



LINCOLN COUNTY BOARD OF COMMISSIONERS

March 16, 2015
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips, Chair
Adam Katschke, Vice Chair
Paul Donohue
Varlin Higbee

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Kevin called the meeting to order at 9:04 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 3-10-15. The Invocation was offered by Pastor Dave Hefner and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. Maleen Millmine presented information concerning the Supreme Court ruling for 2015 concerning prayers at government meetings. Maleen discussed prayers at meetings and stated that she is not atheist, nor is she opposed to holding prayers at meetings. Maleen would like the Board to have the prayer before the meeting starts. Maleen referred to the Freedom From Religion explanation of the Supreme Court's ruling. Maleen advised she will leave the room when the prayer is held as she doesn't believe in organized religion; she also does not want to be ostracized. Maleen stated she will not push this any further and she will not go to the ACLU. Maleen is worried that at some point in the future the cross on Lime Hill in Pioche will be removed; she doesn't want to see this happen.

CONSENT AGENDA

#3 Approve/Deny minutes of the March 2.

#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 M. made a motion to approve the consent agenda; seconded by Adam. Varlin abstained. Motion carried.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$1,436,262.66 with estimated expenditures being \$332,212.03. General County will have a balance of \$1,104,050.63. Transportation has a cash balance of \$76,452.71 with estimated expenditures being \$12,023.89. Transportation will have a balance of \$64,428.82. Alamo Town has a balance of \$8,897.27 with estimated expenditures of \$2,499.72. Alamo Town will have a balance of \$6,397.55. Senior Nutrition has a balance of \$178,186.19 with estimated expenditures being \$20,187.66. Senior Nutrition will have a balance of \$157,998.53. China Springs has a balance of \$14,211.67 with expenditures of \$4,016.25. China Springs will have a balance of \$10,195.42. Detention Center has a cash balance of \$763,790.87 with estimated expenditures being \$92,055.24. Detention Center will have a cash balance of \$671,735.63. Solid Waste has a cash balance of \$98,739.16 with expenditures of \$264.59. Solid Waste will have a balance of \$98,474.57. Airport has a balance of \$6,436.84 with estimated expenditures of \$315.85. Airport will have a balance of \$6,120.99. Planning has a balance of \$43,684.27 with estimated expenditures being \$2,481.86. Planning will have a balance of \$41,202.41. Leslie asked if the non-contract employees have to come before the Board for

