



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 8, 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 9-2-15. The Invocation was offered by Pastor Linda Larson and Varlin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. None offered.

CONSENT AGENDA

#3 Approve/Deny minutes of the July 13 and August 17 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 Varlin. All voted in favor.

#5-VOUCHERS

General County has a balance of \$1,410,059.52 with estimated expenditures being \$250,897.24. General County will have a balance of \$1,159,162.28. **Adam made a motion to approve the vouchers as presented with the exception of the Meadow Valley Pharmacy, LCTS, and Mountain Merc vouchers; seconded by Paul M. All voted in favor. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul D. Kevin disclosed he is part owner of Mountain Merc; he abstained. Motion carried. Paul D. made a motion to approve the Meadow Valley Pharmacy voucher; seconded by Varlin. Adam disclosed he is owner of the pharmacy; he abstained from the vote. Motion carried. Adam made a motion to approve the LCTS vouchers; seconded by Varlin. Paul D. disclosed he is an employee of the telephone company; he abstained. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

TREASURER Shawn Frehner presented the monthly report for receipts. \$3,390,222.92 is the amount received in August. The first quarter of taxes has been apportioned. The Air Force tax payment was received; all four installments were paid. **ASSESSOR** Mark Holt reported that things are going well. Mark's deputies, Arla and Cydney, will be attending the Assessor's Conference in Virginia City next week. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised that the County AEDs are out of date and will no longer be supported by the company that we purchased them from for batteries/pads. We just purchased batteries/pads and have a couple of years before we will have to replace the entire units. Rick suggested the Grants Administrator can start looking for grants to replace the units. **LC NUCLEAR OVERSIGHT PROGRAM COORDINATOR** Connie Simkins reported that the NRC has come out with the Yucca Mountain EIS, which mostly concerns water. There will be a series of meetings, starting with the one on September 3. Comments are due 10-20. Connie

presented an outline of activities that Dr. Baughman has recommended; he will draft a comment letter. The second public meeting will take place on 9-15 in Las Vegas; Connie will attend. There have been numerous people who have requested an extension of time; the NRC hasn't answered as to whether or not the extension will be allowed. Next Thursday there is a solar meeting in Phoenix. Connie will attend the 9-7 meeting in Carson City for the annual Pinyon-Juniper Partnership.

#7-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#8-COOPERATIVE EXTENSION EMPLOYEE

Holly Gatzke requested permission to refill her administrative assistant. **Adam made a motion to approve the rehiring of a part time administrative clerk for the Cooperative Extension office at the same salary range as has been paid previous employees; seconded by Paul M. All voted in favor.**

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#10-COMMUNITY CARES DAY

Principal Cherry Florence advised that two years ago Kathleen Keen made connections with a gentleman in Las Vegas who donated books and various other items to the students. This same gentleman made connections with others so that every single child in the elementary schools in the district was able to receive shoes from Payless Shoes. This year it's Caliente's turn. Cherry read the letter received from Bob Ellis. Mr. Ellis asked Cherry to invite the LC Commissioners to see the kids be fitted for their shoes on September 22 at 9:00 a.m. Education is very important to those of us living in LC as well as the Commissioners. No action was taken on this item.

#11-ORDINANCE #2015-02

This was the time and place set for public hearing on an ordinance restricting the Operation of Unmanned Aircraft and providing a penalty. Paul D. read the ordinance into the record. Kevin called for public comment. Russell Tracy addressed the Board and stated there are already enough federal regulations and penalties concerning drones. Russell read several of the regulations. Russell asked that the Board not infringe on his civil rights. Russell is against the ordinance. He wants to keep our airways free and under the guidance of the FAA. Russell presented a map of Groom Lake; he finds it hard to believe you can get a drone close enough to get the same level of detail. Russell referred to guidelines from the FAA for how the local law enforcement is to handle drones. Russell asked what will happen to those who have legitimate uses for drones. Russell will apply for Section 333 exemption and be able to fly drones here anyway. Russell is working towards a use for drones. Connie Simkins agrees with several of Russell's points. Connie advised that the drones are very dangerous around airports because people don't pay attention to the rules that are already in place. The core problem is rural areas and enforcement. More federal regulations aren't needed and the Board shouldn't do something simply because the Air Force asks it. Something is definitely needed in order to give our local law enforcement something to rely on. The ordinance doesn't ban the use of drones, it simply bans them from restricted areas and from using them on others. Daniel stated there are four prohibitions: 1) no photographs of anyone's privacy can be taken, 2) no photographs of NV's Test and Training Range are allowed, 3) anything that would cause someone injury, damage, hurt, inconvenience, or discomfort is disallowed, and 4) no drones can operate within any restricted air space, which includes the airports in LC as well as the Test Range. Connie said we need to be concerned about the affect a drone with/without a camera will have on employees fighting fires. Russell stated the Forest Service is using drones themselves as it gives a better view than anything else available. Russell questioned how this ordinance will affect FS. Russell stated that privacy issues and annoyance need to be clearly defined. Russell doesn't want the DA to have the ability to prosecute anyone for "annoyance" when it isn't clearly defined. There is nothing restricting anyone from shooting one down if it's flying over their property. Paul D. commented that it would be better if the ordinance was restricted to certain areas. A prohibition like this is based upon complaints. As of now, the County has no real authority to take action in these situations. It is difficult to prosecute. Maggie Marston, BLM, advised that the drones are causing issues with wildfire protection. As a consideration, wildfire includes state, private, and county lands. BLM has published pleas in the newspaper asking folks to cease and desist during these types of situations. Kevin called for more public

