acuff presented statistics for mobile pantry; a great many individuals are being well served by this program. Commodities are coming in Thursday and Toni asked where she should put them. The office isn't ready just yet. The commodities will be distributed next week. Toni will work this out with Cory Lytle.

**TREASURER** Shawn Frehner reported that the tax roll was pulled and bills have been mailed to the citizens. Shawn presented a copy of the tax roll. Total tax for current year \$4,357,086.70. Payments are being received. Shawn reported that she attended a meeting with the Department of Taxation last week concerning the possessory use tax. Shawn requested a special meeting so this item can be discussed before the August 4 meeting with Department of Taxation. Shawn would like the Board to discuss the declaratory action lawsuit, which is very adversarial. It wasn't Shawn's intention to have this declared as a lawsuit; she was simply looking for a decision as to how the funds should be handled. The Board will meet on 7-28 at 8 a.m.

**ASSESSOR** Melanie McBride stated that she is in favor of dropping the lawsuit for declaratory action as well. A representative from the Department of Taxation is here doing an audit of the assessments for the county to make sure they are correct.

**EMERGENCY MANAGEMENT COORDINATOR** Rick Stever received a request to attend a hazardous material meeting. We currently have an agreement with Clark County that if anything should happen in LC they will come up and take care of it. A few of the hazardous response teams have been eliminated in Clark County so now would be a good time to attend these meetings to see where things stand. Rick will attend the meetings this Wednesday and invited a Commissioner or two to go with him.

## **#7-MEDICAL MARIJUANA**

This item concerns the issue of medical marijuana. The nature of the reconsideration is prompted by a letter received from NACO that talks about the state opening the application process. If there are local obligations for medical marijuana evidence must be provided to the state. The draft ordinance will be amended and reworked. A new ordinance would govern the prohibition or the Board could reintroduce the previously denied ordinance. A supermajority is needed to reintroduce the previously denied ordinance. The Board will not be taking action on any ordinances today. Ed called for public comment. Kathy LeFevre stated there are people in LC currently using marijuana for medicinal use. It is a valuable resource that should be provided in LC. If the Commission would like to place a moratorium on the issue in order to consider it further it makes sense. Prohibiting it altogether is very shortsighted. There are plenty of legal prescriptions that are abused every day. Kathy would hate to see the county prohibit it based on what could happen; this would be a disservice to the county. Susan Barteau agrees with Kathy. Susan assumes the marijuana would be dispensed with a prescription. If a facility was close at hand individuals could get high quality marijuana, thus needing less, and it could be regulated. This facility would provide jobs as well as a more productive community. The only thing that is available to residents right now is a doctor who provides pills. Susan asked for a poll of the Board as to how the individual members feel about this issue. Susan stated she's never heard of death by marijuana. There are a lot of people who are in pain and it could be relieved in a more natural way. Russ Tracy is worried that the county will be "run over by the five people in front of us". Russ stated he would like this to be a ballot issue. He offered to provide facts concerning marijuana. Russ said marijuana shouldn't be a schedule 1 drug in the first place. There are no individuals who have applied for a license to sell marijuana due to the push back coming from the Commissioners. Russ advised the Board to follow the state guidelines to make this work in LC. Russ would like to be a grower. Russ stated that not looking at the history and facts could hurt a lot of people in the county. Russ commented that the ordinances aren't posted online and no one knows what they say. Russ suggested that the Board do some research. Scott Oldham advised that he has had a card since 2007 and it is a long way to Las Vegas to get dosage. Medical marijuana could bring in a great deal of taxes to the county. Russ doesn't believe there are enough people in LC to generate a great deal of money; currently there are only 27 people in LC with cards. Russ asked that the Board not restrict marijuana and that they be realistic. If controlled properly in LC, it'll be more like tobacco. Kevin commented that it is presumptuous to say that the Board members haven't studied. Kevin has studied the issue in order to make a non-jaundiced decision. Anyone who can acquire a permit from the state of NV can be in possession of up to 12 plants. The law requires the Board to

determine whether or not they will permit medical marijuana establishments in LC. Russ asked the Board not to use federal laws to make a decision; he agrees with state and county rights. Russ feels the Board should make their decision based on the will of the people. Kevin understands that Clark County has disallowed importation but North Las Vegas does. Kevin isn't in favor of allowing medical marijuana establishments in LC. **Kevin made a motion to reconsider prohibition; seconded by Paul D.** Paul D. asked if there is some way that the Board can discuss both prohibition and moratorium. Both couldn't be passed but the hearing would allow for both sides of the issue to be discussed and explored. **Kevin accepted the amendment to his motion, which is to reconsider both prohibition and moratorium; Paul D. seconded.** Russ asked the Board to read the Schaefer report. **Motion carried.** Russ stated that he is submitting his application to the state on August 5. Paul D. asked if a ballot question can be drafted to be on the November ballot. Daniel responded that the public has to put forward an initiative first, obtain signatures, then it has to go before the Board for consideration. **The public hearing will be held August 18 at 11 a.m.**

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

This item was handled under separate agenda.