pay increases just like the contract individuals do. Adam responded that the Board is working to achieve a scale for non-contract employees. Once this scale is achieved and the funds are budgeted, the increases can be given without coming before the Board. After the Board meets on the 23rd, it will be better known how to move forward with the non-contract employees' pay increases. There is no consistency for those who are not covered by contract. Leslie asked if the Panaca Town employee should come before the Board or not, since they have an advisory board that already approved it. There was no definite answer. The scale that will be reviewed on 3-23 is for every single non-contract employee. The Board directed Leslie to leave non-contract individuals' pay as is until after the meeting. Leslie asked, when someone is being replaced, do they need to come before the Board for approval. Every single town has an advisory board, not an incorporated town. PPU has a contract with salary table. Paul D. stated that he feels everyone should come to the Board for approval of salary increases until the salary table is approved. If the funding isn't available, the Board would then take action to freeze increases. When the town boards fill positions they need to come before the Board to let them know what they're doing. Glenn Zelch asked about part-time people; do they have to come before the Board as well? Yes. Leslie asked that the Board send a clarifying memo to all affected entities once the salary tables are set. Leslie discussed the legal position in the DA's Office. There is a resolution from 2008 that excludes this position from the bargaining unit but Leslie just received a pay increase for this position based on the new bargaining unit scale. Paul D. stated that he believed the Board discussed putting this position back into the bargaining unit. Leslie responded that nothing official had ever been done. In 2013, there was a classification and pay scale approved and done for the DA legal secretary. There are two different pay scales for the legal assistant; Leslie didn't know which one to use. Daniel responded that when the Board signed the most recent contract, the first article included classifications; this position was part of that. The DA's legal attorney and administrative assistant are included in the classifications. Daniel advised that the vote approving the contract super cedes the resolutions that are in place. Daniel stated the resolution is nothing more than a majority vote. Leslie asked the Board to take action so there is something in writing showing that the legal assistant was put back under the bargaining unit. Daniel stated the contract itself classifies the legal secretary as part of the bargaining unit. The approval of the contract is all that is needed to put the legal assistant back under the auspice of the bargaining unit contract. Daniel advised that the Board has authority over positions, not people. If someone wants a new position, it must come before the Board for approval. If someone just wants to rehire an existing position, they just do it. Leslie asked if the legal assistant will be a paralegal in a month and then will be changing pay scales again. Clerical was pushing for a second tier in the pay scale; this didn't go through. Many people were upset that the paralegal position was outside the contract, so it was put back in. The legal assistant will receive an increase, but it will be lower than it would have been. This position is on a 28 scale. Leslie advised that all the paperwork she has shows the legal assistant as being a paralegal. Paul M. reiterated that when the Board signed the new contract with the Teamsters the DA's legal assistant position was added in under the contract. The Board can decide, during negotiations, what positions will be covered under the agreements and which won't. Paul M. stated that the contract defines the position and that it is covered by the contract; anything that came before that is null and void. **Adam made a motion to approve the vouchers as presented, with the exception of the LC Telephone, Meadow Valley Pharmacy, Mainstreet Market, and Mountain Merc vouchers; seconded by Paul D. All voted in favor. Paul D. made a motion to approve the vouchers for Mountain Merc; seconded by Paul M. Kevin disclosed he is part owner of the Merc and abstained. Motion carried. Paul M. made a motion to approve the LCTS vouchers; seconded by Adam. Paul D. abstained as he is an employee of LCTS. Motion carried. Paul D. made a motion to approve the MV Pharmacy and Mainstreet Market vouchers; seconded by Varlin. Adam abstained as he is the owner of the pharmacy and part owner of the market. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

ASSESSOR Mark Holt will attend training in Sparks April 6-10. **DISTRICT ATTORNEY** Daniel Hooge reported that he met with Mr. Bogdon, US Attorney. The meeting went well and they discussed Mission Creep. F&W was patrolling Hwy. 93 and issuing speeding citations. Mr. Bogdon sent an email to federal agencies and asked them to focus on their core mission. If there are any more problems, Mr. Bogdon invited Daniel and Sheriff Lee to return so they can be worked out. Daniel may be traveling to Carson City in the near future to work with the Legislature on proposed bills. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised that Panaca is having an emergency preparedness open house on 3-28 at the LDS Stake Center. **SENIOR NUTRITION/TRANSPORTATION** Toni Acuff advised that the Panaca Senior Board will meet tomorrow afternoon. **PLANNING/BUILDING DEPARTMENT COORDINATOR** Cory Lytle advised they will be looking to

replace Varlin on the Planning Commission. Cory continues to work on grant language for Mathews Drop Structure. The restrooms at the Panaca Town Center have been completed; the break room is being worked on. Building is steady; several houses are going up. Paul D. advised that ADA projects need to be done as well.

#7-HIGHWAY COMMISSION

This item was handled under separate agenda.

#8-9

These numbers were accidentally omitted from the agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate item.

#11-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#12-ORDINANCE #2006-08

This item concerns the extension of Ordinance #2006-06. This is an ordinance created pursuant to NRS 387.329, 387.331, and 387.332 to impose a residential construction tax on the privilege of constructing apartment houses and residential dwelling units and developing lots for mobile homes in the Coyote Springs and Toquop school attendance areas to fund construction of school buildings in those respective areas; to set the amount of the residential tax at \$1,600; to define terms; to set administrative costs and other matters properly related thereto. This item also concerns the writing of a letter to the Department of Taxation concerning this ordinance. Steve Hansen, LC School District Superintendent, asked that the Board approve the extension of the ordinance and subsequently write a letter to the Department of Taxation. Cory advised that this ordinance is a requirement of the County Code and isn't subject to what a developer agrees upon. DA Daniel Hooge advised that this is simply the introduction of the ordinance and it will have to be advertised. Department of Taxation notified the School District to let them know it needed to be renewed. Emilia Cargill, Coyote Springs, advised that the agenda is incorrect. It says extension of Ordinance #2006-08, when it is actually Ordinance #2006-06. Daniel stated that every four years the Tax Commission reviews the need for the tax, then informs the Board, who can repeal the tax if needed. Daniel said the Board isn't actually renewing or repealing the ordinance. The Board can move forward with an affirmative vote. Daniel advised the Board that they can move forward in spite of the incorrect ordinance number on the agenda. **Paul D. made a motion to continue Ordinance #2006-06 and to write a letter to the NV Department of Taxation; seconded by Adam.** Daniel commented there is no sunset date in the ordinance; it is simply being continued. **All voted in favor.**

