



LINCOLN COUNTY BOARD OF COMMISSIONERS

July 5, 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 9:07 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 6-28-16. The Invocation was offered by Paul M. 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 June 20 and June 27 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

Recorder/Auditor Leslie Boucher presented the cash balance report. General County has a balance of \$660,221.29 with estimated expenditures being \$240,814.52. General County will have a balance of \$419,406.77. **Adam made a motion to approve the vouchers as presented with the exception of the Mountain Merc, Mainstreet Market, and LCTS vouchers; seconded by Varlin. All voted in favor. Adam made a motion to approve the Mountain Merc vouchers; seconded by Paul M. Kevin abstained and disclosed he is part owner of this firm. Motion carried. Adam made a motion to approve the LCTS vouchers; seconded by Varlin. Paul D. advised he is an employee of LCTS; he abstained from the vote. Motion carried. Paul M. made a motion to approve the Mainstreet Market vouchers; seconded by Paul D. Adam abstained as he is part owner. Motion carried.**

#6-PER DIEM RATES

Recorder/Auditor Leslie Boucher discussed the per diem rate. The resolution states we will follow the per diem rates of the State of Nevada. We have been using the \$51 rate as designated in the resolution but the state uses both \$51 and \$64. Leslie asked what rates we're using, those in the resolution or those used by the state? There are vouchers that use the \$64 rate. Treasurer Shawn Frehner advised that in the past the rates have been set for mileage, per diem, and rooms. The state rates follow the GSA, which is based on what are you're traveling to. Everything is broken out separately depending on destination and time of year. Shawn believed the Board's intent was to pay the meals per the GSA amount. Adam understood that the rates in the resolution were set, regardless of where you traveled. The consensus of the Board was that the per diem rate is \$51 regardless of destination. Grants Administrator Elaine Zimmerman discussed the change for destination; costs vary based on where you're traveling. Leslie stated that receipts have always been accepted if there is a

difference and the County will pay for the rooms if they cost more. The resolution needs to be changed to reflect the Board's intent. Kevin reiterated the intent of the Board; the rate is \$51. No action was taken.

#7-OFFICER/DEPARTMENT HEAD REPORTS

GRANTS ADMINISTRATOR Elaine Zimmerman advised CDBG has changed its application process. We are now required to file an eligibility application. This has changed the deadline from January to the middle of October. We now must have income surveys completed by then and we will have to change deadlines and make projects/applications due by October. The income survey requires a random sampling versus sending it to everyone. The methodology we use must be approved by CDBG. Elaine attended SNPLMA partner working group meeting. The executive committee meeting will be held in August. **BUILDING/PLANNING DIRECTOR** Cory Lytle advised he will continue to work on repairs to the HVAC system. The cost is going to be fairly high. The stands for the AC units will be worked on and improved. Cory believes the Commissioners' desk installation timeline will be available soon. Cory met with BLM and toured the County for Round 3 and Round 4 submittals. Susan expects to have the EA for Round 3 out by the end of October. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever advised that CA and NV are working together to hold a full scale exercise in November 2016, Vigilant Guard 17. It's based around an earthquake and involves a mass exodus into NV. Rick reminded the Board of the State Emergency Preparedness Association group that will be starting up statewide. There was some flooding in LC over the weekend due to the rain. **ASSESSOR** Mark Holt advised the rolls have been closed and turned over to the Treasurer. **TREASURER** Shawn Frehner presented the monthly report for June. The roll has been pulled; the County total for secured tax roll includes the special water assessments, which have increased quite a bit. Tax bills will be sent out within the next couple of weeks.

#8-HIGHWAY COMMISSION

This item was handled under a separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under a separate agenda.

#10-LINCOLN COUNTY BOARD OF HEALTH

This item was covered under a separate agenda.

#11-LIQUOR BOARD

This item was covered under a separate agenda.

#12-COMMISSIONER ASSIGNMENTS

Paul M. made a motion to assign Varlin to BLM issues; seconded by Paul D. All voted in favor.

#13-BUREAU OF LAND MANAGEMENT

Chris Carlton offered a BLM update. As of about 2 weeks ago the field office boundaries changed; Caliente Field Office now manages up to the Lincoln County line. There is new staff in the office as well. Chris is still working on hiring another biologist as well as a planner. Once these positions are in place they will be fully staffed. Two grazing permits must be out this year and an EA on the land sale is due this year as well. No action was taken on this item.

#14-WESTERN ELITE YOUTH FUND

Paul M. made a motion to hold this item as there is no backup information; seconded by Varlin. All voted in favor.

