



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 2, 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 9:01 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
FRANKLIN KATSCHKE, Deputy District Attorney

There is a quorum present and the agenda was posted on 8-26-14. The Invocation was offered by Ed and Adam led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Ed called for public comment. Russell Tracy presented information concerning medical marijuana. There is a great deal of money to be made for the County and the State. Russell referred to the 2000 election, in which LC was the only county in the state that turned down this issue. Colorado made \$1.3 million on application fees in 2013. Ed read a thank you card from Taylor Soderborg offering gratitude for the scholarship she received from the County.

CONSENT AGENDA

- #3 Approve/Deny minutes of the August 18 meeting.
- #4 Tax strike for Tuffy Ranch Properties, LLC, APN 009-024-05, -229,603 assessed; improvements were valued on parcels owned by Tuffy Ranch. No longer assessed as possessory use under 009-024-05; this parcel will be deleted.
- #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 Paul M. All voted in favor.

#7-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$707,393.32 with estimated expenditures being \$160,931.64. General County will have a balance of \$546,461.68. Transportation has a cash balance of \$47,529.82 with estimated expenditures being \$5,566.56. Transportation will have a balance of \$41,963.26. Alamo Town has a balance of \$9,039.30 with estimated expenditures of \$283.05. Alamo Town will have a balance of \$8,756.25. Senior Nutrition has a balance of \$113,128.45 with estimated expenditures being \$13,091.48. Senior Nutrition will have a balance of \$100,036.97. China Springs has a balance of \$3,485.87 with no expenditures. Detention Center has a cash balance of \$470,030.32 with estimated expenditures being \$87,178.39. Detention Center will have a cash balance of \$382,851.93. Solid Waste has a cash balance of \$89,137.65 with expenditures of \$24,027.05. Solid Waste will have a balance of \$65,110.60. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$608.81 with estimated expenditures of \$392.21. Airport will have a balance of \$216.60. Planning has a balance of \$66,905.58 with estimated expenditures being \$2,679.47. Planning will have a balance of \$64,226.11. \$608.81 was received for the Airport; the last pay period the Board paid the Airport bills from General County. There is no need at this time to augment this fund. Leslie will watch this fund until the time when a larger amount of cash comes in. Consolidated tax came in, which increased Alamo

Town's cash balance. However, they still need to watch their expenditures closely. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc, Mainstreet Market, and LCTS vouchers; seconded by Paul D. All voted in favor. Paul D. made a motion to approve the Mainstreet Market vouchers; seconded by Kevin. Adam abstained as he is part owner of the store. Motion carried. Paul D. 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. Adam made a motion to approve the LCTS vouchers; seconded by Kevin. Paul D. abstained as he is an employee of LCTS. Motion carried.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised that September is National Emergency Preparedness Month; he will try and publish information in the newspaper. **SENIOR NUTRITION/TRANSPORTATION COORDINATOR** Toni Acuff reported that she and Trina Lytle will be attending the division of Aging conference next week; their office will be closed. **PLANNING/BUILDING DIRECTOR** Cory Lytle reported there is a race on the agenda. Cory presented pictures from the Silver State AMA race a few weeks ago. The turnout was great. Cory discussed AB239; legislation requires all counties to create a model ordinance for utility planning. Cory is meeting with a representative from Clark County tomorrow. They're looking at SWIPP and a little portion of the project on Kern River. There is a process in place for these that will be molded so that it meets the requirements. Cory has a draft development agreement with C&O Holdings that he will be reviewing. Cory is working on lease agreements for the Panaca Town Center to be considered at the next Commission meeting. Cory met with Ty Chamberlain and others at the BLM last week concerning the status of the disposals, open space; a good discussion was held. Cory would like to look getting funds approved through the land act to cover the costs of various studies. Designations need to be completed and the County will have to pay a portion to get the studies finished.

