



LINCOLN COUNTY BOARD OF COMMISSIONERS

August 11, 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 9:07 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 8-5-14. The Invocation was offered by Paul M. and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. None offered.

CONSENT AGENDA

#3 Approve/Deny minutes of the July 21 and July 28 meetings.

#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).

Paul D. made a motion to approve the consent agenda; seconded Kevin. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$502,677.10 with estimated expenditures being \$211,983.91. General County will have a balance of \$260,693.19. Transportation has a cash balance of \$57,328.55 with estimated expenditures being \$6,330.23. Transportation will have a balance of \$50,998.32. Alamo Town has a balance of \$4,660.72 with estimated expenditures of \$4,635.05. Alamo Town will have a balance of \$25.67. There will be more vouchers for this fund on 8-21. Senior Nutrition has a balance of \$113,745.26 with estimated expenditures being \$15,930.88. Senior Nutrition will have a balance of \$97,814.38. China Springs has a balance of \$2,057.67 with no expenditures. Detention Center has a cash balance of \$575,788.95 with estimated expenditures being \$82,456.84. Detention Center will have a cash balance of \$493,332.11. Solid Waste has a cash balance of \$107,530.03 with expenditures of \$24,027.05. Solid Waste will have a balance of \$83,502.98. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a negative balance of \$36.19 with no expenditures. Planning has a negative balance of \$8,895.19 with estimated expenditures being \$2,306.01. Planning will have a negative balance of \$11,201.20. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc, Meadow Valley Pharmacy, and LCTS vouchers; seconded by Kevin. All voted in favor. Paul M. made a motion to approve the Mountain Merc vouchers; seconded by Adam. Kevin disclosed he is part owner of Mountain Merc and abstained from the vote. Motion carried. Kevin made a motion to approve the LCTS vouchers; seconded by Paul M. Paul D. abstained as he is an employee of LCTS. Motion carried. Kevin made a motion to approve the vouchers for Meadow Valley Pharmacy; seconded by Paul M. Adam disclosed he is owner of the pharmacy; he abstained. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge introduced his new deputy, Franklin Katschke, who is practicing under a provisional license. There was an on-the-job death in LC and Daniel has been working with POOL/PACT and the family to sort everything out. The individual is working on the bi-monthly food drops, receiving pay of \$100, so it isn't clear what his status is. POOL/PACT allows us to cover volunteers, but they must be marked down and paid for. Daniel sent a form to each of the department heads so that they can list any volunteers they've had each month and turn it in to the Recorder/Auditor's office. Denice Brown advised there are many tax strikes; can she put those on the consent agenda in the future? The Board agreed she can put those on the consent agenda. Denice requested a new computer and it is covered under her budget. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised there is a local emergency planning meeting tonight in Panaca at 6 p.m. There was flooding on SR 322 a couple of weeks ago; there was minimal damage and it was cleaned up that night. **TREASURER** Shawn Frehner presented the monthly report for Treasurer's receipts for July as well as the fund balance sheets.

#7-HIGHWAY COMMISSION

This item was handled under separate agenda.

#8-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#10-FLOODING IN PANACA

Paul D. reported that he and Paul M. met with Gary Elmer, toured the flood areas in Panaca, and met to discuss a resolution. Mr. Babcock's home is now several feet below the road; it used to be 3 feet above the road but the County has built up the road. Adam commented that he believes this has something to do with the other homes being built in the area. Shane Cheeney of the Road Department cut a groove in the road by Mr. Babcock's and it carried the water away. Flood drainage problems with the Gilpatrick's home in Panaca require further action. The berm that was built by Gilpatrick's didn't work. Mr. Babcock called Paul D. as his neighbor was bailing water and the County didn't do anything to stop that. Asphalt was put on the road at the time the Panaca Fire Department was built. Shane is aware of the issues and he and Paul D. will work through the problems. Paul D. commented that he doesn't know what the trigger point is for when the property owner has to do something about the situation. Adam responded that he's spent a great deal of money to keep the water and mud out of his house; it isn't the responsibility of the County. Paul D. will meet with Gary concerning Gilpatrick's. No action was taken on this item.