#15-WESTERN ELITE YOUTH FUND

Paul M. made a motion to approve the request from LC 4H Shooting Sports Club for \$500 in Western Elite Youth Funds to purchase materials for the LC Fair Shotgun Shoot and for attendance at the state competition; seconded by Varlin. All voted in favor.

#16-GRANTS

Adam made a motion to approve the Notification of Grant Award from Aging and Disability Services Division for the Transportation program in the amount of \$31,200; seconded by Varlin. All voted in favor.

#17-GRANTS

Paul M. made a motion to approve the Notification of Grant Award from Aging and Disability Services Division for the Homemaker program in the amount of \$17,232 in Title III-B funding and \$8,268 in state funding for a total of \$25,500 (required match is \$3,041 and will be paid from the Grant Match Fund); seconded by Varlin. All voted in favor.

#18-CLOSED SESSION

Adam made a motion to go into closed session; seconded by Varlin. All voted in favor. Adam made a motion to go back into open session; seconded by Paul D. All voted in favor.

#19 & #20-LANDFILL ISSUES

Publication has been made in the newspaper to try and inform the public as to the current status of the waste hauling. The County has negotiated with Western Elite (WE) for hauling. WE is prepared to mobilize today and begin cleanup and hauling, starting from the south end of the County to the north. The judge has ruled that the County has the freedom to haul to any landfill site we want until the case is settled. The Board is asking the public to be aware of the changes from one company to another and to not burn any more of the dumpsters. Previous discussions by the Board have included the location of a central dump site. The hauling to this site could be done by several different entities and then a larger company, like WE, would haul to a landfill. Discussions have also been held concerning a County-owned landfill. Prices to haul to Apex or Mesquite are substantially lower than the nearly \$200 to tip at Crestline. Discussions have been held concerning a special assessment per parcel that would help to pay for the hauling/tipping fees of waste. It is incumbent upon the citizens to take their refrigerators and large items to the landfill themselves. These items shouldn't be dumped in the bins because then the County has to foot the bill. Recology has refused to provide that names of the businesses/commercial accounts to the County so the County is unable to contact them to discuss solutions. Paul M. stated in the short term the businesses can haul to the community dump sites but the businesses need to contact the County or WE to discuss number of days for service as well as costs. The resolution for commercial hauling will have to be created from the ground up. The County will work to sort this out during the next few weeks. The County has application with NDEP to consolidate bins and loads. Caliente has received temporary approval for another bin site in their industrial park. WE can then haul to this site, put the waste in the bins, then load and haul to the landfills. WE wants the County to pay for the businesses for the first 90 days then they can work individually with the businesses. There are some problems with this. Adam suggested that a list be generated by Cory's office so the County can make contact with each of the businesses. Janet Alexander volunteered to help the County with contacting the businesses. Adam and Cory will work together on the list. WE will be fine with collecting from the businesses eventually, but not within the first 90 days. Shawn discussed a couple of the businesses. Shawn has received phone calls from R Place, who faxed his bill over that he receives from Recology. He has three bins and pays over \$1,000 per quarter. The RV park in Pioche receives a bill from Recology for what they call a home business fee; she has no bins and pays \$7.93 per month. Shawn stated that the price range varies widely. Tillie's pays approximately \$900 per year and doesn't have a bin. Every single business will have to be contacted. Shawn asked if the County will be collecting and billing monthly next year. If so, the Treasurer's Office simply hasn't the staff to handle this type of chore. Adam was fairly certain that the County will have to do the billing. If this is the case, the County will have to hire another deputy in the Treasurer's Office to handle the billing. A plan needs to be created to deal with the billing on a long term basis. At some point in time, a department that deals specifically with landfill will need to be created. The three fees discussed include: home based business, no dumpster; business with no bin; and business with bins. There was some discussion regarding whether or not Shawn's deputy, Shannon Simpson, would be interested in taking this project on while Shawn hires an additional deputy. Paul D. stated that creating a department to handle the billing means that we would also have to make sure that their salary comes from the landfill fees as well. Daniel stated the rates will double for this and the citizens' bills will also increase. What happens if a business in Alamo decides to opt out and haul their trash? These individuals can haul to the bin site but not the landfill. These businesses need to pay the same fees to the County required of all businesses

operating in the County, regardless of whether or not they take it to the bin site themselves. Daniel advised that the Board has to approve a disposal agreement with Republic, \$36.83 per ton. Republic will bill us monthly and we have thirty days to pay. **Adam made a motion to approve the disposal agreement with Republic; seconded by Paul M. All voted in favor.** Treasurer Shawn Frehner advised that the refund check from Recology, in the amount of \$11,800, arrived today.