Ty Chamberlain advised the Board as to how open space will be handled. Ty is putting emphasis on getting the process complete, but the County needs to help the initiative by "putting some skin in the game". Cory doesn't believe it will cost an exorbitant amount. Cory stated that it is possible that we will be looking at land sales for Round 3 next fall. BLM is hiring someone specifically to handle land sales.

#9-HIGHWAY COMMISSION

This item was handled under separate agenda.

#10-8-MILE FARMS

Bill Brown expressed great concern over the removal of the fence that bordered the northern end of Pioche. During the rehabilitation projects, BLM does a 2 year temporary fence during the reseeding projects. It worked really well and Bill's cows were kept off the highway. Working with BLM representatives, Bill discussed this fence with them and advised them that it made good sense to leave it. The BLM contact had the lower portion of the fence removed. Bill has contacted BLM again to find out who removed the fence. It was done by the fire crew. Bill was told that they were under the impression that he agreed with the removal of the fence. He's never agreed with the removal. Bill referred to maps to demonstrate where the fence is. When the bottom fills with water, the cows come down. The removal of the fence is a public safety issue. NDOT will redo the fence from Jackrabbit. Bill is asking that the fence be continued to the hydrant by the school as it will solve the safety issue. If the fence had been left in there wouldn't be any problems. Bill isn't asking for money; he's asking for support. Bill asked that the Board get together with NDOT to voice how important the right-of-way fence is. The only other option is for Bill to come out and around the town. Something must be done; Bill has no choice. Bill reiterated his request for support in fencing the highway right-of-way. Brad Lloyd, NDOT supervisor, has been discussing this with Bill. **Kevin made a motion for the Board to write and send a letter of support for the extension of the fence in the right-of-way to NDOT (Denice will draft the letter); seconded by Paul D. All voted in favor.**

#11-BUSHWACKERS MC HARE SCRAMBLES

Adam made a motion to approve the Bushwackers MC Hare Scrambles motorcycle race north of Pioche on September 20, 2014; seconded by Kevin. All voted in favor.

#12-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#13-LC WORKFORCE PROGRAM

This item was tabled.

#14-RESOLUTION #2014-

This item concerns the adoption of a resolution to approve the deposit of personal property taxes collected from personal property at the LC Airport and the Alamo Landing Field. Elaine Zimmerman, Grants Administrator, advised that these taxes are supposed to be going into the airport funds but they haven't been. Wendy Rudder has requested that this resolution be approved and the County follow suit of other areas in the state by depositing these monies into the airport accounts. Elaine believes that this is mandated by federal law. Carson City is putting theirs into the airport fund as opposed to the General Fund. Somehow an attorney got involved in the Carson City area and it resulted in these types of funds being deposited into airports. Paul D. commented that this is funding that's already designated and it doesn't go through the GF. Several years ago, the decision was made to take the airports out of the GF and handle them separately; the personal property taxes didn't carry over. Right now, LC is the only place with rural airports that isn't putting the personal property taxes into airports. When grant money is accepted from the FAA, one of the assurances given to them is that all monies generated by the airports is going towards the running of the airports. \$466 is the total amount estimated for personal property tax at County airports right now. Treasurer Shawn Fehner stated she is concerned about the legality of this resolution and asked if it has been researched; she suggested that this be done prior to approval. Shawn asked what is to stop her from determining that her taxes should go to something she loves; once taxes are apportioned they must be done fully. If, during the budget process, the Board determines they'd like to budget a certain amount of that to the airport then that's fine. The apportionment of the taxes is done equally and can't go to something specific. When the funds come in they will only be apportioned to those items and will not be changed to something different. Adam commented he'd like to see the law before voting on this. If there is some way during the budgeting process to move funds so they are there and accessible it needs to be done, Elaine advised. Phyllis suggested that the Board address this issue during the budget process. Nothing is apportioned to the Airport at this time. **Kevin made a motion to table this item; seconded by Adam. All voted in favor.**

#15-BUDGET TRANSFER

Paul M. made a motion to approve the transfer of Grant Match funds in the amount of \$900.00 to the Local Emergency Planning Committee account; seconded by Paul D. All voted in favor.

