



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 21, 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
ADAM KATSCHKE
KEVIN PHILLIPS
PAUL MATHEWS
VARLIN HIGBEE

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 12-16-15. The Invocation was offered by Paul D. 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 December 7.

#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

Recorder/Auditor Leslie Boucher presented the cash balance report. General County has a balance of \$1,080,247.95 with estimated expenditures being \$179,883.76. General County will have a balance of \$900,364.19. Leslie hasn't heard from the Department of Taxation concerning the creation of the new fund for the Area funds. **Adam made a motion to approve the vouchers as presented with the exception of the LCTS, Mainstreet Market, Meadow Valley Pharmacy, and Mountain Merc vouchers; seconded by Varlin. All voted in favor. Adam made a motion to approve the LCTS vouchers; seconded by Paul M. Paul D. disclosed he is an employee of the telephone company; he abstained. Motion carried. Paul M. made a motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin disclosed that he is part owner of the Merc; he abstained. Motion carried. Paul M. made a motion to approve the Mainstreet Market and Meadow Valley Pharmacy vouchers; seconded by Paul D. Adam disclosed he is part owner of those businesses; he abstained. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORT

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised there will be a radon presentation for the public on February 2 at 6 p.m. at Caliente Fire Station. February 9-10 the Division of Emergency Management will hold a workshop for emergency management coordinators in Gardnerville; Rick will attend. Caliente has approached Rick concerning the sandbags for pre-planning emergencies. Rick has about 2,500 sandbags right now; we will have to order more when they are needed. Rick advised that he doesn't like to store a bunch of them as they deteriorate quickly. Burlap bags are 5-6 times more expensive than the poly bags that we currently have but they last longer. Rick will obtain figures for the Board's review. **DISTRICT ATTORNEY** Daniel Hooge discussed Christmas Eve. The Board agreed that the courthouse would be closed from noon to

five on Christmas Eve day. We were assigned a judge from Las Vegas as the mediator in the Hardy Construction appeal. The mediation isn't binding but they're going to try their best to get us to meet in the middle. Daniel will argue all our points and try to get the best leverage we can. Daniel advised that they continue to work with a couple of individuals who worked for Hardy. We have good information that will possibly help with the false claims suit later. **PLANNING/BUILDING DIRECTOR** Cory Lytle presented the draft bicycle plan to the Board for review. Cory presented a boiler plate listing for capital improvements for the County. The capital improvement plan needs to be updated.

#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-PANACA FIRE DISTRICT

This item was covered under a separate agenda.

#10-MEADOW VALLEY WASH

Paul D. made a motion to approve the letter of request to NV Department of Transportation for assistance with safety issues along Meadow Valley Wash; seconded by Paul M. All voted in favor.

#11-BEDROC LANDFILL HOST COMMUNITY FEE

DA Daniel Hooge presented the Disposal Site Hosting Agreement between LC and Bedroc. It is at \$.58 per ton for Class I. The term is tied to the Special Use Permit (SUP), which will be revised every five years. If the SUP goes away this agreement will go with it; the two are tied together. There is nothing in the agreement pertaining to Class II or Class III but they are willing to negotiate further. If that doesn't happen, the County can proceed with an ordinance. There is a provision for increases built in but they are limited and can't go more than the CPI or 3%, whichever is less. **Paul D. made a motion to approve the landfill host community fee agreement between LC and Bedroc; seconded by Varlin. All voted in favor.**

#12-2015-2016 LC NUCLEAR OVERSIGHT PROGRAM BUDGET

Connie Simkins presented the six month review of the spending on the LC Nuclear Oversight budget. To date, this program has spent \$62,123 and there is over \$66,000 left in the budget. The balance on hand, as of tomorrow, will be \$114,866. If everything budgeted for this year is spent, there will still be \$52,763 left for 2016-2017. Connie presented a conservative budget suggestion for 2016-2017. Coordinator is suggested to be \$58,000, supplies are \$7,500, CS travel is \$7,000, Panaca rent is \$3,300, Mike Baughman is \$2,000, Resource Concepts is \$4,000, and Jason Pitts is \$2,000. Total proposed budget is \$83,800 so \$32,000 would have to be found somewhere. LC Planning, LCC travel, and library support would be eliminated. Paul D. stated the rent needs to be lowered but we have to check with Cory to see if that will work. **Adam made a motion to approve the budget amendment; seconded by Paul D. All voted in favor.**

#13-FALL GRAZING OF CHEATGRASS

Dr. Barry Perryman of the University of Reno offered a power point presentation regarding fall grazing of cheatgrass. Grazing can be used successfully in the fall to control the problem with cheatgrass and drastically reduce fire hazards. No action was taken on this item.

#14-APPOINTMENT

The Board tabled this item to the next meeting.

#15-BUDGET TRANSFER

Paul D. made a motion to approve the budget transfer of \$40,000 from the Federal in Lieu fund to the Solid Waste fund; seconded by Paul M. All voted in favor.

#16-POOL/PACT TRAINING

Paul D. made a motion to approve the mandatory drug/alcohol training by POOL/PACT on January 7, 2016 and to send a memo to all employees; seconded by Adam. All voted in favor.

#17-SILVER STATE CLASSIC CHALLENGE

Adam made a motion to approve the correction of the Silver State Classic Challenge closure of Highway 318 on May 15, 2016 and September 16, 2016; seconded by Paul D. All voted in favor.