#21-SERVICE CONTRACT WITH WESTERN ELITE

Daniel advised that WE received an offer from Recology to purchase the bins. WE wants to know if that's okay with the County. Daniel told them that isn't a problem. WE wants to clean them out. Recology was ordered by the judge to clean them. WE is saying they want extra compensation for whatever is in the bins right now. WE wants \$100 extra per hour for removing the current waste. WE has asked if the County can have fire services be present at each dump site as they don't want to haul the ash because it's a fire hazard. Paul D. responded the County needs to continue with the judge's order and Recology should remove the bins. According to the agreement, the \$100 per hour is for the transport of the waste. Paul D. commented that WE needs to negotiate directly with Recology for the bins. Recology is responsible for getting the bins out of the way right now and hauling the waste. Daniel advised that whatever is in the bins right now is the responsibility of Recology. The language will be left as is in the proposed contract with regards to commercial waste. The \$100 per hour cleanup paragraph has been removed and language covering base tonnage was added. We pay them \$30 per ton for every ton over 300 tons, per month. WE will be starting in Alamo tomorrow; they intend to pick up commercial garbage as well. WE will contact each commercial entity to work out billing within the 90-day period. **Adam made a motion to approve the solid waste collection agreement with WE for six months, including the changes for fees for additional tonnage; seconded by Paul D.** This contract is only good through the end of the calendar year; the Board will continue to work on long term solutions. The Landfill Committee and the Commissioners will have to continue working on this; the amount of money currently being generated will not cover the costs for solid waste now. Shawn reminded the Board that the bill for tipping fees will require the Board to identify funds to cover this new expense. Kevin responded that all expenses related to solid waste will come from the solid waste fund; said fund will be augmented as needed. **All voted in favor.** Daniel advised that he received a text from the attorney for WE; they would like a flat fee of \$10,000 instead of \$30 per every ton over 300. This cost is to haul the surplus that exists now but not to clean it up. The \$10,000 covers the initial emptying of the bins but not July's service (it also includes them hauling the debris that the County will clean up off the ground). Discussion centered on what will be done with ongoing service to commercial. Adam advised WE will have to back-charge the commercial entities from July 1. WE is struggling with identifying actual costs and prices for commercial collections will go up; there will be push-back. WE is working on a plan that doesn't cause the businesses and the County to get angry because the prices have gone up. The County has no way to collect for the businesses. Commercial will be left out of the agreement and WE will work with each of the businesses and charge them directly. Paul M. asked if WE can leave the commercial rates where they are for six months until costs are known; at that time the price can be adjusted. The business owners don't want the County involved in their business either. The business billing will be discussed at a future meeting. Adam is concerned; WE initially said they just want to help the County. The last meeting, they said they don't want to make a cent, but they're not going to lose any either. Now they're saying they are short. Adam commented his opinion varies greatly from WE's about what "losing money" is. We are following similar trends. Kevin believes that the County needs to set up a solid waste department and run our own landfill so we don't get ripped off. Daniel discussed the clean up. When WE talks about accumulated waste that applies only to what is inside the bin. Whatever is outside the bin is our responsibility. The Road Department is going to help with the cleanup. The County is completely prepared to do cleanup as long as WE gives us the bins for it. **Adam made a motion to remove the language that says we will pay \$30 per ton over 300 tons and to insert a flat fee of \$10,000; seconded by Paul D. All voted in favor.**

#22-HUMAN SERVICES

Adam made a motion to approve the advertisement and hiring for the positions of Homemaker and Nutrition Worker in Alamo; seconded by Paul D. All voted in favor.

#23-MUSEUM BOARD

Paul D. made a motion to approve the appointment of Mara Condie and Dathan Lewis to the Museum Board; seconded by Adam. All voted in favor.