#13-PANACA TOWN BOARD

No discussion of this item took place.

#14-CONTRACT BETWEEN PANACA TOWN/PANACA FARMSTEAD

Kevin stepped out of the room at this time and the Chair was turned over to Adam, Vice Chair. Paul M. advised that Panaca Farmstead has two full time employees; they had a difficult time paying for both through the winter as there wasn't enough work or income. Panaca Town needs an additional person for maintenance. There was discussion between the two entities, who agreed to various tasks and dollar amounts in a contract. Panaca Farmstead is billing Panaca Town for water and maintenance; Adam asked the Board to make a decision on both the contract and the voucher. Adam asked if Panaca has considered raising their tax rate. Paul M. responded that the tax rate is tied in with the Panaca Fire tax rate. When Panaca Fire District was created, much of the tax rate went to it. Paul M. advised that this contract is very efficient and eliminates duplicate pieces of machinery. **Paul M. made a motion to approve and sign the contract between Panaca Farmstead and Panaca Town for park and street maintenance; seconded by Paul D. All voted in favor. Paul M. made a motion to approve the voucher; seconded by Paul D. All voted in favor. Kevin was not present for the vote.**

#15-CONTRACT BETWEEN PANACA TOWN/NEVADA DIVISION OF FORESTRY

Panaca Town is requesting approval of a contract between the Town and the NV Division of Forestry to help with street and park maintenance in Panaca. Inmates will come a couple of times per month to take care of weeds, etc. **Paul D. made a motion to approve the contract, subject to the DA's approval of the contract; seconded by Paul M. All voted in favor. Kevin was not present for the vote.**

#16-ALAMO LANDING FIELD

The agenda incorrectly reflected two of Item 16. There was some discussion about the equipment, which can be used for more than just snow removal at the airport. It can be used to remove dust/dirt from the runway. **Paul D. made a motion to approve the signing of the Federal Aviation Administration grant application for the snow removal equipment at the Alamo Landing Field in the amount of \$96,025 with a required match of \$6,002; seconded by Varlin. All voted in favor.**

#16-WIDE LOAD TRUCK DETOUR

This item concerns a comment letter regarding the proposed wide-load truck detour for travel on I-15 within the Virgin River Gorge in Arizona during a series of bridge and roadway reconstructions projects. The detour would follow US 93 and SR 319. Cory presented a draft letter. It is important to keep the traffic flowing. Cory addressed areas of tight guard rail and structural damage to the highway. The Planning Commission has looked at this but Cory hadn't heard from Emergency Management Coordinator Rick Stever or Sheriff Kerry Lee, who received letters concerning this issue as well. Emilia Cargill, Coyote Springs, sent two comment letters; one concerns signage and their property and the other concerns their EA. The EA contains many broad, sweeping statements. The letter says it has to do with several decades of project. Yet, the EA is specific as to one, single bridge. Therefore, they can't impose this unilaterally over several decades without doing a new EA for each bridge. There are some errors in the EA, including references to passing lanes. There are no passing lanes up and down the roads. The letter says no records are maintained on wide use permits but they say there will be no increase of traffic. They know permits are issued but they don't keep records. How do they know what the increase will be? Emilia thinks they're overreaching. Emilia supports Cory's letter. **Adam made a motion to approve the letter; seconded by Paul D. All voted in favor.**

