



LINCOLN COUNTY BOARD OF COMMISSIONERS

March 21, 2016
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 9:06 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 3-15-16. 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 February 16 and March 7 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).

Paul D. made a motion to approve the consent agenda with the exception of the minutes; seconded by Varlin. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Leslie Boucher presented the cash balance report. General County has a balance of \$796,425.14 with estimated expenditures being \$184,115.36. General County will have a balance of \$612,309.78. Adam was present via telephone for the vote on the vouchers. **Paul D. made a motion to approve the vouchers as presented with the exception of the LCTS and Mountain Merc vouchers; seconded by Varlin. All voted in favor. 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. Paul D. made a motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin disclosed he is part owner of the Merc; he abstained from the vote. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

EMERGENCY MANAGEMENT COORDINATOR Rick Stever advised an individual will be here and he will be conducting a needs assessment on April 25. **ASSESSOR** Mark Holt will be attending the Assessor's conference in April. **BUILDING/PLANNING DIRECTOR** Cory Lytle advised they'll be doing another round of disposal submittals within the next month or so, which will be introduced at the second meeting in April. These disposals must be submitted by June. Cory continues to work on the roads plan.

#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-DETENTION CENTER

Paul D. made a motion to sign the contract with Jim Wilkin Trucking, LLC for the metal building at the Detention Center (total cost is \$91,000; \$30,000 being paid from Sheriff's Office Capital Outlay, \$30,000 from Detention Center Capital Outlay, and the remainder being paid from Inmate Commissary); seconded by Varlin. All voted in favor.

#11-BUDGET AUGMENTATIONS

Kevin advised this is a public hearing and asked for public comment on the proposed augmentations. None offered. **Paul D. made a motion to approve the resolutions to augment the budget for FY 2015-2016: Special Projects Fund (transfer from General County Fund) \$221,613; General County Fund (opening balance larger than anticipated) \$641,361; Federal In Lieu Fund (opening balance larger than anticipated) \$145,883; Tri-County Weed Fund (opening balance larger than anticipated) \$192,499; Airport Fund (opening balance larger than anticipated) \$6,666; seconded by Varlin. All voted in favor.**

#12-BUDGET AUGMENTATION

Paul D. made a motion to approve the notice of intention to act on a resolution to augment the budget for FY 2015-2016 for County Fair (transfer from Fair & Recreation, \$15,000) and to set the public hearing for April 4, 2016 at 10:00 a.m.; seconded by Varlin. All voted in favor.

#13-COOPERATIVE EXTENSION

Holly Gatzke from Cooperative Extension presented an update on past, present, and future activities. Holly is still working on a local food industry for the County. Holly believes the potential for this is great. Holly has worked with Utah State on a project to create food hubs. Holly is looking at creating a "local food in NV" website/blog. A virtual ranch model for Southern NV was developed last year with the help of some economists. This is a very useful tool to demonstrate impacts. The Workforce program continues (Launa Chouquer and Jamie Torrealday are over this program) and is very successful. Health training in the community continues. "Little Books and Little Cooks" is a program that took place last summer; it's for 3-5 year olds and was very successful. This program will continue in the County for the foreseeable future. Hayley Gloeckner does a program that teaches people how to eat healthy foods on a budget. The number of 4H clubs in the County, including members and leaders, has increased. Holly is planning to create a blog/website/social meeting to connect with the younger members of our community. We will have a LC Extension website that provides information about upcoming events.

#14-LANDFILL FEE WAIVER

J. Burdine and J. Flannigan are requesting a 50% waiver on their 2015 landfill fee. The waiver was sent in but the Treasurer's Office didn't receive it. When the billing for the current year was received they realized what happened. These individuals qualify for the waiver; they're simply asking for the waiver retroactively. Staff policy is to deny this request but the Board can override it. **Paul D. made a motion to approve the 50% waiver for the 2015 landfill fee; seconded by Varlin. All voted in favor.**

#15-LANDFILL FEE WAIVER

Tammy Sosa has requested a 50% waiver on the 2015 landfill fee. Ms. Sosa believed her waiver had been mailed in but it wasn't. **Paul D. made a motion to approve the 50% waiver for the 2015 landfill fee; seconded by Varlin. All voted in favor.**

#16-CPR/AED TRAINING & USE OF ANNUAL LEAVE OR REGULAR PAY

CPR/AED training is coming up. The question is whether or not the Board will require these individuals to take annual leave to attend. **Paul D. made a motion to approve regular pay to the individuals who attend the training; seconded by Varlin. All voted in favor.**

#17-PANACA TOWN BOARD

Paul D. made a motion to accept the resignation letter from Shain Manuele, Panaca Town Board; seconded by Varlin. All voted in favor.

#18-PANACA TOWN BOARD

Varlin made a motion to appoint Tiffany Kelly to the Panaca Town Board; seconded by Paul D. All voted in favor.

#19-MOSQUITO ABATEMENT IN PANACA

This item was tabled.

#20-REVISED SOFTWARE

This item was tabled.

#21-AB 191 MOTOR VEHICLE FUEL TAX BALLOT QUESTION

This item was tabled.

#22-INTRASTATE INTERLOCAL CONTRACT – NV COMMUNITY HEALTH SERVICES/LINCOLN COUNTY

Paul D. made a motion to approve the intrastate interlocal contract between the State of NV Community Health Services Program and LC effective July 1, 2016 through June 30, 2017 in the amount of \$2,077.75 per month, not to exceed \$24,932.96 per State fiscal year; seconded by Varlin. All voted in favor.