#11-LAW ENFORCEMENT ASSOCIATION COLLECTIVE BARGAINING UNIT AGREEMENT

Dathan Lewis was present on behalf of the Law Enforcement Association collective bargaining unit. Daniel presented a brief summary of the proposed contract. It's very similar to previous years. PERS contributions increases will be split 50/50. The uniform allowance has been increased to \$1,200. The baseline for insurance is \$650 contribution by County; \$150 contribution by the officers. Any increase to the baseline will be split 50/50 between the County and the employee. **Paul M. made a motion to approve the Law Enforcement Association collective bargaining unit contract; seconded by Paul D. All voted in favor.**

#12-QUARTERLY JAIL TOUR

This item was tabled.

#13-BUDGET TRANSFER

Paul M. made a motion to approve the budget transfer of \$76,700 from Federal in Lieu to Planning Fund; seconded by Kevin. All voted in favor.

#14-BLOCK WALL REMOVAL IN PIOCHE

Dylan Frehner, representing Dan Corrington, addressed this item, which concerns the removal of a block wall from County-owned alleyway in Block 52 of Pioche. Dan is the current owner of lots 6, 7, 8, 11, and 12. Daryl

Goodman owns lots 9 and 10. This is on the corner of Main and Lightener. A block wall has just been erected on Daryl's property. There was an alleyway that went between all of these lots; it was an access to the back of all the lots. Dylan provided the Board with a packet of information, including maps, photos, and statutes concerning vacation and abandonments. When the partial abandonments were done 10-15 years ago none of the statutorily required notices were sent. In 2004, Guy Cottino applied to abandon the alleyway so they could have clear title to their house. There was no dispute and letters were sent to the owners of lots 9 and 10 at that time. The problem is that this wasn't run in the newspaper as required by law. This proposal was approved, but no deed transferring the portion of the alleyway was completed. The property was then sold to Mr. Corrington. Alice Seader then requested an abandonment, which was approved and published but no deed of transfer was completed. Ms. Seader proceeded to build a block wall as she believed she owned 7.5 feet in that alleyway. The block wall makes it dangerous for Mr. Corrington. Dylan has discussed this with Daryl. Dylan has spoken to Cory and the DA's office about correcting this issue as it is still on the County's right-of-way. The wall serves a purpose for Daryl's property; it serves as a retaining wall to keep the base for his house in place. If Mr. Cottino had had notice for this he would've been here in opposition for the abandonment; it's the access to the garage. Mr. Corrington has obtained an estimate. Dylan proposed that portion of the block wall be removed and put back to the edge of the alleyway. This will allow for Daryl to have his retaining wall. There are some utility issues to be concerned with. The cost to rebuild the wall is \$5,500-6,000. Dylan requested that the County tear that portion down and his client is willing to pay half of the portion to move the wall. Dylan requested that the County pay the other half of the costs. Since a deed was never completed, this is still on the books as a County alleyway. Dylan stated that every map he's looked at has shown this as an alleyway. When it was built, the owners relied on the survey. This issue went before the Planning Commission and the Board of Commissioners. The Planning Department didn't follow through. Daniel advised that Ms. Seader believed it was abandoned and that she owned half of the road. Daryl addressed the Board and stated the property was vetted properly and handled through Stewart Title and Cow County Title. This fence was constructed in the fall of last year. When Daryl and his wife met with Alice Seader to purchase the property, they looked over all of the property. There was an iron fence post between Alice's place and Dan's. A survey between the two properties was completed. At that time, Alice had built the fence about 3 feet onto Dan's property. During that whole time, Dan didn't do anything about it. Daryl purchased the place and has had a great deal of drama concerning the fence. Daryl would've been willing to help Dan with rebuilding the fence but he found out that 1/3 of Dan's home is built illegally on an alley abandonment. Why should Dan have title to that when Daryl can't have title to his fence? When the home was purchased, Daryl was led to believe that everything had been done correctly. As far as Daryl is concerned, the permitting and everything was done right. Daryl asked to be treated fairly. Daryl suggested that maybe the land can be deeded at this point. The fence only protrudes 6 feet. Daryl would be happy to have the block wall where it is and pay taxes on it if the County would deed it to him. If abandonment and a deed were done, then there is nothing stopping Daryl from putting the fence all the way to the water meter. This would prevent Dan from getting to his garage completely. Unfortunately, this is a typical problem seen with surveys in LC. Dan has been paying taxes on the portion where the house is. Daryl hasn't been assessed for the extra 7.5 feet of the fence. It appears that it was the intent of different Planning Boards and Commissions to abandon the area and transfer it to property owners. It is difficult for the Commission to decide to "undo" the action of previous boards simply because the process wasn't finished correctly. It lends more consistency to finish the deeding process since that was the original intent. Paul M. asked what the responsibility of this Board is versus the courts. If the County and previous Planning Commissions have already taken action, why should the Board take action to undo it? If this had to go to court, Dylan's request would be to ask that the Commissioner's decision to abandon the portion to the Seaders would be voided. Dylan is asking the current Board to take this action without going through the courts. Mr. Cottino never received notice; if he had, he would've been here to oppose it. After this went through court to have the decision voided, Dylan would return to ask the Board to remove the wall. Paul M. hasn't any desire to reverse decisions that previous Commissioners made. This isn't an easement by necessity. This is a safety issue that includes potential property damage. All the maps that Dylan has found include 15 feet for the road. Dan has no desire to put any of the financial burden on Daryl. Letters attempting to get the block wall moved were sent to Ms. Seader before the property was sold but no response was ever received. Daniel stated the property is still technically the County's. It's up to the Board to honor the intention of the previous boards or to rescind that decision. If either party wants it abandon, it should go back to the Planning Commission to see how it should proceed, Dylan advised. Daryl advised that Alice Seader still lives here in Pioche; the home is for sale. If anyone wanted to contact her during the time the block wall was being contested a lien should've been put on Alice's property in