#### **#9-LIQUOR BOARD**

This item was covered under separate agenda.

#### **#11-PANACA FIRE DISTRICT**

This item was covered under separate agenda.

#### **#12-EAST PAHROC STREET**

This item concerns a public hearing on partial abandonment of designated roadway/easement known as East Pahroc Street and unnamed north-south easement north of Pahrangat Valley Elementary School, pursuant to the parcel map for the Lincoln County School District. This item was discussed under the Highway Commission agenda as well. Ed called for public comment. None offered. **Paul D. made a motion to approve the partial abandonment; seconded by Paul M. Kevin was absent for the vote. Motion carried.**

#### **#13-EVACUATION, SHELTERING, AND MASS CARE PLAN**

**Paul D. made a motion to approve the resolution adopting the evacuation, sheltering, and mass care plan; seconded by Paul M. Kevin was absent for the vote. Motion carried.**

#### **#14-EVACUATION PLAN**

This item was covered under Item 13.

#### **#15-EMERGENCY MANAGEMENT**

This item concerns the repairs to the foundation of the Emergency Management office in Panaca and the funding for repairs. Two proposals were received, Gem Engineering (\$2,900) and Eaglelift (\$1,500). POOL/PACT will not cover the repairs. **Paul D. made a motion to approve the use of Gem Engineering (Paul M. will determine the fund to be used); seconded by Paul M. All voted in favor.**

#### **#16-SALARY COMPENSATION SCALE**

The Justices of the Peace will earn half the salary established for the LC Clerk. There is no relation between the Clerk and JP, it's simply a place to start as the Clerk's salary is based on statute. Every time the legislature meets and increases the Clerk's salary, the JP's salaries will increase accordingly. 2% longevity, after four years service, would be received. The idea is to treat the JP's as elected rather than salary. Longevity caps at 20%. **Paul D. made a motion to approve the resolution establishing the salaries of the Justices of the Peace in LC; seconded by Kevin. All voted in favor.**

#### **#17-COMMISSION MEETING DATE CHANGE**

**Kevin made a motion to approve the change of the Commission meeting from August 4 to August 11; seconded by Paul D. All voted in favor.**

#### **#18-COMMISSION MEETING DATE CHANGE**

**Kevin made a motion to approve the change of the Commission meeting from November 3 to November 10; seconded by Paul D. All voted in favor.**

#### **#19-ELECTION WORKERS WAGE**

Clerk Lisa Lloyd advised that poll workers and counting board members are currently being paid minimum wage, \$8.25 per hour. The jobs that they do are incredibly important, stressful, and the hours are long. Lisa asked that the rate be increased to \$10 per hour; there is money in the budget. **Kevin made a motion to pay the counting board members and poll workers \$10 per hour; seconded by Paul D. All voted in favor.**

#### **#20-PIOCHE FLOODING ISSUES**

Nathan Adams addressed the Board and discussed the various flooding issues being faced. Nathan has spoken with Joe Phillips of Sunrise Engineering concerning a flood control study. The study could be done prior to CDBG application deadlines. The study is required before any engineering can be done on Pioche. There has been a great deal of discussion concerning where to put culverts and curb/gutter, etc. No one wants to move forward without a study or engineering. A moderate household income survey needs to be done on Pioche as well and this is what presented to CDBG. Nathan believes the best thing to do next is to get a study done; it'll cost approximately \$28,600 and will apply to the entire town. Nathan has come up with \$10,000 from Town of Pioche and asked the Board for an additional \$18,600. Grants Administrator Elaine Zimmerman stated the income study is being done for Pioche and there is no certainty that we will meet the requirements. Elaine has spoken with Joe about a cost estimate and proposal to do the study and analysis. Elaine asked that it be broken down into areas. This will identify primary areas of concern. The proposal that Nathan has was submitted in May 2013. Elaine will have the cost estimate by next week and she will be proposing the use of grant match funds. Once the cost proposal is received, it might result in a cost savings if it is lumped together with other areas. Elaine has asked Sunrise to focus on our priority issues so we know where to start. If we can meet the income requirement, this can be pulled together in time for CDBG. Rita is currently working on the survey. The total cost for the whole county done is approximately \$100,000. It is possible to use the study in parts to address the emergency areas. We can't count on CDBG due to the income survey. There is funding in grant match fund to pay for the whole study. **Paul M. made a motion to approve the study for Pioche (county pays \$18,600 and Pioche pays \$10,000); seconded by Paul D.** This is simply for a preliminary engineering report. **Kevin disclosed that Joe Phillips is his son; he abstained from discussion and the vote. Motion carried.**

