



LINCOLN COUNTY BOARD OF COMMISSIONERS

August 17, 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

Adam called the meeting to order at 9:11 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 8-11-15. The Invocation was offered by Adam and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Adam called for public comment.

CONSENT AGENDA

- #3 Approve/Deny minutes of the August 3 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).

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

#5-VOUCHERS

General County has a balance of \$698,815.40 with estimated expenditures being \$195,811.89. General County will have a balance of \$503,003.51. Taxes will be apportioned at the end of this month. **Paul D. made a motion to approve the vouchers as presented; seconded by Paul M. Adam disclosed he is part owner of the market and Paul D. disclosed he is an employee of LCTS. All voted in favor.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised that NNSS would like to have an exercise and they want four counties to participate on August 20th or August 27th. **DISTRICT ATTORNEY** Daniel Hooge spoke with Grant Davis of Teamsters and they'd like to meet in January to work on changes for next year.

#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 FLOOD ISSUES

Caliente has requested assistance from the County to mitigate flash flood issues. As of 8-13-15 the estimated amount for current costs is \$144,900; this amount is a direct result of the meeting between LC, Caliente, and the NV State Assessment Team. Paul M. asked how we classify an emergency. Paul M. feels this is past the

emergency point. Paul M. questioned how the amount for costs was derived. We are at the beginning of the FY, Caliente has discretion over funds to clean and care for the wash. When those funds are spent, the only thing they will spend on is fuel. If the County has to give aid, it needs to be a cost basis and not for paying a contractor. Paul M. reiterated his questions over how the numbers were generated. Further, we are past emergency state and have now entered into maintenance. Adam stated the point is to protect lives, personal property, and the environment. Adam didn't know if the state would even accept it as there weren't a great deal of lives in danger. Caliente has expended quite a bit of money as an emergency procedure. They won't need to pay for increased staff; they already have the staff in place. Caliente would like to see funds as they have the equipment and manpower; they simply haven't the funds to get it done. Caliente requested a damage assessment team from the state. This team came in and identified 5 sites, Spring Heights/Denton Ave., Lower MV Wash between Hwy. 93 bridge and UPRR/317 trestle, IOOF Cemetery/Young's RV Park, MV Linear Park at Maeder Wash, and Maeder Wash west from MV Linear Park to just west of Maeder property. If Caliente requests less than 50% of the costs, the state will most likely not question it. If Caliente asks for more than 50% from the state there will be 3 years worth of audits of both the County and Caliente. If we can show we're using emergency funds, when a reimbursement is requested the state will look at our budget to see if we have the funds. If we've used emergency funds they'll reimburse the county; if not, they'll be looking for justification. Paul D. is concerned that this is being called an emergency but he doesn't see it as such. It was urgent at the time and many people were frightened. Now there is a great deal of dirt in the creek that needs to be moved so that we don't have an emergency. Paul D. worries that this is something like crying wolf. This isn't an emergency; it's rehabilitation from a flood. Paul D. would feel more comfortable if we were looking for rehabilitation funding, not emergency funding. The \$60,000 in the emergency fund was a one time amount; it doesn't replenish as it came from the LC Land Act. The budget process is the only time that funds are added to the emergency funds. The state would be satisfied with 1/5. The County must show that they have a use for the emergency fund. Historically, when floods occur, the Road Department is asked to fix roads and they do. If the state would allow for this type of process it is should be considered an expenditure of funds. There was some discussion about spending 1/5 of the emergency funds. Paul D. asked if the state will require the County to expend all of the emergency funds. No, not if the County can show that the money is set aside for emergencies and there is intent to use it. Shane Cheeney asked how RD shows that funds have been spent on emergency repairs. Every year, Caliente budgets \$35,000 for maintenance of the washes. Caliente has done its best to measure how much silt is dumped in there. This year, the \$35,000 simply isn't enough to cover the costs of cleanup and maintenance. Adam suggested that we earmark 1/4 of the funds but only give Caliente the full amount if the state forces us to. The priority now is to remove the additional silt from the creek in order to avoid a future emergency. Using the terminology "debris removal" is the best way to get paid by the state. If the County gives Caliente funds and doesn't want to be reimbursed then the County won't have to deal with the state. Caliente must go through the County to deal with the state. If the County wants to be reimbursed, then the state will have the ability to look at our books. If we give Caliente \$15,000 they will not be happy with it; the state will still want to look at our funds. Ken Dixon commented that the state assessment team came in and the list of repairs was developed with their help. There is a discrepancy in NRS as to whether or not the City can bypass the County and declare an emergency. Caliente is awaiting an opinion as to whether or not they can directly approach the state. Paul M. commented that \$15,000 worth of fuel will clean up the mess. Ken asked if this amount takes care of the maintenance on the equipment. Shane reminded the Board that RTC didn't pay for maintenance on their equipment or man hours. The state paid only for the moving of the material or the purchase of said material. Adam asked what Caliente's request is from the County. Ken responded that Caliente wants the County to "chip in all they can". Rick advised the state brought up what the other entities involved in this are putting in. The Corp of Engineers (COE) has major limitations on what they can do. Rick has asked the DA's Office if the COE has a responsibility to help with the cleanup. Ken met with COE last week; they're exploring the possibilities. Paul M. commented that, based on experience, whatever the County pays to Caliente will not be reimbursed. Fund 88 and Fund 95 are the emergency funds that can be used. These two funds are one-time monies that will never be replaced unless the County specifically puts the money back during the budget process. When RD is forced to use their budget to repair flooded roads it results in fewer planned projects being accomplished. Caliente has \$280,000 discretionary funds that can be used for the maintenance/cleanup. These funds, although attached to projects right now, could be used for the cleanup of the wash and, just like RD, it would only result in fewer projects being done. There are only 60 days for the County to declare an emergency as well. Whatever has to be done must be done right away as the clock is winding down. Ken asked that Daniel inquire into the Statutes to see which will apply. Daniel asked if Dylan