Pioche. Dylan advised that it doesn't help anyone if this goes to court. Dan is willing to pay 50% of the costs for removal/reconstruction of the wall. Daryl doesn't want the wall removed if he doesn't have to have it done. Adam suggested that the fence be taken back to the property line; if the Board takes this action, it will still require partial abandonment. Paul M. questioned how the County is liable for the payment of the bill to remove the wall. Dylan advised that this is County property; the County issued a permit to allow the proceeding of the building of the wall. Paul M. commented that he stands with the decision of the previous boards to abandon the alleyway. Paul M. disagrees with the County paying the bill for the wall. Dylan asked if the County is willing to do anything. If a portion of the wall is torn down, Dylan asked if the County is willing to use their equipment to remove it. The County wouldn't remove the wall unless there were signed agreements in place removing liability. Daryl stated that if the back, tall piece was taken out it would give Dan more room to back his trailer in. If this is torn out, the remainder of the fence could be left where it's at. Daryl would then like access through Dan's property in the back so he can add dirt to his property and perhaps build on his land. Daryl feels that this is a reasonable solution. Dylan responded that they aren't here to negotiate in an open meeting. Adam said this needs to be worked out between the property owners. Dylan advised they will discuss it more; he requested the County's assistance to see if the wall can be removed. Paul D. stated he will talk to his bosses to see if he can use their equipment to tear it down. No action was taken.

#15-TRI-COUNTY WEED

Adam made a motion to approve the 3% COLA wage increase for Tri-County Weed employees Brandon Vaught, Clayton Henroid, Paula Day, and John Ashworth; seconded by Paul M. Paul D. and Kevin were opposed. Motion carried.

#16-COOPERATIVE EXTENSION

Paul M. made a motion to approve the advertisement and hiring of a part-time administrative clerk; seconded by Kevin. All voted in favor.

#17-LC HUMAN SERVICES

Paul D. made a motion to approve the addition of a new person on the commodities payroll; seconded by Adam. All voted in favor.

#18-TAX STRIKE

Kevin made a motion to approve the tax strike for Kip Goff, APN 012-200-20, in the amount of 27,327 assessed as the mobile home was converted; seconded by Paul M. All voted in favor.

#19-TAX STRIKE

Kevin made a motion to approve the tax strike for Lincoln County Telephone System, APN 002-122-25, in the amount of 4,127 as the parcel is now central assessed by the State of NV; seconded by Paul M. All voted in favor.

#20-TAX STRIKE

Kevin made a motion to approve the tax strike for Bingham Charles & Tammy Walch, APN 004-141-61, in the amount of 2,342 as the mobile home was sold; seconded by Paul M. All voted in favor.