#23-TEAMSTERS LOCAL 14 MEMORANDUMS OF UNDERSTANDING

Daniel reviewed the history of this item. When the scales were done, we tied them to the state plan. Thinking that Law Enforcement would be involved we tied it to the scale also. Our law enforcement didn't approve this and law enforcement in general has a completely different scale. This caused some major issues with PERS last year. It was decided to leave it as is last year and make the necessary changes for the coming year during budget time. There is one more problem to address. Each scale has steps and each of those is about 4%. The problem with translating between the two scales is that they don't line up, amounts fall nearly in the middle. If you translate directly over it's about a 6% increase. If you translate it down one, you either get a 2% cut or 2% increase. They said no to the cuts. The only way to translate is to translate down. All of these units are going one grade down. This means everyone's budget will increase by 2%. No action was taken on this item and it will be on a future agenda for consideration.

#24-GRANT MATCH ACCOUNT

Paul D. made a motion to approve the reimbursement of \$15,438.55 to the Grant Match Account for the payment made toward the County telephone system (to be paid from PILT to Grant Match); seconded by Varlin. All voted in favor.

#25-WESTERN ELITE YOUTH FUNDS

Tyler Thompson, president of the LC High School Rodeo Club, addressed the Board to discuss their request. The club has done several different fund raisers this year to earn the money needed. **Varlin made a motion to approve the request from the Lincoln County High School Rodeo Club for a donation in the amount of \$10,000; seconded by Paul D. All voted in favor.**

#26-WILSON CREEK ALLOTMENT MANAGEMENT PLAN

Connie Simkins presented a draft letter to the BLM concerning the Wilson Creek Allotment Management Plan. Upon review, Daniel has indicated he has issues with the second sentence in the second paragraph of the proposed letter, "If you do not address this problem, the Lincoln County Sheriff or other authorities will issue trespass notices and these grazers will be compensated for the losses of forage". Connie asked for direction as to changes or additions to the letter and advised that these people have been waiting for more than 60 years, it's time to make a strong decision. The letter asks BLM to finish the AMP correctly and advises that if they don't then we will do something. Daniel stated that we may not be able to issue trespass citations. If the Sheriff went out and cited someone Daniel would have a difficult time prosecuting it. Daniel understands the bundle of rights pertaining to forage, but the problem is common use. SNWA's sheep are causing a great deal of problems for

the ranchers. Varlin stated that the sheep aren't common use; they're herded but cattle are not. The sheep herders have 2-3 days to get through an area but they're now taking almost a month and letting the sheep forage. BLM is allowing SNWA to graze their sheep wherever they want. Sheriff Kerry Lee commented that he started researching this issue once he found out about this letter. Kerry feels the horses are as much criminal as the redrawing of the boundary lines and the sheep. This is an issue that came up several years ago when Mr. Bulloch and Bernard Peterson got into it over the sheep. Kerry wasn't sure whether or not the trespass was civil or criminal. As he has looked into this, he's discovered several documents from BLM. CFR is not law, it's policy. Kerry referred to the difference between civil and criminal trespass. Kerry referred to NRS 569.440, which discusses the liability someone has if livestock trespass; it refers to the legal fence again. There aren't any actual fences to keep the sheep out. BLM continues to refer to the '63 agreement; Kerry believes this makes the trespass a civil trespass. Kerry would like to push this and find resolution so that something can be done to remedy this problem. Kerry is willing to do whatever needs to be done to help the ranchers. Kena Gloeckner referred to the criminal water right law that says they're not allowed within so many feet. They're being allowed to graze unlawfully, infringing upon their neighbor's lawful water rights. This might set the criminal standard needed and language to this effect was suggested. Daniel agreed that he is fine with using this language; BLM has no jurisdiction over the water rights, they're state owned. Kerry is willing to do whatever must be done as long as we have legal authority and there are teeth behind it. Kena commented that the NV Supreme Court addressed an issue that overruled it but not forage; for example, the sheep were just drinking by it. Forage is, however, actual damage. The Wilson Creek ranchers have been waiting for permission to run a pipeline for over 14 years; this hampers the ranchers from using other forage. Kena asked Kerry and Daniel to go to Angus's workshop; they responded they are already planning on attending. Kerry stated a letter to SNWA about the sheep needs to be sent immediately as people are going to start taking matters into their own hands and it has to potential to be dangerous. Daniel will research how the County can get on the SNWA agenda. Daniel suggested the second paragraph be rewritten to say "being allowed to graze and drink unlawfully. If you do not address this problem then LC will take appropriate criminal or civil action." Once this letter has been rewritten it will be reviewed by Daniel again prior to being sent. **Varlin made a motion to approve the letter with proposed language changes, have Kevin sign it, and send it to the BLM; seconded by Paul D. All voted in favor.**

#27-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS stated the bridge project won't be started until August because of the Willow Flycatcher. Kevin will attend the NACO meeting in Carson City this Friday. **COMMISSIONER PAUL DONOHUE** continues to work with the mental health representatives concerning their office space. The bridge replacement project will proceed at some point; several trees will have to be cut down.

#28-PUBLIC COMMENT

Kevin called for public comment. Connie Simkins stated that she has heard the Ely BLM is proposing to add Egan and Shell Resource areas together. There is some trepidation that the Caliente office will be closed.

#29-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 12:24 p.m.

Attest: _____ Approve: _____