#17-COYOTE SPRINGS

This item concerns a letter to Nevada's Senate and House of Representatives in support of a bill being proposed in the Senate and the House of Representatives regarding the Bureau of Land Management's issuance of a patent to reconfigure 7,548 acres of land in the Coyote Spring Valley pursuant to Final Environmental Impact Statement (EIS) for the Planned Unit Development (PUD) project Multi-Species Habitat Conservation Plan (MSHCP), Lincoln County, NV (FWS-R8-ES-2008-N0136) and the reconfiguration provided for a Special Condition 10 of the Army Corps of Engineers Permit No. 200125042, and for the benefit of desert tortoise and other species. Emilia Cargill presented a draft letter. This letter concerns the LC side of Coyote Springs' property and their 404 and Section 10 permits. These required the movement of the lease/conservation lands from the center of the property to the far eastern edge of the property so it abuts the existing BLM areas of environmental concern. This has been put forth in all of the permits and documents from the federal government. Then it came time for BLM to issue the patent to do the reconfiguration. At that point in time, BLM and F&W had already been sued by NV Outdoor Recreation Association and Western Lands. The patent was resolved when BLM did this exact same process. The litigation was dismissed. At that point, BLM became concerned about doing the reconfiguration without legislative approval. The BLM requested that Coyote Springs go out, have the bill introduced, get support for legislation and do all of the legwork. CSI started the process again about one year ago with their representatives, Senator Richard Bryan and Brent Heberly. Mr. Seeno and Emilia have met with members of the Delegation. They've spoken with Congressman Hardy, who is on the House Natural Resources Committee. CSI hopes that Congressman Hardy will introduce the bill in the House and that Senator Heller will introduce it in the Senate. Senator Heller asked for a letter of support showing that LC supports this as well as the project overall. **Adam made a motion to approve signing the letter and sending it to the delegates; seconded by Paul D. All voted in favor.**

#18-LINCOLN COUNTY/COYOTE SPRINGS INVESTMENT, LLC DEVELOPMENT AGREEMENT AMENDMENT

This item concerns the commencement of the process to amend the development agreement between LC and Coyote Springs Investment (CSI) pursuant to LC Code Title 13, Chapter 1, and Section 3.03 of the LC/CSI development agreement. Adam advised that during discussions between CSI and Western Elite (WE), it was reviewed that there is language in the CSI Development Agreement that states they will not allow a Class I landfill within ten miles of their development. CSI is willing to take this part of the development agreement out and allow the Class I landfill. In exchange, they'd like some things removed from the development agreement that are quite onerous to them and will be difficult for the development. Both the County and CSI agree that none of the infrastructure should be born on the backs of the taxpayers. It will cost upwards of \$40,000 to do a new development agreement. Adam stated he'd like to keep the costs minimal. Options include: fixing the current development agreement or do nothing, realizing there might be lawsuits. Cory advised that this issue was brought up at the last Commission meeting. The way that the development is written, both parties subject to the development agreement have to agree to changes. In an effort to avoid redundancy and many extra meetings, it was put on today's agenda to decide how this should move forward. Paul D. cautioned the exclusion of the Planning Commission. Paul D. commented that benefits of opening the development agreement need to be determined. Paul D. would like the application made to the Planning Commission. Adam said the development agreement was done when the economy was booming. CSI is in the red \$2-3 million per year as they try to get things up and going. Adam asked the Board to reevaluate and be fair to both sides. If WE is allowed to have their Class I, special requirements need to be included. Many of the changes CSI wants are related to schools/fire/EMS. The changes are significant as are the triggers that would require the funding and acreage for facilities. The process to amend would be like a regular development agreement amendment. An amendment might be 2-3 paragraphs or provisions. This is a significant amendment that would require workshops and hearings to define a solid solution. Cory advised that we don't want this to go through the PC, taking a great deal of time, then it circles to the Board for changes/appeals. Cory wants to attack it straight on. Ronda Hornbeck advised that the County went through a great deal to get the development agreement we have in place right now. It was fully vetted. The County had consultants come in and advised the Board as to how the development agreement process should be handled, including making sure there were benefits to the County. Ronda cautioned the Board and asked that they have several workshops prior to making suggestions. The Sheriff's Office, Emergency Management/Fire, LC School District are directly impacted; they should be included in the discussions/workshops. Greg Barlow advised that many of the burdens at the start of construction won't fall on the County, they'll fall on the GID. Greg has reviewed the proposed amendment agreement, which has direct impacts on the GID. Some of what is being requested reduces the income to the GID. Greg stated that this agreement won't be easy. Paul D. stated the application to the PC needs to be made and it needs to go through the regular channels, including the right to appeal to the Board of Commissioners; the usual process needs to be followed. Cory will schedule a public hearing, if so desired by CSI, for the next Planning Commission. Cory asked that a joint workshop be scheduled after that to include both PC and the Board of Commissioners. All affected entities will be included in the workshop. Emilia Cargill, CSI, addressed the Board. Emilia attempted to submit an application, along with the appropriate fees. However, Cory asked Emilia not to submit the application. Emilia isn't trying to circumvent the process; she was asked to not submit the application. Emilia is in favor of a workshop that includes all affected entities. Emilia advised that the development agreement, as written, wasn't feasible then and it isn't feasible as written today. One example given is: when the first grading or building permit is pulled, they are obligated to give the Sheriff's Office \$250,000. Emilia disagrees with that. As taxpayers settle in the area, there will be taxes generated. The purpose behind the suggested changes are to take the obligations and reduce them down; when they come in with a Planned Unit Development, CSI will then have to agree as to what is necessary. CSI has never asked the County to pay for infrastructure and never will. CSI's goal is to turn this into something malleable and they hope to move forward with some positive things over the next 12-24 months. There is a great deal on the verge of happening; it's possible that some things will move forward in Clark County, which will help LC. Moving forward in LC can only be attempted by making changes to the development agreement. CSI is ready and they'd like this to move forward. Daniel advised that no action is necessary; procedurally, Cory can just take the application and move forward from there. No action was taken on this item.