#21-TAX STRIKE

Kevin made a motion to approve the tax strike for John Allen, APN 003-012-02, in the amount of 19,843 assessed, as it was converted; seconded by Paul M. All voted in favor.

#22-TAX STRIKE

Kevin made a motion to approve the tax strike for KJL Pacific, LLC, APN 002-122-28, in the amount of 25,987 assessed as the parcel was split and apartments rolled over to this parcel in error; seconded by Paul M. All voted in favor.

#23-TAX STRIKE

Kevin made a motion to approve the tax strike for Floyd and Robin Simmers, APN 008-051-06, in the amount of \$5,844 as there is no well on the property; seconded by Paul M. All voted in favor.

#24-TAX STRIKE

Kevin made a motion to approve the tax strike for Floyd and Robin Simmers, APN 008-051-05, in the amount of \$9,222 as the arena is not permanently fixed and the barbwire fence is shared by adjoining property owners; seconded by Paul M. All voted in favor.

#25-STORM WATER CAPITAL IMPROVEMENTS PLAN

Paul M. made a motion to accept the proposal from Sunrise Engineering for completion of all, or part, of the Storm Water Capital Improvements Plan; seconded by Adam. Kevin disclosed that his son is a principal engineer for Sunrise; he abstained from the vote. Ed disclosed that his son-in-law works for Sunrise; he abstained. Motion carried 3-2.

#26-ECHO CANYON CAMPGROUND

Paul M. made a motion to approve the renewal of the interlocal contract with NV State Parks for the Echo Canyon Campground project; seconded by Paul D. All voted in favor.

#27-ALAMO LANDING FIELD

Adam made a motion to approve the agreement with the Federal Aviation Administration for construction of an equipment storage building and acquisition of equipment for the Alamo Landing Field in an amount not to exceed \$320,000; seconded by Paul M. Paul D. was opposed as he has some questions concerning the timeline of the bid process. Motion carried.

#28-LINCOLN COUNTY AIRPORT

Adam made a motion to approve the agreement with the Federal Aviation Administration for the pavement rehabilitation project at the LC Airport in an amount not to exceed \$130,000; seconded by Kevin. All voted in favor.

#29-VANGUARD PEST CONTROL

Paul D. made a motion to renew the one-year contract with Vanguard Pest and Weed Control, LLC, for pest control services at various county facilities; seconded by Kevin. All voted in favor.

#30-LINCOLN COUNTY-COYOTE SPRINGS CONSOLIDATED GID & LC AGREEMENT

Paul D. made a motion to approve the renewal of the interlocal agreement between LC-Coyote Springs GID and LC; seconded by Adam. All voted in favor.

#31-SILVERSTATE TRAILBLAZERS

Paul D. made a motion to approve the Silverstate Trailblazers' AMA National Hare n' Hound motorcycle race scheduled for August 23, 2014 in the Panaca area; seconded by Adam. All voted in favor.

#32-AFFECTED UNITS OF LOCAL GOVERNMENT

Paul M. made a motion to approve the proposed letter to Energy Secretary Moniz concerning allocation of FY 2015 funds to Affected Units of Local Government (AULG); seconded by Adam. All voted in favor.

#33-LC NUCLEAR OVERSIGHT

Paul D. made a motion to approve the suggested changes to FY 2014-2015 LC Nuclear Oversight budget; seconded by Adam. All voted in favor.

#34-INTERTECH SERVICES

Adam made a motion to approve the special projects task for Intertech Services in an amount not to exceed \$500 (task includes review and assure LC positions on solar energy zone Dry Lake Valley North as included in document "Lessons Learned" to be provided to the BLM following the July 17-18 Denver workshop; seconded by Paul D. All voted in favor.