Frehner, City attorney, has rendered an opinion yet. No. Paul M. suggested that this be tabled to the next meeting until an answer regarding the Statutes is received. Ken advised the emergency is not gone; if another flood situation arises people's homes could flood again. Adam stated that the Board needs to consider whether or not they will declare an emergency and a decision on the funds needs to be made; these are the things to be considered on the next agenda. Adam said if the Board makes the decision based on population, then Caliente would only receive a percentage of the funds. Paul M. stated that if there was a true emergency at this point, he would happily approve all of the funds. If all of the funds had to be spent to save lives and homes, the County would approve them all. Caliente must verify and prove the amount of fuel, labor hours, materials, etc. to the state in order to get the funds reimbursed. Ken advised the question is: what would the County's obligation be if they also declare an emergency? Answering this question might solve the paperwork issue. There is a list of requirements the County will have to fulfill if an emergency is declared. Adam asked what Rick's recommendation to the Board is and whether or not this is an emergency. Rick responded no, that currently he doesn't see it as an emergency. The state had a list of things outlining what constitutes an emergency; the answer to those was no. If the County declares a state of emergency the state then has the right to audit our books. If the County doesn't want to be reimbursed, Rick doesn't believe the County has to declare an emergency. **Paul M. made a motion to table this to the next Commission meeting; seconded by Paul D. All voted in favor.**

#10-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#11-MOTHERLOAD MOTEL BUSINESS LICENSE

This was the time and place set for public hearing on the revocation of the LC business license for the Motherload Motel due to delinquent lodging rental tax. Cory Lytle addressed the Board and advised that he was notified about a year ago that there are a handful of businesses that aren't paying their lodging tax. Notifications have been sent to those entities. Motherload is one of those that is delinquent with the tax. The property can be liened and there are several avenues that can be pursued. The Motherload currently has a business license. Amy Asperheim advised that she got a certified letter last week. She has paid her room tax through July 2015 this year. Amy advised that she will be more diligent about it in the future. Cory responded all that is needed now is verification with the Treasurer's Office to make sure that this has been paid. The business license department was asked by the Room Tax Board to look into these delinquencies. No action was taken on this item.

#12-ALAMO INN

This was the time and place set for public hearing on the revocation of the LC business license for the Alamo Inn due to delinquent lodging rental tax and failure to renew business license. Cory advised that a license wasn't obtained by Alamo Inn last fiscal year. Notice was received about the room tax delinquency. Notice was sent to the owners. No communication has been received from the Alamo Inn in response. Prosecution by the DA's Office is possible. It has been years since this business has paid their lodging tax or had a business license. Bills are not received for lodging taxes; owners are responsible for figuring out the amount owed and paying it by the 15th of each month. Room tax is 5%. The owner of the Alamo Inn is aware that they owe room tax. Cory advised that another notice will be sent to the owner advising of the Board's action. Adam asked for public comment. None offered. Daniel advised that the license can still be revoked; the individual would then have to come and jump through all the hoops to have it reinstated. One of the steps that can also be taken in the future includes pulling the power meter. Misdemeanor charges and jail time are also considerations. Adam closed the public hearing. **Paul M. made a motion to approve the revocation of the business license with a thirty-day grace period; seconded by Paul D. All voted in favor.**

#13-LINCOLN COUNTY SPECIAL INVESTIGATOR

Paul M. made a motion to approve the amended letter for the renewal of the critical needs position held by Maribah Cowley with the LC Sheriff's Office as Special Investigator, retroactive to March 18, 2015; seconded by Paul D. All voted in favor.

#14-LINCOLN COUNTY WATER DISTRICT LEASE

Paul M. made a motion to approve the amendment to the contract to least office space from LC; seconded by Paul D. All voted in favor.

#15-BUDGET TRANSFER

Paul M. made a motion to approve the budget transfer from the Ambulance Fund to Ambulance Capital Projects Fund in the amount of \$89,008; seconded by Paul D. All voted in favor.

#16-TAX STRIKE

Paul D. made a motion to approve the tax refund from CM 00962 Level 3 Communications in the amount of \$6,249.41; seconded by Paul M. All voted in favor.