#24-ATTORNEY GENERAL OPINION

This item concerned the formulation of a question to submit to the Attorney General (AG) concerning whether or not the County can accept a bid wherein the bidder can be given a certain period of time to obtain an A1 license. DA Daniel Hooge proffered background information. Nevada law requires an A1 license to do work on airports. This law also says that if you don't have that license you can't even bid. Jim Wilkin Trucking presented a bid, which was the lowest bid, but he didn't have an A1 license. There was only one acceptable bid in the first round; this individual has the A1 license. The Airport Authority re-bid this as they couldn't afford the bid; they trimmed the bid and went out for new bids. This item was previously discussed at the last Commission meeting. It went out to bid again and the Board rejected all of the bids. All funding has been lost for this year and it is unknown if we will be able to get funding next year. Armstrong consultants doesn't feel it's a good idea to accept bids on a conditional basis, contingent upon obtaining the A1 permit. They wanted an AG's opinion as to whether or not we can do that. Daniel will request an opinion from the AG concerning conditional acceptance and allowing a period of time for the bidder to get the A1 license. Daniel advised the AG will charge the County a couple hundred dollars for the opinion. **Paul D. made a motion to request an AG opinion; seconded by Varlin. All voted in favor.**

#25-EMPLOYEE PAY SCALE

Daniel discussed the State of NV pay scale that was previously approved for contract and non-contract employees and the history of this issue. The state pay scale changed as of July 1, 2016 and this year's budgets do not allow for the change. Teamsters suggested that we move everyone from police/fire to the regular scale and stick to the 2015-2016 scale for this year. If nothing changes for next year, we can jump onto the new scale. Paul M. asked how the County can keep pace if the state scale changes every year. Paul M. commented that if nothing changes with the Detention Center this County is in serious trouble; the General Fund will take a \$600,000 hit. It will be all we can do to hold it together through this budget cycle; next year the County is in trouble. The County will be renegotiating next year due to the situation we will be in. **Paul M. made a motion to amend the contract and to clarify we use the 2015 pay policy 1 and 2 for the state (regular employees, not police/fire); seconded by Varlin. All voted in favor.**

#26-TRI-COUNTY WEED

Paul M. made a motion to approve the 3% COLA increase for Brandon Vaught of Tri-County Weed; seconded by Adam. Paul D. was opposed. Motion carried.

#27-TRI-COUNTY WEED

Paul M. made a motion to approve the 3% COLA increase for Clayton Henroid of Tri-County Weed; seconded by Adam. Paul D. was opposed. Motion carried.

#28-TRI-COUNTY WEED

Paul M. made a motion to approve the promotion of John Ashworth of Tri-County Weed from Applicator II to Applicator III with a wage increase from \$19.64 to \$20.44 per hour; seconded by Adam. Paul D. was opposed. Motion carried.

#29-TRI-COUNTY WEED

Paul M. made a motion to approve the promotion of Rope Ashworth of Tri-County Weed from Applicator I to Applicator II with a wage increase from \$15.41 to \$18.72 per hour; seconded by Adam. Paul D. was opposed. Motion carried.

#30-TRI-COUNTY WEED

Paul M. made a motion to approve the wage increase for Robin Bridges of Tri-County Weed for completion of probation period with an increase from \$15.13 to \$17.35; seconded by Adam. Paul D. was opposed. Motion carried.

#31-BASIN AND RANGE MONUMENT

Varlin suggested the anticipated impacts to the County's natural resources and tax base be included in the letter. Cory will include language discussing economic impacts, including grazing, ROWs, water, etc. **Paul M.**

made a motion to approve the public scoping comment letter to the BLM concerning the Basin and Range Monument Management Plan and Environmental Impact Statement, including the language changes regarding economic impacts; seconded by Varlin. All voted in favor.

#32-PANACA ELEMENTARY SCENIC HALF MARATHON

Paul M. made a motion to approve the Panaca Elementary Scenic Half Marathon between Spring Valley and Echo Canyon State Parks on July 16, 2016; seconded by Adam. All voted in favor.

#33-QUARTERLY JAIL TOUR

This item was tabled.

#34-COMMISSIONER REPORTS

COMMISSIONER VARLIN HIGBEE has attended several of the Basin Range Monument meetings. **COMMISSIONER KEVIN PHILLIPS** attended the NACO meeting last Friday. We are facing a legislative session and NACO is getting organized for such. **COMMISSIONER PAUL DONOHUE** met with Recorder/Auditor Leslie Boucher concerning POOL/PACT training courses. We will have training regarding ethics and the open meeting law. Paul D. met with Mike Baughman to look at the pinyon juniper; they're looking at them to make a "super pellet". Paul D. met with Room Tax/Fair Board; the fair will take place next month. Paul D. discussed the Detention Center (DC). Paul D. is going to Las Vegas to meet with various individuals to work on the DC issues.

#35-PUBLIC COMMENT

Kevin called for public comment. None offered.

#36-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 2:17 p.m.

Attest: _____ Approve: _____