#35-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS attended the Tri-County meeting last week. Drought issues, sage grouse, public lands, and wild horse issues were discussed. The Land Management Task Force was also discussed; the final report has been submitted and the State Assembly will now consider it. BLM is in favor of the Task Force's report. LC is very well protected by the land act. The drought is of major concern; our people are doing everything they can to mitigate the impact but, at the same time, there are horses "pounding the heck out of the land". The long term impacts will be enormous and several ranges will be destroyed. It is frustrating that all of the agencies can agree, but you go up the chain and you hit a block wall with regards to the movement of the horses. This is a log jam of detrimental proportions; if it isn't fixed, it will cripple the state. **COMMISSIONER ED HIGBEE** advised that below Alamo the old drain is being cleaned. The individuals have asked the County to help; Ed will put this on a future Highway Commission agenda. Senator Dean Heller has brought SB 1640 forward. Ed commented that a citizen was pulled over by BLM in Panaca; this will be researched and put on a future agenda. Paul D. advised that it was his son that was pulled over in Panaca by BLM for excessive speed on a wet road. Kyle didn't believe the BLM had the authority to pull him over so the Sheriff's office was called. This item will be researched and included on a future agenda. **COMMISSIONER ADAM KATSCHKE** advised that sales tax in Spain is 21% and they still have a terrible economy. When the Board attempts to balance budgets it is for the welfare of everyone. Adam has met with Paul Yamamoto concerning solid waste. Adam has done a great deal of research on the senate bill for medical marijuana. The state will issue one certificate in our County for dispensary. There isn't an official license until the County issues a license. SB 374 needs to be studied closely. Adam commented that only 3 of the 12 in the Clerical Unit are part of the Teamsters. Adam asked if it is prudent to decertify the Clerical; this will be on a future agenda. Adam purchased the Snow Shack. When purchased, a health inspector wasn't sent. When Adam moved the Shack to Caliente the health inspector came and it is costing him thousands of dollars. Adam feels a health inspector should come out to these types of businesses prior to the issuance of business license. **COMMISSIONER PAUL DONOHUE** has been heavily involved with the County fair. A Room Tax & Fair Board meeting was recently held. Paul D. met with Mike Baughman concerning the pinyon-juniper project. Paul D. has been working on the Panaca Town Center; there will be a data center located there that will be maintained by Tracy Lee. Highland Knolls roads have been completed. Paul D. has been approached concerning the acoustics in the Thompson Opera House; it's terrible. There are several things that can be done to help with the acoustics, including portable panels.

#36-PUBLIC COMMENT

Ed called for public comment. Russell Tracy advised that the state is taking applications for medical marijuana from August 5-15; he is going to apply. After that date, he can't apply again for a year. Russell advised that there have been more people in favor of medical marijuana than against it, in spite of the poor turnout at the public meetings. Russell asked that the Board do both the good and the bad research. Russell asked what is going to be done about the date for applying. Adam responded that this date is simply for the state process. Russell asked for better discussion than he's been getting from the Board. Russell wants to apply for a grow business. The cost for the business isn't the problem and in 5 years Russell will be paying \$5 million in taxes. There is a huge market for this in the state. There's a house bill that will be addressed at the next legislative session for recreational use. There's a small town in Colorado that isn't benefiting one bit because they refused to get on board with it. If controlled and regulated here, the marijuana won't be available for children. Russell discussed a pricing issue; he can produce a product that will be half the cost of Clark County. He will fly the marijuana out of here for sale. In Henderson, it's \$100,000 to have a grow. Russell commented that he can grow it cheaply. Adam responded that it is going to be very expensive. Some of the people in Las Vegas are willing to fly up here to LC and purchase it. Russell is required to have a great many controls, including smell abatement. Russell responded that this is where the County can help him; using zoning laws for various controls can help his costs. Russell stated that people won't be smoking marijuana; there are other ways for delivery. Eating is a far better delivery system than smoking; it takes longer and lasts longer. LD50 of marijuana is very high. Russell asked if it was possible to come to an agreement on the proposal. If the Board can do that, he'll wait until next year to apply. There are two items on next week's agenda concerning medical marijuana, moratorium or a ban. Daniel advised that the Board can't take any action on this item today as it isn't on the agenda; this topic is being discussed under public comment. Connie Simkins discussed her budget, including \$5,000 for a server. The Panaca Town Center requires IT; an additional \$4,000 has been committed to help Tracy Lee set up the necessary components but a total of \$9,000 is needed. Tracy Lee advised that

another \$5,000 is needed to make the IT system operational and asked the Board to take that into consideration. Connie advised that she can't move her office until she can have a working computer.

#37-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 12:34 p.m.

Attest: _____ Approve: _____

DRAFT