



LINCOLN COUNTY BOARD OF COMMISSIONERS

August 3, 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 9:03 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: PAUL DONOHUE
VARLIN 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 7-28-15. The Invocation was offered by Kevin and Paul M. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. Kevin advised that we have received a response letter from Neil Kornze regarding the planning of the basin and range of the National Monument.

CONSENT AGENDA

#3 Approve/Deny minutes of the July 6 and 20 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).

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

#5-VOUCHERS

General County has a balance of \$709,734.92 with estimated expenditures being \$10,721.32 (this does not include payroll). General County will have a balance of \$699,013.60. We received the bill from Rocky Mountain Ambulance in the amount of \$166,500. A transfer will be made at the next meeting but we will still be \$6,000 short of what was budgeted. Emergency Management has committed funds to help with the shortage. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc voucher; seconded by Varlin. Paul D. was absent for the vote. All voted in favor. Adam made a motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin disclosed he is part owner of Mountain Merc; he abstained. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

COMMISSIONERS' ADMINISTRATIVE ASSISTANT Denice Brown advised that the NACO conference is coming up soon. The Board members need to get registered soon. Varlin stated it would be beneficial if we could send the town board members to training, which would include how government functions as well as the Open Meeting Law; Denice will work on this. **PLANNING/BUILDING DIRECTOR** Cory Lytle met with BLM on 7-22 concerning the Round 4 disposal package. There is a big question concerning the direct sale request for Wilkin Mining. A direct sale will not happen and the BLM wants to work on a continued lease due to the mineral rights and associated issues. The Tim Olson direct sale will require a RMP amendment. The Farmland Reserves that were put through as direct sale will require a RMP amendment as well as a lease. Kevin stated there is already a lease in place. The current lease will be addressed first and then Cory will follow through with the direct sale. The Rachel piece can go forward; it will be competitive. The Alamo, Pioche, Caliente, and

Panaca parcels can be moved on. Cory will start on the RMP amendment within the next month or so. Updated maps will be created, including other areas of interest that weren't in place in 2008 when the RMP was developed. Varlin suggested the County form a conservation easement with the County holding the easement in trust as opposed to giving it to a conservation group. Cory will work on this as well as the RMP amendment. This will be started through the Planning Commission and the town boards will be included. It is hoped that Round 3 will go out for bid late this fall. There will be a couple of business license revocation hearings on 8-17. There are some room tax issues with these businesses as well. Cory presented the Coyote Springs development agreement amendment as approved by the Planning Commission. Formal hearing on the DA will be on 8-17. 8-6 will be a webinar concerning the Dry Lake Solar Energy Zone mitigation. **SENIOR NUTRITION** Toni Acuff advised that one of her full time employees has been move to part time in order to solve some problems. Toni will be gone for case management training in Reno part of next week. **LC HEALTH NURSE** Nicole Rowe reported that she has 110 WIC families, 30 patients per month for immunizations, 5 women's health, 10 mental health patients, and 3 STD patients.

#7-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#8-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#9-CALIENTE FLOODING & DECLARATION OF EMERGENCY