#19-WESTERN COUNTIES ALLIANCE

Ken Brown, Western Counties Alliance, provided an update concerning public lands issues, including PILT, Secure Rural Schools program, wild horse/burro, geothermal, transfer of public lands, and sage grouse. Varlin asked Ken to remember that all wealth is generated from a natural resource. Whoever controls the natural resource, controls the wealth. No action was taken on this item.

#20-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS attended the Tri-County Weed meeting. Paul M. had Denise add an item to the 3-23 agenda concerning the NCA in the Coal and Garden Valley area. The Board needs to write another letter stating the County's position. **COMMISSIONER ADAM KATSCHKE** will be gone April 6th as he has a meeting. Adam sat on the panel to interview for Deputy Assessor. Adam attended the Regional Development meeting as well as met several times with Coyote Springs Investment and Western Elite. Adam attended the Local Elected Officials Consortium. Adam asked if Commissioner responsibilities need to be on the agenda again; Kevin will work on this with Varlin. **COMMISSIONER PAUL DONOHUE** and Shane Cheeney met with the Mitchells at Mt. Wilson; they're asking the Road Department to produce more road material in the gravel pit out there. Paul D. asked RTC for funding to get this material in place but RTC can't fund anything for private ground. Paul D. has been meeting with the DA's Office and the residents of Caselton in an attempt to secure the land their houses sit on. The best way to do this will be to create a public trust, to be managed by the DA's Office. Paul D. met with RTC; the funding for the engineering of Edwards Street in Panaca was approved. Paul D. advised that the Airport has financial issues and the Board will be asked to address it.

#21-PUBLIC COMMENT

Kevin called for public comment. Ronda Hornbeck advised that the HCP planting for this year has been completed. Over 600 willows were planted via bundling on site 26. Ronda employed the Caliente Youth Center young women, who did a spectacular job. These young ladies worked really hard. The stream banks are being preserved quite well. Ronda reminded the Board that it is important that we have a Commissioner on the IMC committee and at the meetings every month.

#22-ADJOURN

There being no further business for the Board to attend to, adjourned the meeting at 12:28 p.m.

Attest: _____ Approve: _____