



LINCOLN COUNTY BOARD OF COMMISSIONERS

October 5, 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

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

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

LISA LLOYD, Clerk
FRANKLIN KATSCHKE, Deputy DA

There is a quorum present and the agenda was posted on 9-30-15. The Invocation was offered by Paul M. and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Varlin called for public comment. None offered.

CONSENT AGENDA

#3 Approve/Deny minutes of the September 21 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 M. made a motion to approve the consent agenda with the exception of the minutes; seconded by Paul D. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the cash balance report. General County has a balance of \$1,190,786.70 with estimated expenditures being \$197,347.96. General County will have a balance of \$993,438.74. Leslie received paperwork from Dan McArthur concerning our audit. Some of the fees will be raised and it will be considered at a future meeting. **Paul D. made a motion to approve the vouchers as presented, with the exception of the LCTS vouchers; seconded by Paul M. All voted in favor. Paul M. 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 an update concerning the monthly Treasurer's report, receipts for September. \$1,138,560.25 was received in September. Landfill reminder statements were sent out last week. 690 were mailed but not all of those are past due. Accounts receivable balance is \$167,733.99. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever received notification from DEM that Caliente's emergency application has moved to the Governor's office.

#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-LIQUOR BOARD

This item was covered under a separate agenda.

#10-LINCOLN COUNTY HEALTH BOARD

This item was covered under separate agenda.

#11-JEFFERSON AUDIO VIDEO SYSTEM

Clerk Lisa Lloyd advised that there were a couple of incidentals resulting from the JAVS upgrade. New microphones had to be installed on the jury box that weren't included in the original estimate and the video conference unit went bad (it was nearly 10 years old). Total cost for these overages is \$7,663. Paul D. met with Tracy Lee and discussed this system with him. It is important to maintain this system as well as work on having panic buttons in the courthouse. The initial upgrades were approved to be paid from PILT but that fund is empty. **Paul M. made a motion to pay \$7,663 from General Fund Miscellaneous; seconded by Paul D. All voted in favor.**

#12-QUALIFIED INSURANCE SERVICES

Grey Yates presented a request to get a census so a proposal can be created by Qualified Insurance Services. Paul M. advised that comments have been received from employees that they are tired of being harassed and asked to purchase insurance. Grey advised that Unum has better rates available than Liberty. If they get a minimum of ten employees then it is possible for them to get at least \$100,000 in life insurance. There are currently 91 policies on the books with Liberty but there isn't anyone on the ground to work with the people here if something happens. The premiums for Unum are lower; they can get more life insurance for less. Grey advised they aren't trying to push them off of Liberty, they are trying to offer more options. Unum is asking for the name of employees and hire dates for their census. **Paul M. made a motion to authorize Qualified Insurance Services to obtain the census information, once the census is completed this company can send around flyers and invite people to come but they are not to interrupt employees during work hours; seconded by Paul D. All voted in favor.**

#13-HOST FEE ORDINANCE

This item concerns possible changes to the proposed Host Fee ordinance. Paul M. is in favor of the mitigation idea but he would like the ordinance to be more uniform with the fee being reduced from where it is currently at. The Board can then mitigate up or down, depending on special circumstances that apply. Varlin spoke with other commissioners from other counties concerning landfill. Varlin was told a contract works well and there is no need for an ordinance. Anyone with a landfill facility would have to come to the Board to negotiate a contract. Paul M. responded that we already have contracts. Varlin suggested the contracts be renegotiated as there is not a host fee included in any of them. A list of conditions would need to be generated for inclusion in the Special Use Permits (SUP). The contract could be an appendix to the SUP and could be renewed every three years. Mitigation fees also need to be addressed. There was some discussion about setting rates and then increasing them as well as waiting for a certain time period before enforcing them. Mesquite asked that they be granted a one year moratorium on the rates so that they might have time to address it. Varlin advised that a straight across the board fee may not be feasible for some of the businesses. There are three different areas/businesses that the County is dealing with right now. Cory Lytle commented that credits for Mesquite are a completely different from what the County will be dealing with when it comes to entities like Western Elite. These are the differences that can be addressed in contracts/SUPs. Cory suggested that the ordinance lay out the rate and that contracts/SUPs be done with each entity. There are so many different variables that come into play between each different business and scenario. Paul M. feels that the current rate is a bit on the high side; it's based on other counties and various information that the Landfill Committee gathered. Treasurer Shawn Frehner advised that the amounts are lower than what is average but it might be a little high for LC. Paul M. stated the dollar amount can be adjusted at the public hearing. The Board needs to decide whether or not mitigation complicates matters too much, whether or not mitigation should be included in the ordinance. There was some discussion as to whether or not LC would take over the maintenance of the oiled road to the Mesquite landfill. Bob Sweetin stated every other county in the state uses the contract method with their landfill as there