Emergency Management Coordinator Rick Stever reported that Caliente has declared a state of emergency due to the rains and floods in July. The declaration was done on 7-23. Rick presented a budget break down for repairs so far. Total cost overall is projected to be \$67,499.75. Rick advised the Board they can assist the City in whatever manner they'd like. If the County runs out of funds, the County can then declare as well and go to the state for funds. Rick presented the application for funds. There is a 60 day time frame. Rick received an email from the state. If the County starts assisting then we have 60 days from the time the County declares. Paul M. asked what fund from the County would be used. Rick responded that the Auditor has indicated that there are two possible funds: Emergency Relief and PILT Emergency. The total amount available from the County is approximately \$60,000. Paul M. stated he knows cleanup must be done but he has reservation spending the funds the County has on a project that has already happened and there is no imminent threat. What will happen if we have a bigger emergency happen that requires those funds? Paul M. questioned whether or not the emergency funds should be used for sediment cleanup or if another fund should be targeted. At what point do we decide this is our emergency? Caliente is concerned because they're using their fund for cleanup. If something happens later in the year they won't have the funds to address it. If the County expends everything it has now helping Caliente the state would be more likely to help if a future event occurs. The application requirements include the payment of equal taxes, financial statements for each month during the current fiscal year, as well as a great deal of audit/budget work that must be done prior to submission of application. Adam asked if it is possible to allocate only a portion of the fund versus the entire fund. Will the state, through the audit process, require us to deplete our funds before they help? Interim Finance Committee will determine whether or not the incident and affected entity qualify. If we expend our funds now, the state will be more likely to help in the future. Paul D. asked if there is someone that can be contacted at the state to discuss our current budget situation and how much has to be allocated towards this problem. Rick will research this issue to identify contact persons at the state. Ken Dixon, Caliente Flood Plan Manager, stated the City didn't try to bypass Rick on any of this. Rick has been included since day one. Caliente budgets \$35,000 per year for wash maintenance. This maintenance is to keep the channel cleaned out to historic depths. The flooding that occurred came from channels that feed into the Meadow Valley Wash in town. About 6,000 cubic yards of silt was deposited in the wash. The flash flood has obliterated the work on that was previously done. The \$35,000 is for maintenance, not emergencies. Nearly \$17,000 has already been spent on preliminary work on the wash. There is a great deal of work left to do to clean out the wash to the state it was in prior to this most recent flash flood. Ken talked to Karen Johnson, acting State Mitigation officer. Karen advised Ken that the state has a hazard mitigation fund available to help with this problem. Ken suggested that an item be included on a future agenda that provides for action as to what the County can do to help the City. Rick stated that the information he has come from the NV Disaster Relief State Fund. Rick also cited that he was given the Response & Recovery Guide for State, Local Governments. Ken commented that he was given to understand

that these extraneous measures and applications to the state aren't required to obtain state funds. Ronda Hornbeck referred to the Pioche Fire. The County had no funds to pay for the fire but the state required us to spend every last bit of money the County had to pay for it. The state asked how we were going to pay for the fire. It took a very long time to get the state to help with the fire and the state continuously asked how we were spending our money. We had to show the state our books and how prepared we were to pay for the fire. Ronda cautioned the Board with regards to spending all of the County's emergency funds. This is a City problem and the County's responsibility is limited. Kevin advised that the problems with the wash are ages old. If the County spends every penny of the emergency funds there still isn't enough. The County and City need to look at long term solutions. There are two issues at hand: getting the wash back to where it was before the flood and working towards long term solutions. Jerry Carter stated that they've been down in the creek extensively working on maintenance. If they hadn't been in there working on it, the wash from Jerry Maeder's would have reached the creek and come up into the homes. The work that Jerry and his crew did prevented homes from being flooded. If it hadn't been cleaned up to the level it was it would've breached the highway and gone clear up over the culverts. The City's work on the wash has been very proactive. The City is simply looking to get it back to where it was last year. Rick stated the highway bridges on both ends of the County are the responsibility of the State Highway. The south bridge is almost completely plugged. Rick suggested a request from the County might help in getting that cleaned out. Jerry responded that they've been in contact with the state. Jerry spoke with the local state representative, who asked for a letter from the City to Ms. Martini requesting that the bridges be cleaned out. It would help the City if the County also sent a letter of request to get those cleaned out. Ken advised that the structure downstream from the railroad trestle also needs to be addressed. Ken suggested that the County follow through with the declaration as it gives Caliente some legs to stand on for the emergency funds available from the state. The flood control board will examine this issue and bring a recommendation to the Board for future action. Long term/short term solutions need to be identified as do long term/short term budget solutions. No action was taken on this item.

#10-LANDFILL POLICY

This item concerns the revision of the landfill policy with regards to waivers. Treasurer Shawn Frehner advised that it doesn't matter if the Board decides to change the policy but she wonders if it would be advantageous to not have prior years' exclusions in the policy. It could cause a great deal of problems with future liens if they are placed against a property and then someone comes back at a later date advising that they should have had a waiver. Individuals have an entire year to fill out the waiver request. Shawn stated that is a very long time to fill that out. The only circumstances that should include the granting of a prior year waiver would be medical. Shawn will follow whatever policy the Board puts in place. Paul M. commented that we should have less and less prior year waiver requests going into the future as the public is more educated about them now. The Board agreed to leave the policy as it currently is. Every year a waiver request must be filled out. **Adam made a motion to leave the policy as is; seconded by Paul M. All voted in favor.**

