



LINCOLN COUNTY BOARD OF COMMISSIONERS

May 16, 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 9:00 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 5-10-16. The Invocation was offered by Kevin and Paul D. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. Paul D. advised that the Airport Authority is writing a letter concerning the Alamo Airport. Jim Wilkin submitted the lowest bid. The fourth lowest bid was two times what Jim's bid was. This individual is upset as there is some kind of contractor's license required to work on airports but Wilkin has already done a great deal of work on the airport projects. Jim has asked for a certificate saying he's a contractor and he's done a great deal of work in the County over the years. This was done but the state is now saying that one must have four years' experience. Paul D. commented that the Board needs to write a letter to the state advising that Jim is more than capable of doing the work. This item will be on a future agenda.

CONSENT AGENDA

- #3 Approve/Deny minutes of the May 2 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).

Adam made a motion to approve the consent agenda; 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 \$767,342.79 with estimated expenditures being \$140,188.87. General County will have a balance of \$627,153.92. **Adam made a motion to approve the vouchers as presented with the exception of the LCTS, Mountain Merc, Mainstreet Market and A & H Katschke vouchers; seconded by Varlin. All voted in favor. Paul D. made a motion to approve the A & H Katschke and Mainstreet Market vouchers; seconded by Varlin. Adam disclosed he is the owner of A & H and part owner of Mainstreet Market; he abstained. Motion carried. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul D. Kevin abstained and disclosed he is part owner of this firm. Motion carried. Adam made a motion to approve the LCTS vouchers; seconded by Paul M. Paul D. abstained and disclosed he is an employee of LCTS. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

SENIOR NUTRITION/LC TRANSPORTATION DIRECTOR Toni Acuff advised she will be attending NANASP training next week. **TREASURER** Shawn Frehner presented the monthly report for April. The total received is \$1,419,590.93. **DISTRICT ATTORNEY** Daniel Hooge advised that they've filed the brief with the Supreme Court as well as a motion in District Court. The District Court motion will be heard on June 17. DA Daniel

Hooge attended the civil attorneys conference last week. They were encouraged to provide training for their board regarding public meetings. Paul D. advised that POOL/PACT could conduct this training as well. **CLERK** Lisa Lloyd advised that her deputy sustained an injury and, if she has to have surgery, Lisa will have to hire someone to come and help in the office to get through elections and all of the scheduled court hearings.

#7-BUDGET AUGMENTATION

Adam made a motion to approve the notice of intention to act on a resolution to augment the budget for FY 2015-2016 Museum Fund in the amount of \$10,000 and to set the public hearing for June 6 at 10:00 a.m.; seconded by Paul D. All voted in favor.

#8-BUDGET TRANSFER

Adam made a motion to approve the budget transfer from Special Projects Fund to the Property Management Fund in the amount of \$35,000; seconded by Varlin. All voted in favor.

#9-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#11- PANACA FIRE DISTRICT

This item was covered under a separate agenda.

#12-SENIOR NUTRITION

This item was tabled.

#13-LC HUMAN SERVICES

Paul M. made a motion to approve the hiring of two employees to help with the commodities program administered by the LC Human Services; seconded by Paul D. All voted in favor.

#14-WESTERN COUNTIES ALLIANCE

Ken Brown offered an update on Western Counties Alliance. They continue to work on many issues, including the full funding of PILT, geothermal, the SRS program, public lands transfer, sage grouse and potential listing, wild horse/burro, the 1872 mining law, the clean water act, and RS 2477 road projects. Connie Simkins stated that the federal grazing boards have experienced sequestration removals and she asked if these sequestration funds were kept on the PILT funds as well. No. No action was taken on this item as it was informational only.

#15-PANACA MOSQUITO ABATEMENT

This item was tabled.

#16-KOKOPELLI ATV

Stan Hargar with Kokopelli ATV of Mesquite requested a letter of support for their group to go out and mark roads and trails around Caliente. The signs would identify the roads and trails, especially at the intersections. This will aid with safety as well as help to prevent people from getting lost. Stan advised they are going to work to obtain grant funding to pay for the signs. Stan has met with BLM already. **Paul D. made a motion to approve a letter of support; seconded by Adam. All voted in favor.**

#17-ELY SPRINGS ALLOTMENT

Adam made a motion to approve the letter of support for ranching in the Ely Springs allotment; seconded by Varlin. Paul M. abstained from the vote due to a possible conflict of interest. Kevin stated what the need is to do something with this now when he is convinced that solar will most likely never happen there. There is some risk in calling attention to this issue as it might be misconstrued that LC doesn't support SEZs. Paul M. suggested the Board consider the process and where we are in the process of establishing SEZs; this letter simply informs them of a change in status. This letter would be filed and part of the planning process for the next ten years or so. This would create a placeholder to say that the Board has new information

and we're responding to it and asking that this be lodged and noted. LC still needs to do the planning and the work to establish the preference for where the SEZ will be. Paul M. stated this is just one part of the discussion.
Motion carried.

#18-DOWNWINDERS

This item was tabled.