comment. **Adam made a motion to approve the ordinance; seconded by Paul M.** Varlin stated that the language needs to be more defined and specific. The wording in the ordinance leaves a great deal of room for interpretation. Paul M. stated that the ordinance must be written in such a way that law enforcement has the ability to go forward when someone is creating an annoyance. **Varlin was opposed. Motion carried 4-1.**

#12-LINCOLN COUNTY DETENTION CENTER

This item included discussion concerning a priority list and maintenance/upgrade options for the LC Detention Center. Sheriff Kerry Lee presented a list to the Board. The first priority is the showers, \$46,000, and this only covers four pods. Second priority is female housing, which needs to remain inside the building due to water/sewer issues. Kerry believes that approximately \$20,000 will retrofit the room where the supplies are in order to handle the female population. The third priority is the cameras, \$7,000. The jail plumbing is a major issue; the chases need to be re-plumbed. Rob Phillips could start on this the first part of October. Other items of consideration include gate #4 controls, intercom system, and a walk-in cooler/freezer. All repairs to the showers will have to be done while the pods are still full. Top priorities are: 1) showers, 2) female housing, and 3) plumbing. \$85,900 is the total cost for all items on the list. **Paul M. made a motion to accept the priority list and to give Kerry authority to advertise/bid the shower project; seconded by Paul D. All voted in favor.**

#13-BUDGET TRANSFER

Paul D. made a motion to approve the budget transfer of \$10,000 from the Ambulance Fund to the Ambulance Capital Projects Fund; seconded by Adam. All voted in favor.

#14-BUDGET TRANSFER

Adam made a motion to approve the resolution to transfer Lincoln County General Funds 2015-2016 fiscal year to cover unanticipated expenditures; seconded by Paul D. All voted in favor.

#15-BUDGET AUGMENTATION

Adam made a motion to set the public hearing for a resolution to augment the budget for fiscal year 2015-2016 for General County Fund in order to appropriate unbudgeted resourced on September 21 at 10:00 a.m.; seconded by Paul D. All voted in favor.

#16-APN 001-031-13 MATTHIAS & CHRISTY BLOOD BUYOUT

This item concerns APN 001-031-13 located in Pioche and owned by Matthias and Christy Blood. There was a culvert that was plugged in this area. When the road was closed, the Road Department removed the culvert and made a ditch that was sufficiently large enough to handle the flood waters. Measures have been taken to eliminate the flooding problems, including the installation of a retaining pond up by the elementary school. The property owners would like the County to purchase a portion of the property. The ditch is on a corner of the Blood's property; they'd like to have it removed as there is some liability attached to it. This is the reason they've asked the County to purchase the land. The County would also need to resurvey the area. Curb and gutter is going to be installed in the vicinity as well to prevent washout on another individual's property. The County would need to pay for a survey, have the property appraised, and then purchase the land if that's what the Board decides to do. Bloods have asked if the ditch can be moved and come up higher on the property. In order to do that it would require a 10 feet deep ditch with a sharp bend. The current ditch has been there for years and years. If it is changed now and someone is flooded out, the liability could then fall on the County. Cory Lytle provided cost estimates. The property isn't worth what the appraisal will cost. Cory hopes to be able to do a boundary line adjustment but research will need to be done. Once the boundary lines are done and the ditch becomes LC's it provides a clear path to do work. The Bloods want enough room to get around their shed and into their backyard. Cory asked the Board to designate a funding source to pay for the survey. **Paul D. made a motion to move forward with the survey and use the special projects fund, up to \$2,000; seconded by Varlin. All voted in favor.**