#11-BUREAU OF LAND MANAGEMENT

Mike Herder, BLM District Manager, advised they've been fielding a lot of questions concerning the new basin and range monument. Mike has a list of the questions they've received. Most of the questions have to do with what is/isn't allowed within the boundaries of the monument. Responses have been issued to the questions as received so far. BLM wants to begin dialogue as to moving forward with the County's interest in participating in the planning process for the monument. Adam commented that he received a comment that it sounds like the monument was done in exchange for gas/oil acreages. Mike responded that the oil/gas lease/sale has nothing to do with the monument; these acreages are available for potential development. This wasn't a direct trade off. The 704,000 acres is now withdrawn from oil/gas leasing; valid existing rights remain in place. Paul D. asked how the roads will be addressed in the monument area. Mike responded that this is one of the issues BLM has looked at. The proclamation addresses motor vehicle use, which is still allowed on existing roads and trails within the monument. The proclamation takes the existing roads/trails and sets the date of the proclamation as the starting point. Maintenance follows the existing schedule. There are options available in terms of continued use of ROWs for access to gravel. Nothing changes with the existing, valid rights; they continue to have the right to explore and pump oil from those sites. BLM is currently in the process of evaluating an application from Mack Oil for this area. What effect will removing 700,000 acres have on our qualifications for PILT funding? Nothing will change in terms of the way PILT calculations are done. The County shouldn't notice any change in PILT. Cory stated PILT should increase since it's a monument. Cory discussed the watershed process.

Monument designation will not change the process for evaluating the condition a watershed is in nor will it change the process for developing the environmental assessment with the exception that we'll now need to consider the impacts to the monument objects described. Most of the objects include wildlife and cultural values; the same things looked at with a traditional EA. The draw for people to come to this monument is the cultural values, including petroglyphs and rock art. The shooting gallery is an isolated piece in the monument and White River Narrows is a great place to see. The "City" is also an attraction of the monument. The intent is for BLM to work with various groups to design a recreational or visitation service. BLM has a number of brochures that describe the cultural resources in that area. The problem of the overpopulation of the wild horses was discussed.

#12-JEFFERSON AUDIO VISUAL SYSTEM

Paul M. made a motion to approve the upgrade to the courtroom JAVS system in the amount of \$18,651 from the PILT Fund; seconded by Varlin. All voted in favor.

#13-SHERIFF'S OFFICE

Adam made a motion approve the replacement of the card maker at the Sheriff's Office in the amount of \$6,140.90 from the General Fund; seconded by Paul D. All voted in favor.

#14-WESTERN COUNTIES ALLIANCE

Varlin made a motion to approve the payment of membership dues to Western Counties Alliance for FY 2015 in the amount of \$2,000; seconded by Paul M. All voted in favor.

#15-TAX STRIKE

Adam made a motion to approve the tax strike for APN 009-011-18 due to change in assessed value from 240,499 to 118,355 due to notice of decision from State Board of Equalization; seconded by Paul D. All voted in favor.

#16-TAX STRIKE

Adam made a motion to approve the tax strike for DeWayne Davis, APN 010-173-18, due to Veteran's Exemption which will reduce it by 2,500 assessed; seconded by Paul D. All voted in favor.

#17-TAX STRIKE

Adam made a motion to approve the tax strike for Hazel Rice, APN 03-184-12 due to correction to land value from 6,212 to 1,833 assessed; seconded by Paul D. All voted in favor.

#18-TAX STRIKE

Adam made a motion to approve the tax strike for 3J Cattle, APN 013-160-63 (from 8,824 to Ag 18), APN 013-160-03 (36,435 changed to Ag 16), APN 013-030-18 (from 7,448 to Ag 14), APN 013-030-21 (changed from 19,049 to Ag 4,547); seconded by Paul D. All voted in favor.

#19-PAY GRADE RESOLUTION FOR NON-CONTRACT EMPLOYEES

This item concerns the readdressing of a resolution establishing a pay grade and step for certain employees of LC. There were typos in the last resolution. Rick Stever's grade should be 36-08 and Ronda Hornbeck's grade shouldn't be at a "half" rate, she is hourly; "half" was removed from the resolution. The annual salary is half but the rate hasn't changed. **Adam made a motion to approve the amended resolution; seconded by Paul D. All voted in favor.**

#20-LINCOLN COUNTY FAIR GROUND SIGNAGE

Adam made a motion to send a letter to NDOT concerning an informational sign on the highway ROW for the LC Fair Grounds; seconded by Paul D. All voted in favor.