#19-LANDFILL FEE WAIVER

Chesley Sanders has requested a waiver for the 2015 landfill fee as this is a vacant lot with no structures. The land use code shows a small improvement, which could be a fence. It's coded as a 230, which means it probably has a mobile home hookup or something similar. The waiver request wasn't filled out in time. People have a whole year to fill out the waiver. Treasurer Shawn Frehner advised that multiple statements are sent out during the year so people are aware of the bill. However, people don't request the waivers until the DA's office takes action. It was suggested that when these individuals go over the one year mark the most they can receive would be half. **Paul D. made a motion to advise Mr. Sanders that he had one year to fill out the waiver, therefore he will only have one half of the amount waived; seconded by Varlin. All voted in favor.**

#20-2016 PRIVATE ACTIVITY BOND CAP

Paul M. made a motion to approve and sign the resolution from NV Rural Housing Authority to transfer the County's 2016 private activity bond volume cap to the NV Rural Housing Authority; seconded by Varlin. All voted in favor.

#21-SNORE RACE

Paul M. made a motion to approve the SNORE Race Fuel Caliente 250 off-road truck and buggy race on June 10-11, 2016; seconded by Adam. All voted in favor.

#22-GRANTS

Paul M. made a motion to approve the revised grant award for LC Human Services for NSIP funding; seconded by Adam. All voted in favor.

#23-25-SOLID WASTE COLLECTIONS

Paul M., Denise, and Daniel met with Recology last week. At that meeting, Recology was set on the fact that LC has a financial obligation with regards to the landfill. They couldn't agree on an exit strategy for Recology that wouldn't leave LC holding a big bill. To continue operations, LC will have to pay approximately \$800,000 per year. To close the landfill, Recology says LC will have to pay \$450,000. The only way to get past this is to do a 20-year lease that would allow us to bury our waste there but we would still have to pay the costs to close the landfill. By the end of the meeting the discussions centered around litigation and breach of contract. After this meeting, Paul M., Denise, and Daniel met with Western Elite (WE) concerning hauling our waste. The letter we received from Recology stated we would have to pay the actual costs for hauling as opposed to the \$23,000 we currently pay. WE has offered to haul the waste at \$23,000 for the next six months, which will give us the opportunity to negotiate and figure things out. Even though WE has offered to haul the waste, the only place we can haul it to is Crestline, which results in very high tipping fees. WE and Recology then met to see what it would cost for them to haul the waste somewhere else. There is also the licensing issue to worry about until WE is licensed to dump the waste at there site. Scott Seastrand has advised that they've made progress but we need to look at what is saleable. We don't want their equipment nor do we want the site. Recology wants complete dispersal. WE was simply trying to assume what Recology had and to see if they could haul the waste without the County having to pay the \$800,000 or \$450,000 closure fee. The letter received says that we're negotiating but it will not be completed by June 1. Paul M. believes we are at status quo with regards to the \$50,000 payment until July 1. The letter also asks that the Board not act on the items on the agenda so they might continue negotiations. Paul M. commented to WE that this is fine, but now there are two parties negotiating with each other and the County isn't included. The County will have the opportunity to negotiate with WE eventually but the Board needs to see what WE and Recology come up with first. If we don't wait out these negotiations, we're back to litigation, closure fees, and enormous payments. Closure/post closure agreements are included in Recology's contract. They have insurance for the closure but they don't want to use it. Paul M. suggested that anything else pertaining to this issue be handled in closed session due to the nature of the issue.

Treasurer Shawn Frehner worries that we're still letting WE and Recology dictate to us. The County should be telling them what we need. The crux of the matter is trying to figure out how to get out from under the landfill agreement. The options are very expensive. After the landfill agreement is eliminated then the County can take the position of the driver's seat. No action was taken and the Board went into closed session, Item 26. The Board came back into open session and **Paul M. made a motion to table these items, Items 23-28, for two weeks to allow members of the Landfill Committee and the DA to continue negotiations; seconded by Varlin. All voted in favor.**

#26-CLOSED SESSION

This item concerned discussion regarding legal action against Recology. **Paul M. made a motion to go into closed session; seconded by Paul D. All voted in favor. Adam made a motion to go into open session; seconded by Varlin. All voted in favor.**

#27-RECOLOGY FRANCHISE AGREEMENT

This item was tabled.

#28-WESTERN ELITE

This item concerns the solid waste collection agreement with Western Elite. This item was tabled.

#29-COMMISSIONER REPORTS

COMMISSIONER VARLIN HIGBEE attended the lands summit in Las Vegas. **COMMISSIONER KEVIN PHILLIPS** also attended the public lands summit. The legislative committee on public lands will meet here on Friday. **COMMISSIONER PAUL DONOHUE** advised there will be a meeting in Pioche tomorrow night at the opera house with Mark Wineright regarding the trust proposals to get the people in Caselton the deeds to the property that their homes sit on. They will also discuss the drilling of test holes at the old Number 1 Mine to explore the idea of installing three retention basins.

#30-PUBLIC COMMENT

Kevin called for public comment. Chris Carlton of BLM introduced Sarah Peterson, who is filling in for 60 days while Maggie Marston is gone.

#31-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 12:45 p.m.

Attest: _____ Approve: _____