#### **#21-PIOCHE TOWN BOARD APPOINTMENT**

**Paul D. made a motion to appoint Tom Brown to the Pioche Town Board; seconded by Paul M. All voted in favor.**

#### **#22-LANDFILL BILL**

**Kevin made a motion to approve the landfill bill waived for FY 2013 in the amount of \$189; seconded by Paul D. All voted in favor.**

#### **#23-GRANTS**

**Paul D. made a motion to sign the revised environmental reviews for properties rehabilitated by Rural Nevada Development Corporation using Community Development Block Grant funding; seconded by Kevin. All voted in favor.**

#### **#24-RETIRED SENIOR VOLUNTEER PROGRAM**

**Paul D. made a motion to approve the payment \$16,957 to NV Rural Counties Retired and Senior Volunteer Program; seconded by Kevin. All voted in favor.**

#### **#25-BUCK AVENUE IN PIOCHE**

This topic came up at the last meeting. Buck Avenue, or Buck Street, is located behind Dan Lloyd's and Ken Adam's homes. Maintenance is needed on that road and it is used frequently. The road is improperly located as well. Paul D. had this item moved to the next Highway Commission agenda. Paul D. discussed utilities. The

plan is to move the poles out that are running through people's yards in that area. The road was surveyed several years ago. No action was taken on this item.

**#26-COMMISSIONER REPORTS**

**COMMISSIONER PAUL MATHEWS** advised there is one vacancy on the Tri-County Weed board. **COMMISSIONER KEVIN PHILLIPS** was unable to attend the NV Tax Commission meeting as his grandbaby was being born. Kevin attended the public lands committee meeting. There is an ECA conference in Vegas coming up shortly. **COMMISSIONER ED HIGBEE** attended the meeting with the NV Department of Taxation. Ed asked if the subpoenas haven't been issued with enough time to compile what they want how can we be expected to be there on August 4. Daniel responded that any time a subpoena is issued it is the DA's responsibility to ensure there is enough time to work out logistics. Daniel advised the Board to honor the subpoena as much as possible, to an extent. Ed went to the meeting concerning the merging of Alamo Power and LC Power. Current law governs how the board is districted and elected. This is a sticking point for the Alamo people, who would like fair representation on the board. Alamo Power has no debt and they will be "kicking into the pot" \$300,000 that they have in their coffers. The merger would be a great thing for the rate payers. **COMMISSIONER PAUL DONOHUE** reported that Shane Cheeney was "reamed" at a Pioche Town Board meeting. Paul D. attended the NV Tax Commission meeting last week. Paul D. is worried that if the county continues to "dance this dance" in public with regards to the Test Site, possessory use monies, the state, etc., it will result in the Air Force dropping the county. Paul D. feels the lawsuit should be dropped and the money treated as possessory use tax; he intends to say this very thing to the NV Tax Commission. Paul D. advised that the School District and the Hospital are now at odds with the county. It was broadcast that the county is now affecting schools and emergency related matters, and we are. Paul D. was approached by the BLM in Ely to make presentation to the White Pine County Commissioners concerning our road agreement. Paul D. feels it would be best for him and Shane Cheeney to meet with their road supervisor.

**#27-PUBLIC COMMENT**

Ed called for public comment. Rachel Williford stated she had no idea about the George Knapp article. She received several phone calls requesting her to print. She corrected names and spelling prior to going to print. Rachel invited the Board members to speak to her about the issue of the Air Force money so she might inform the public as to the key points of the matter. Paul D. responded that a special meeting is to be held next Monday, 7-28, to discuss this topic.

**#28-ADJOURN**

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:47 p.m.

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