#17-PIOCHE TOWN/LC POWER DISTRICT

Dave Luttrell was present on behalf of the LCPD. Nathan Adams, Tom Brown, and Glenn Zelch were present on behalf of the Pioche Town Board. Tom brought this to PTB to improve the service to the residents of Pioche. PTB doesn't have a journeyman/lineman working on the poles and it is very expensive to get someone to work

on the lines. In order to send Nathan somewhere to get trained it will cost the town approximately \$150,000 and he would be located elsewhere for the schooling. Tom has met with Dave several times and Dave has some ideas for how to make this work. LCPD has the ability and manpower to cover Pioche. The power system in Pioche is very old and in need of repairs. The power rates will go up in town if a major repair job is going to be undertaken. PTB would like to fully vet this to make sure that it is in the best interest of the town and its residents. The study will be very in depth and will cover a multitude of concerns, including who will pay for power to the ballpark. Adam stated wages for everyone is about \$308,000 per year. Adam advised that the revenue without power is about \$250,000; will the town get rid of employees? This will be part of the study. PTB's financial situation will be one of the biggest considerations of the study. Dave addressed the Board and commented that they will have to look at the system and its condition. LCPD will go through the pole testing results as well as clearance issues. The study will answer many questions, including whether or not it's good for the town. This process will take months to complete and it is estimated that early 2016 will be when results can be shared. **Adam made a motion to approve the study; seconded by Paul D. All voted in favor.**

#18-PIOCHE PUBLIC EMPLOYEES COLA INCREASE

Nathan Adams presented this item to the Board. Paul M. discussed COLA and the average. Nate is in favor of a universal COLA increase for all employees next year. Nate asked that the Board approve 3% this year since they haven't had an increase since 2007-2008. **Paul D. made a motion to approve the 3% COLA increase for Pioche Public Utility employees who work over 1,039 hours; seconded by Paul M.** Paul M. stated that in the future the increase given should reflect what the County is doing with the state rate. **Paul D. amended his motion to include that all future COLA increases will be in accordance with the County scale; seconded by Paul M. All voted in favor. Paul D. made a motion to make this increase retroactive to July 1, 2015; seconded by Paul M. All voted in favor.**

#19-AUCTION OF APN #001-250-18

Nate Adams presented a request for permission to auction parcel #001-250-18 and for the proceeds to go to PPU. It has been several years since this lot was signed over to PPU in lieu of fees owed. Pioche Town Board would like to auction this property off, minimum bid of \$25,000. DA Daniel Hooge advised that a minimum bid must be established, a date to open must be set, it must be advertised for 3 weeks, sealed bids will be accepted, once the opening is set the bids will come here and the highest bidder will win. Nate suggested that it might be possible to get more participation if we do a live bid instead of sealed bids. **Paul M. made a motion to approve a minimum bid of \$25,000, set the live auction for the same date as, and to be handled in tandem with, the next County auction; seconded by Varlin. All voted in favor.**

#20-MUSEUM DIRECTOR WAGE INCREASE

Adam made a motion to approve the 3% pay increase for Leslie Jan Childers, Museum Director, retroactive to July 1, 2015; seconded by Paul M. All voted in favor.

#21-LINCOLN COUNTY AIRPORT

Paul D. made a motion to sign Supplemental Agreement #1 with Jim Wilkin Trucking for the LC Airport fencing project in the amount of \$5,808.80; seconded by Paul M. All voted in favor.

#22-CONTRACT BETWEEN DEPARTMENT OF HEALTH & HUMAN SERVICES/DIVISION OF WELFARE & SUPPORTIVE SERVICES

Paul D. made a motion to sign the interlocal contract with the Department of Health & Human Services Division of Health Care Financing and Policy and Division of Welfare and Supportive Services; seconded by Varlin. All voted in favor.

#23-ENERGY COMMUNITIES ALLIANCE

Paul M. made a motion to approve the attendance of Adam and Paul D. at the ECA Cleanup Workshop on September 29-30 in Arlington, VA; seconded by Varlin. All voted in favor.