#16-TRANSFER

Kevin made a motion to approve the transfer of Grant Match funds in the amount of \$2,100.00 to Emergency Management for the Code Red All Call System annual extension (total cost is \$4,200; the other \$2,100.00 is reimbursed through the Emergency Management Performance Grant); seconded by Paul M. All voted in favor.

#17-COMMUNITY DEVELOPMENT BLOCK GRANT

Grants Administrator Elaine Zimmerman discussed the upcoming Community Development Block Grant distribution changes. Elaine presented an outline of the required criteria to apply for projects. Ideas and projects will be proposed at future Commission meetings. The changes to the program are making it difficult to deal with CDBG. More changes are on the way. There are agencies choosing not to apply due to the challenges involved. Elaine is over four months waiting for reimbursement due to incredibly slight documentation problems with an agency that the County sponsors. We also have to meet low-to-moderate income. Pioche is struggling to qualify. Caliente is the only area that qualifies outright. Panaca has refused to participate in the survey. Alamo has the GID planning process for last year but it isn't adequate for this year. A date will be set for the application period at some time in the future; Elaine will have items on the next two Commission agendas to discuss potential projects. No action was taken on this item.

#18-SOUTHERN NV PUBLIC LANDS MANAGEMENT ACT

Grants Administrator Elaine Zimmerman advised that meetings were held to determine what the rankings should be for the upcoming round of the Southern NV Public Lands Management Act Parks, Trails, and Natural Areas. The application period is coming up. They are pushing for "need-based". Many of the County parks have been done using these funds. Caliente has an excellent idea and project they've identified; this will come before the Board at a future meeting. Mayor Stana Hurlbert addressed the Board concerning their proposed project. Stana advised they've been holding cooperative effort meetings that include BLM, Parks Service, and the County. Amongst those involved, the \$40,000 needed for the design process for the series of trails was raised. BLM has applied for \$2 million to put in the trails that will connect with the Caliente trails. Caliente will bring a proposal to the Board to ask for SNPLMA funding to install a trailhead and 5 miles of trail that will connect with the BLM system. The goal is to have a County-wide trail system. BLM will install a trailhead at the trilobite site and Caliente will install one in Caliente. At that point, more funding will be sought through the Parks Service to connect Kershaw-Ryan and Cathedral Gorge to the system. This will bring a great deal of economic development to the County. The Mayor is excited about this project and advised that it's great that all the entities involved could come together to support and create this project. Kevin commented that it would be a great exercise for the government classes to go out and do the surveys. No action was taken on this item.

#19-WESTERN ELITE YOUTH FUNDS

This item concerns a request to use Western Elite Youth Funds, not to exceed \$1,200, to cover the costs associated with showing three more movies on the outdoor theater system in various County locations. Grants Administrator Elaine Zimmerman stated that State Parks, 7th Judicial District Court and Juvenile Probation have offered to furnish for costs associated with showings. So far, all of the costs have been covered for showing various movies. There is currently \$12,000 in the WEY fund. \$5 per car is charged when the movies are held at State Parks. Adam commented that he was under the impression that once the County paid for the equipment there would be no further costs to the County for the showings. Elaine responded that the funds being proposed for use are donated to LC for youth programs. There was some discussion about whether or not the County should fund fees. There are other locations that would like to use the theater and Elaine doesn't feel State Parks should be required to cover the costs of showing the movies. Elaine was uncertain as to how many movies the 7th JD and Juvenile Probation would be able to fund. Wherever the movie is being shown, State Parks will transport the equipment to the location. Adam asked for feedback on how well the movies are attended. The movie that was recently shown didn't garner a great deal of interest, but it wasn't well advertised. State Parks is responsible for maintaining the equipment. **Paul D. made a motion to approve the expenditure of \$1,200 for the movies; seconded by Paul M.** Paul M. stated he feels Ben Johnson was very clear in his presentation that State Parks would pay for the replacement bulbs, transportation of the equipment, etc. Elaine advised that the funds will not be spent on back-to-back showings immediately; they'll be spread out through the year. **All voted in favor.**

#20-NEVADA AVIATION TRUST FUND

Adam made a motion to approve a letter of support to Governor Sandoval for the Nevada Aviation Trust Fund; seconded by Kevin. All voted in favor.