#17-TAX STRIKE

Paul D. made a motion to approve the tax strike for 3J Cattle Company, APN 013-160-63 (assessed as vacant and changed to Ag 18), APN 013-160-03 (assessed as vacant, changed to Ag 17,992), APN 013-030-18 (assessed as vacant and changed to Ag 2,645), APN 013-030-21 (assessed as vacant and changed to Ag 5,547); seconded by Paul M. All voted in favor.

#18-TAX STRIKE

Paul D. made a motion to approve the tax strike for DeWayne Davis, APN 010-173-08, (adjustment of value from 11,429 assessed to 8,929 assessed due to Veteran's exemption; seconded by Paul M. All voted in favor.

#19-TAX STRIKE

Paul D. made a motion to approve the tax strike for Hazel Rice, APN 003-184-12 (correction on value of land and improvements from 15,068 to 10,683 assessed; seconded by Paul M. All voted in favor.

#20-TAX STRIKE

Paul M. made a motion to approve the tax strike for APN 009-011-08, change in assessed value from 362,032 to 240,306, due to Notice of Decision from State Board of Equalization; seconded by Paul D. All voted in favor.

#21-COYOTE SPRINGS INVESTMENT, LLC

This was the time and place set for public hearing on an ordinance approving a development agreement amendment for a planned unit development by Coyote Springs Investment, LLC (CSI) in the Coyote Springs planning area. The proposal is for a planned unit development (PUD) as authorized under Nevada Revised Statute 278A and the LC Code, Title 15. The purpose of the amendment is to update specific information and to modify certain owner requirements in the original 2004 agreement. Emilia Cargill was present on behalf of CSI. Adam called for public comment. None offered. **Paul D. made a motion to approve the ordinance; seconded by Paul M. All voted in favor.**

#22-GRANTS

Paul M. made a motion to sign the Notification of Grant Award for the LC Senior Services Nutrition Program in the amount of \$14,834; seconded by Paul D. All voted in favor.

#23-BUSHWACKERS MC HARE SCRAMBLES

Paul D. made a motion to approve the Bushwackers MC Hare Scrambles motorcycle race north of Pioche on September 19, 2015; seconded by Paul M. All voted in favor.

#24-DRY LAKE VALLEY NORTH SOLAR ENERGY ZONE

Paul D. made a motion to approve the comment letter and table concerning the Draft Final Report: solar Regional Mitigation Strategy for the Dry Lake Valley North Solar Energy Zone; seconded by Paul M. All voted in favor.

#25-QUARTERLY JAIL TOUR

One of the issues the County is facing is female inmates; there is a real problem with where to house them. Paul D. recommended adding a modular to the DC. Paul D. further recommended that Area money be used with it being reimbursed. Paul M. asked what happened to the plan to convert the storage area. The problem is that it is extremely small. If we use that area, there is no place to store the washing machines and linens. Las Vegas sent different classifications of inmates; they must be kept separate from general population. If the County gets sued it will cost a great deal more than the cost of a modular. Kerry advised that LCDC has been inundated with female inmates. There are a couple of female offenders that can't be housed with other female offenders. Sheriff, Detention, Commissary could be used to build a steel building. The modular would work if the plumbing could be taken to the lift station. There are many issues to consider while trying to resolve the problem of female housing. Kerry will be publishing specs for the storage building within the next couple of weeks. Paul D. will research this to see what the most economical way to resolve this problem is; it'll be brought before the Board for action at a future meeting.

#26-COMMISSIONER REPORTS

COMMISSIONER ADAM KATSCHKE attended the LC Fair; it was very well done. For those going to NACO, registration needs to be submitted immediately. There have been some people that have approached Adam concerning the flooding issues; maybe some of these problems should be turned over to the flood control board. Paul M. questioned what would be turned over to them; the Board would still have to make decisions. The flood control would simply act as a planning board and try to facilitate various issues. **COMMISSIONER PAUL DONOHUE** advised that the road agreement meeting with BLM is 9-2. The bid for the Youth Center bridge is getting closer. Our in-kind match is to do the detour road. Paul D. stated that POOL/PACT training for County employees is scheduled for October 22.

#27-PUBLIC COMMENT

Adam called for public comment. Connie Simkins was invited to attend the Clean Energy Summit in Las Vegas next week. Connie was also invited to a reception with the Wilderness Society. The Board agreed that Connie should attend both events. Emilia Cargill updated the Board on their legislative efforts. There are bills for the donut hole land in CS. BLM asked for legislation to patent the land. The lobbyist in DC told Emilia that it would be very helpful if LC would have their lobbyist advise that LC supports the bills as well. Silence is being deemed as nonsupport. Whoever our lobbyist is that's pushing the pinyon-juniper forward should be contacted to let them know that LC supports CSI's legislation. LC simply has to say that we support the donut-hole. Dr. Mike Baughman is LC's lobbyist. Connie Simkins will let Jeremy Drew know of LC's support and Adam will call Dr. Baughman. Emilia will forward the bill numbers to the Commissioners. Cory Lytle reminded the Board that they have a GID meeting today. Cory asked that the Board address the flood easement boundary line movement with Mr. and Mrs. Blood. Cory needs a funding source to move forward with the survey work. This item will be addressed on a future agenda.

#28-ADJOURN

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

Attest: _____ Approve: _____