#24-HOST COMMUNITY FEE ORDINANCE

Paul M. asked if there have been any meetings with Mesquite or Virgin Valley to resolve any of their concerns. Paul M. is willing to meet with Mesquite and Virgin Valley prior to a hearing on the host fee ordinance. Varlin

advised that he has some concerns about how the ordinance is written. Instead of including the fee in the ordinance it could be applied to the Special Use Permit. If the fee is cut and dried it could bankrupt a company. Adam asked how this is different than a flat fee that is percentage. There was some discussion about the Landfill Committee. Paul D. stated that this ordinance has been in the works for months. **Paul M. made a motion to set the public hearing for October 19th at 11:00 a.m. for an ordinance that imposes a host community fee based upon gross tonnage of solid waste received on all disposal sites within the jurisdiction of Lincoln County on ; seconded by Paul D. All voted in favor.**

#25-CALIENTE FLOOD ISSUES

This was the time and place set for a teleconference with the Division of Emergency Management concerning the Emergency Declaration as well as support for Caliente. The item was tabled.

#26-CALIENTE FLOOD ISSUES

This item concerns the acceptance of the Declaration of Emergency for the City of Caliente. Rick has encouraged Caliente to get their paperwork completed with the intent to apply for state assistance. If the County questions how much it can contribute, DEM can answer that. The paperwork that Rick sent Board members lists the steps the County needs to take if declaring an emergency as well. **Paul M. made a motion that the County *not* declare an emergency at the County level but accept Caliente's Declaration of Emergency; seconded by Paul D.** Ken stated that an additional 2,000 cubic yards was deposited after the last event. This is considered normal maintenance. Ken advised that big problem is that the original 8,000 is still in the wash. Paul M. commented that if we went forward with this then the work and auditing due to the decision is completely out of balance; it isn't wise for the County to go down this road at this point. Varlin asked if it would be better to attempt to get federal assistance from a more fixed, long term agency instead of Emergency Management. A long term solution is needed for the flooding problems in the County. Paul D. suggested that the County Road Department be used to do the cleanup and then a fund be designated in the County budget to pay the RD back. Shane Cheeney advised that NDOT is cleaning out under the bridge by the shop. NDOT will be cleaning out to the right-of-way. **Adam was opposed. Motion carried 4-1.**

#27-CALIENTE FLOOD ISSUES

This item concerns financial assistance to the City of Caliente for the mitigation of flash flood issues from Fund 88, including the amount of financial assistance being offered. Paul D. stated he would like to see if there is any way that the County can take equipment in and help with the cleanup. **Paul M. made a motion to deny financial assistance to Caliente and to start looking for other ways to aid Caliente in removing the sediment and repairing the wash; seconded by Varlin.** Rick Stever advised that it will help greatly for the County to document all man hours used on this project. **Adam was opposed. Motion carried 4-1.**

#28-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS advised that he's been speaking with Brandon Vaught of Tri-County Weed as they aren't happy with the amount of money that was budgeted for them this year. The amount of money they anticipated bringing in is what was budgeted. If there was carryover from the previous year they could spend that as well. If they brought in more money than anticipated they could augment and spend that as well. Paul M. will be attending Tri-County Weed meeting this week; discussion will center on whether or not they can afford their capital purchases due to the budgeting. **COMMISSIONER VARLIN HIGBEE** attended a SLUPAC meeting last month. 10-23 SLUPAC and NACO will have combined meetings. **COMMISSIONER KEVIN PHILLIPS** attended the Tri-County workshop in Baker, NV, on 8-22. Kevin attended NACO meetings in Carson City on 8-27. **COMMISSIONER ADAM KATSCHKE** discussed the Intermountain Energy Summit in Idaho. **COMMISSIONER PAUL DONOHUE** advised that people are calling local residences saying that they're having problems with their computers; it's a scam. Paul D. met with BLM and the County Road Department concerning roads. The Youth Center bridge will go to bid soon; there's a pre-bid meeting on 9-13 at 1:30 p.m. The County's in-kind is \$15,000 and we're responsible for creating the detour road.

#29-PUBLIC COMMENT

Kevin called for public comment. Maggie Marston, BLM, advised if there is an existing mineral lease that was in place prior to the Monument proclamation those entities can still apply for new down-hole locations. Mike Herder will be at the next Commission meeting to discuss the Monument. Ken Dixon stated he appreciates

what the Board is doing and the City needs all the help it can get. Ken has contacted the Corps of Engineers; he believes they will step up and help maintain the wash in the future but this will be 3-4 years down the road before it gets accomplished. Ken is currently working through their paperwork process. Kevin advised that something needs to be done about the flooding issues in LC. Perhaps funding needs to be carved out for the Flood Control board or a district needs to be created. Something needs to be done to address long term maintenance.

#30-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 12:51 p.m.

Attest: _____ Approve: _____

DRIVER