#21-STORM WATER CAPITAL IMPROVEMENT PLAN

Paul M. made a motion to approve the use of \$179,000 from Grant Match Funds for the Storm Water Capital Improvement Plan; seconded by Kevin. All voted in favor.

#22-ALAMO LANDING FIELD

Adam made a motion to award the contract for snow removal equipment building construction at the Alamo Landing Field to Jim Wilkin in the amount of \$246,740 (upon receipt of concurrence and a grant from the Federal Aviation Administration); seconded by Paul D. All voted in favor.

#23-LINCOLN COUNTY AIRPORT

Kevin made a motion to award the contract for the LC Airport pavement rehabilitation project to Maxwell Asphalt, Inc., in the amount of \$114,031.25 (upon receipt of concurrence and a grant from the Federal Aviation Administration); seconded by Adam. All voted in avoid.

#24-INTERTECH SERVICES, INC.

Kevin made a motion to approve the task based contract for Intertech Services, Inc. for FY 2014-2015; seconded by Paul M. All voted in favor.

#25-RESOURCE CONCEPTS, INC.

Kevin made a motion to approve the task based contract for Resource Concepts, Inc., for FY 2014-2015; seconded by Paul M. All voted in favor.

#26-CORE GEO DATA

Kevin made a motion to approve the task based contract for Core Geo Data for FY 2014-2015; seconded by Paul M. All voted in favor.

#27-HOST FEES

Adam reviewed how the proposed ordinance imposing a host community fee on disposal sites (landfills) operating within LC based upon solid waste received came to be. This ordinance has been sent to all landfill businesses in LC for review. Paul M. has a meeting with Scott Seastrand on 9-9 to discuss the impact of this ordinance on his business. Ed asked the Board to be sensitive to the fact that these entities will pass this cost on to the rate payers. **Adam made a motion to propose the ordinance and set it for public hearing on 10-20 at 11:00 a.m.; seconded by Paul M. All voted in favor.**

#28-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS attended the Energy Communities Alliance meeting in Las Vegas. **COMMISSIONER ED HIGBEE** received a phone call from Donna Bath, retired Clerk of White Pine, concerning grazing and different issues. Ed referred Donna to Connie Simkins and Denice Brown. Ed will attend a meeting with representatives from Eureka and White Pine concerning the upcoming NACO meeting in November. Ed met with Western Elite representatives last week. **COMMISSIONER ADAM KATSCHKE** attended the Workforce Investment Board meeting. Adam met with Jason Bleak and Missy Rowe at GCDMC concerning indigent funds. Adam asked if the Board is still considering remodeling the Commission chambers. Cory advised that paint has been purchased as has the emblem. Kevin asked that the Board pursue the remodel of the desk in the Commission room. This item will be addressed on a future agenda. **COMMISSIONER PAUL DONOHUE** advised that County Roads has worked on the flooding issues out by the school. Rip rap will be installed as well. Paul D. attended the recent RTC meeting.

#29-PUBLIC COMMENT

Ed called for public comment. Cory Lytle advised that the Thompson Opera House has been well used the last couple of months. Cory will be working on planning small renovations to make the building even more useful. A great deal of work has been done to promote the events that have taken place there.

#30-ADJOURN

There being no further business for the Board to attend to, Ed adjourned the meeting at 11:41 a.m.

Attest: _____ Approve: _____