is no state authorization to impose a host fee like this. Local governments can't do it. Beyond that, any fee imposed on Mesquite would breach prior agreements/contracts with the County. The MOU is the method used for local governments to deal with each other. Mesquite has deals with BLM and LC; there are a lot of things going on. Passing a host fee violates the agreement previously held with the County. Mesquite residents use the road but generally LC residents don't. LC and Mesquite have an agreement and the City owns the land out there. Assessing the fee and dealing with things after the fact isn't the best approach. Bob doesn't feel LC taking over the road is feasible. Bob doesn't feel that LC taking over the road is a practical solution. Bob commented there is a great deal more to it than passing a fee and requiring Mesquite to pay it; the issues specifically related to Mesquite are completely different than those with Recology and Western Elite. Shawn said that Daniel has sent notice of breach of contract that the Mesquite contract isn't enforceable because it states the amount they would pay for the facility. The Department of Taxation has said that the Commissioners didn't have the authority to sign the agreement. When the agreement was first signed, in addition to taxes billed, Shawn had to return the payment as she can't receive more than taxes billed. The contract specifically related to any additional fees doesn't exist; Department of Taxation has said this contract cannot be entered into. According to the DA's office, the contract is not in place. Bob stated there is a severability clause in the contract and they were never served with anything by the County advising that that particular provision was voided by the State Department of Taxation. The severability clause doesn't void the balance of the agreement. If some provision of the contract is found to be illegal it doesn't void the whole contract. Paul M. advised that this has previously been discussed; it was a separate issue. This was a property tax issue not host fee. Shawn stated the contract said "any" fees. Paul M. suggested that the DA's office work on crafting a mitigation paragraph that allows for flexibility. No action was taken.

#14-SAGE GROUSE

Paul M. made a motion to pay \$10,000 from General Fund Miscellaneous to support the potential NACO lawsuit concerning sage grouse; seconded by Paul D. All voted in favor.

#15-LIBRARY EMPLOYEES WAGE INCREASE

Kathy Hiatt, library board member, presented the proposed wage increases for those on the Library Board. Nicole Zanoth has never had a raise. We have a new librarian in Caliente. Jo Lloyd has been the head librarian; she's received one raise in the 10 years she's been working there. The Library Board approved \$14.50 for the Library Director and \$9.50 for the employees in Alamo and Caliente. Paul M. stated, in future, they need to reflect COLA so they don't go so many years without an increase. **Paul D. made a motion to approve the wage increase for the library employees as proposed; seconded by Paul M. All voted in favor. Paul D. made a motion to approve the increases to be retroactive to July 1, 2015; seconded by Paul M. All voted in favor.**

#16-WESTERN ELITE YOUTH FUNDS

Paul D. made a motion to approve the request from Tyler Heaton for Western Elite Youth funds for an amount up to \$6,300 to allow the Future Farmers of America (FFA) youth members to attend the national competition as state representatives; seconded by Paul M. All voted in favor.

#17-PANACA AIRPORT

Paul M. made a motion to approve and sign the contract with Jim Wilkin Trucking for the Panaca Airport fencing project in the amount of \$83,604.10; seconded by Paul D. All voted in favor.

#18-LINCOLN COUNTY ROADS

This item concerns the declaration that all roads in LC are under LC's jurisdiction and belong to LC. This item was discussed under the Highway Commission agenda. Cory Lytle presented information concerning things that have been done previously. The data needs to be compiled and cleaned up. Cory suggested that a simple roads plan and policy be put in place. The policy can be done through ordinance. The comprehensive road inventory needs to be done and includes: identification, classification, and GIS. Several resources will be used: LCRD data on County-maintained roads, existing BLM-gathered data on most minor County roads, local knowledge of existing roads, and work done in 2012 by Sunrise Engineering. Cory presented maps to the Board. The method that Nye County used can be applied. There is a great deal of work that has already been completed. Cory believes the Planning Department can work on this a little bit at a time to clean up the

files/tables. The GIS server is local and using an outside contractor still requires "quality control". This project can be done in house but it will not happen overnight. No action was taken.

#19-COMMISSIONER REPORTS

COMMISSIONER VARLIN HIGBEE stated NACO was very informative. **COMMISSIONER PAUL DONOHUE** advised that the LC Power District solar project dedication is today.

#20-PUBLIC COMMENT

Varlin called for public comment. BLM feels the roads in the Monument are some of the best maintained of any in the Country. Varlin advised that the Board needs to come up with a plan to take control of our natural resources in order to manage them. Roads, Christmas trees, wood permits, post permits, biomass, and several other things need to be addressed. The County should be receiving revenue from these resources. No suggestions for how to do this were made at NACO. The wild horse/burro act was also discussed at NACO.

#21-ADJOURN

There being no further business for the Board to attend to, Varlin adjourned the meeting at 11:48 a.m.

Attest: _____ Approve: _____

[Large, faint, red handwritten signature or stamp, possibly reading "D. HIGBEE", is present across the page.]