#21-GRANTS

Paul M. made a motion to sign the Notice of Sub-Grant Award from the State of Nevada Division of Child and Family Services for the Victims of Crime Act in the amount of \$45,435; seconded by Adam. All voted in favor.

#22-LINCOLN COUNTY AIRPORT

Paul M. made a motion to sign the LC Airport Authority lease agreement with Coyote Springs Nevada, LLC; seconded by Paul D. All voted in favor.

#23-LINCOLN COUNTY AIRPORT

Paul M. made a motion to sign the grant offer from the Federal Aviation Administration in the amount of \$140,254 for the LC Airport terminal area fencing construction and fuel system design with a required match of \$9,350.10 (to be paid from Grant Match Fund); seconded by Varlin. All voted in favor.

#24-ALAMO LANDING FIELD

Kevin made a motion to sign the grant offer from the Federal Aviation in the amount \$90,023 for the Alamo Landing Field snow removal equipment with a required match of \$6,002 (to be paid from Grant Match Fund); seconded by Paul M. All voted in favor.

#25-ALAMO LANDING FIELD

Paul M. made a motion to sign the Notice to Proceed to Renner Equipment Company for the Alamo Landing Field snow removal equipment contract in the amount of \$77,300; seconded by Kevin. All voted in favor.

#26-WESTERN ELITE YOUTH FUND

Paul D. made a motion to approve the request from LC 4H Shooting Sports Club in the amount of \$500 from the Western Elite Youth Fund; seconded by Paul M. All voted in favor.

#27-INTERMOUNTAIN ENERGY SUMMIT

Paul M. made a motion to appoint Adam and Varlin to attend the Intermountain Energy Summit on August 18-19 in Idaho Falls, ID; seconded by Paul D. All voted in favor.

#28-MAINTENANCE/CUSTODIAN

This item concerns the approval of a maintenance/custodian worker position and pay grade. Cory Lytle advised there is a job description and task list for this position; he emailed them to the Board members. **Paul D. made a motion to approve this position and set it at grade 27-01; seconded by Adam.** Daniel stated there is someone in Alamo and he asked, in the interest of uniformity, how this will affect that individual. It's something to be considered but no one knew the impacts. **All voted in favor.**

#29-PANACA TOWN CENTER

Adam made a motion to approve the lease agreements for the LC Health Nurse, LC Human Services, and Nuclear Waste Oversight offices in the Panaca Town Center and to give Cory's office the authority to make the leases last 4 years; seconded by Varlin. All voted in favor.

#30-SILVER STATE TRAILBLAZERS AMA NATIONAL HARE 'N HOUND

Adam made a motion to approve the Silver State Trailblazers AMA National Hare 'n Hound motorcycle race on August 22; seconded by Paul D. All voted in favor.

#31-RESOLUTION #2015-21

This item concerns amendments to the resolution creating the petty cash account for the LC Fair Board. It was previously set at \$2,500. Every month that the funds are spent they must be reimbursed to the amount it's set at. The fund then would always stay at the same level. Statute requires a maximum amount per expenditure. Daniel increased that amount to \$1,000. This isn't technically a petty cash account, it's a revolving account. The bank statements will go through the Treasurer's Office. At the end of every month, it will have to be vouchered and reimbursed to the account. Denice advised that the statements have to come to the Treasurer's Office, the Fair Board isn't required to use the County's bank. **Paul D. made a motion to approve the amended resolution; seconded by Paul M. All voted in favor.**

#32-CODE RED EMERGENCY NOTIFICATION SYSTEM

Varlin made a motion to approve the payment for the Code Red Emergency Notification System in the amount of \$4,200 (half is to be reimbursed from the Grant Match Fund); seconded by Paul D. All voted in favor.

#33-QUARTERLY JAIL TOUR

This item was tabled.

#34-COMMISSIONER REPORT

COMMISSIONER VARLIN HIGBEE reported on SLUPAC and Areas of Critical Environmental Concern. **COMMISSIONER ADAM KATSCHKE** met with Caliente City Council members concerning flood issues.

#35-PUBLIC COMMENT

Kevin called for public comment. Connie Simkins stated this is the County's Fair week; there will be a cow dog trial Thursday morning at the Fairgrounds. Rick Stever advised that there is a Fire Chiefs meeting tonight in Caliente at 7 p.m.

#36-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 12:46 p.m.

Attest: _____ Approve: _____