#18-RURAL DESERT SOUTHWEST BROWNFIELDS COALITION (RDSBC)

Joni Eastley, Nye County Assistant Manager and project manager for RDSBC, and Eileen Christensen, BEC Environmental, offered a power point presentation concerning the status of the RDSBC activities across the coalition area in LC. Projects include the Pahrnagat High School multi-use building, Caselton lime kiln, former Chevron station in Caliente, Tempiute Mill, and a former service station in Caliente. No action was taken on this item.

#19-RURAL DESERT SOUTHWEST BROWNFIELDS COALITION (RDSBC)

This item concerns possible sites that might be assessed by RDSBC. There are two service stations being considered. Paul D. suggested that the movie hall in Pioche be added to the list. There are three different mill sites in Caselton that might qualify. The Pioche Mill could be included as well. No action was taken on this item.

#20-LINCOLN COUNTY SOUTHEASTERN HABITAT CONSERVATION GENERAL IMPROVEMENT DISTRICT

This item was covered under separate agenda.

#21-COYOTE SPRINGS GENERAL IMPROVEMENT DISTRICT

This item was covered under separate agenda.

#22-FY 2014-2015 AUDIT

Dan McArthur presented the 2014-2015 audit. The finding statements are fairly presented. There are no budget violations. There are two funds with a negative fund balance due to the new pension liability: Detention Center and the Building Department. The County has to make its monthly PERS payments based on the rate PERS has given us and the obligations have then been met. The only way this will become a problem for the County is if PERS can't earn the return on its investments that they want. Statute allows PERS to raise the rate every two years, if they want. The County's percentage share of the pension is .8 of 1%. Fund balance for the General Fund is \$1,005,910. During the budget process, the Commissioners made the decision to open up a special projects fund. The majority of the balance in the General Fund will be moved into this new fund so the amount reflected is misleading. Dan presented information concerning the trend of the General Fund. The fund balance has remained fairly constant for about 9 years. This year it went up due to the Area money. Salaries and benefits are the largest expense the County bears. The audit includes the compliance letter. The County conformed to all significant statutory constraints on its financial administration during the year except as identified in Note C of the accompanying financial statements of the audit book. **Paul D. made a motion to accept and approve the audit; seconded by Paul M. All voted in favor.**

#23-COMMISSIONER REPORTS

COMMISSIONER VARLIN HIGBEE will set up a meeting with NDOT concerning the flood areas in Caliente. **COMMISSIONER KEVIN PHILLIPS** received an invitation from the American Lands Council to go to the Utah capital and hear the report of Utah's legal team concerning their chances of the lawsuit to transfer public lands. Utah has assembled this team of 5 premier Constitutional attorneys from throughout the US. All five attorneys have argued in front of the Supreme Court. Kevin presented the Legal Analysis of the legal consulting services team prepared for the Utah Commission for the Stewardship of Public Lands. Estimated costs to prepare and get this before the Supreme Court is another \$11 million. When you consider the cost benefit ratio to what could be the revenues if they had charge of, and the ability to tap the resources in the State of Utah, this \$11 million would be swallowed up in less than one year. Kevin attended a NACO meeting on Friday in Carson City. **COMMISSIONER ADAM KATSCHKE** reported that he will be gone the second meeting in January.

COMMISSIONER PAUL DONOHUE and Denice Brown met with State Health on 12-9 regarding the funding for the County health nurse.

#24-PUBLIC COMMENT

Kevin called for public comment. Connie Simkins will participate in a conference call this afternoon with the Wilderness Society concerning BLM's rules regarding competitive processes, terms and conditions for leasing public lands for solar and wind energy development. The Wilderness Society is working with various county commissions across the west to urge the BLM to finish the rules they've been working on since 2009. The last version contained a good address for solar but it didn't contain anything pertaining to wind. Connie will be meeting with Candace Trummell, the Deputy Chief of Staff Office of Deputy Secretary of Energy, in Las Vegas. Connie discussed the Omnibus Spending Bill for 2016. The wording that applies to us is "a continuation of the prior year funding for YM is to maintain its liability for future use". Zero is zero. We were given nothing last year and we will be given nothing again this year. There is no funding in the continuing resolution for nuclear oversight. Dan Netcher has retired and his duties have been reassigned to Carol Bass. Those mitigation rules should have been completed about three months ago. Ely was told that Washington and the director would give it to them on the 7th. Carol's best guess is that they will receive it in the next 30 days. We have made at least six comments over the years. The sole wind energy project that is still alive in BLM Ely District on Hwy. 50 in Butte Valley is now closing. There is a solar project in White Pine County by Community Energy on private land. There is a hydroelectric project application, Gridflex, in White Pine as well. The water will be pumped from a creek at the bottom of the mountain up to the top and the fall of the water will create electricity. An announcement in the Dry Lake/Clark County phone call was made that some of the BLM offices in other states were doing a statewide mitigation plan on how to spend the money. Nevada has no plan to do one; they will do site specific. In six days the DOE application for right-of-way from Caliente through LC and into Nye County/Esmeralda County for the proposed railroad will be out of date. It sunsets on December 27. Connie asked Carol what they'll do about it. Carol responded that they've heard nothing from DOE and they haven't been asked to do anything. Carol didn't know what they would do. We probably won't know if this is going to be renewed for 30-60 days. Connie received a request to write a letter of recommendation for Kevin Phillips to support his appointment to the BLM National Wild Horse/Burro Advisory Board.

#25-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 2:09 p.m.

Attest: _____ Approve: _____