



## LINCOLN COUNTY BOARD OF COMMISSIONERS

July 25, 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 9:08 a.m. Clerk Lisa Lloyd called the roll.

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

LISA LLOYD, Clerk  
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 7-19-16. The Invocation was offered by Kevin 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 July 5, 2016 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 D. 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 \$382,493.99 with estimated expenditures being \$150,422.40. General County will have a balance of \$232,071.59. **Varlin made a motion to approve the vouchers as presented with the exception of the Mountain Merc and LCTS vouchers; seconded by Paul D. All voted in favor. Paul D. made a motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin abstained and disclosed he is part owner of this firm. Motion carried. Varlin made a motion to approve the LCTS vouchers; seconded by Kevin. Paul D. advised he is an employee of LCTS; he abstained from the vote. Motion carried.**

### **#6-OFFICER/DEPARTMENT HEAD REPORTS**

**ASSESSOR** Mark Holt would like to get the Board's permission to amend taxes without bringing a tax strike forward, unless money is being refunded. Mark will work with DA Daniel Hooge to research this issue and make certain it is permissible. Treasurer Shawn Frehner asked if this is to clean up Assessor errors or is it for situations that require assessment adjustments. **EMERGENCY MANAGEMENT COORDINATOR** Rick Stever provided information regarding the bombing in Panaca on 7-13. Rick was out of the County when it occurred; he received a phone call at 8:34 p.m. and he was in Carson City at the time. From then on, Rick's last call was at 2:30 a.m. The State was notified at 8:38 p.m. and Rick was in the process of obtaining resources for responders and Panaca. Rick stayed in Carson until 7:45 a.m. the following morning. On the way home, every time he hit service his phone would alert that there were calls and messages. Rick received 122 phone calls and 24 messages in a day and a half. There were federal, Clark County, local, and state agencies involved in the incident. By the afternoon of the 14<sup>th</sup>, when Rick returned, there were task force teams and personnel who had organized and structured everything; the investigation was in progress. The Board and the Governor signed Declarations of Emergency. The state continues to be involved and they continue to be willing to help us

with resources or anything we need. Red Cross is also willing to return. Rick has been working on updates to the County Hazard Mitigation Plan. Rick received a letter that the plan has been approved pending adoption by the County. **NUCLEAR OVERSIGHT COORDINATOR** Connie Simkins presented the Preliminary Environmental Assessment for a conservation easement for The City. Connie will meet with Alicia Styles this week to clarify some of the issues she has with this document. Connie didn't attend the Boise site-based meeting. On August 24, the NWTRB will meet to discuss making all the waste canisters the same. Congress has approved \$40 million for cleanup that will go to four universities. UNLV could have had at least half of these funds if we had a different political situation. There is a house committee meeting on Natural Resources tomorrow in Las Vegas. 7-27 the Commissioners will meet with Jeremy Harrell in Ely.

#### **#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-TAX STRIKE**

**Paul D. made a motion to approve the tax strike for McCrosky Brothers, APN 006-261-30 assessed value \$2,233; seconded by Paul M. All voted in favor.**

#### **#11-TAX STRIKE**

**Paul D. made a motion to approve the tax strike for John Utz, APN 001-102-14, assessed value \$9,154; seconded by Paul M. All voted in favor.**

#### **#12-WATER ASSESSMENT BILLINGS**

Assessor Mark Holt advised the tax bills have been sent out. The water assessments were done for the State Engineer. Last year, the direction was to bill every property owner. This year, a letter was received advising that those who are tax exempt are not to be billed. This amounts to a little over \$300. Mark will request that the County pay that amount instead of re-billing everyone. It will cost more to re-bill than it will for the County to just pay it. **Paul M. made a motion to pay this out of the General Fund; seconded by Varlin. All voted in favor.**

#### **#13-LC HUMAN SERVICES**

**Paul D. made a motion to approve the advertising and hiring of an Alamo meals driver for LC Human Services; seconded by Varlin. All voted in favor.**

#### **#14-WESTERN ELITE YOUTH FUNDS**

**Paul M. made a motion to approve the request from LC Fair/Livestock workshop for \$2,500 from WE Youth funds to purchase equipment, supplies, and to provide support money to help prepare youth to participate in Clark County and Southern UT livestock shows; seconded by Paul D. All voted in favor.**

#### **#15-CHUCK REIFSNYDER PROPERTY TAX ASSESSMENT**

Paul D. discussed the history of this item, including the repayment of the property tax assessment in the amount of \$1,995.01 to Chuck Reifsnyder as approved at the December 3, 2012 Commission meeting. Even though this was approved, the payment was never made to Reifsnyder. Treasurer Shawn Frehner advised that they received the three-year tax strike and refund. Anything older than that which didn't fall within the three-year period wasn't paid. The current amount for the years older than three years is \$1,995.01. **Paul M. made a motion to approve the payment of \$1,995.01 to be paid from General County; seconded by Paul D. DA Daniel Hooge advised that right after this happened we had several people come in and ask for it, too. Daniel advised the Board if they're going to do this they need to be fair and open it up for all. This issue opens up several other problems with real property versus personal property. Daniel advised the Board this opens up all**

kinds of complications; this is why the state allows the Board to go back three years as well allows individuals to take these issues to the Board of Equalization. **All voted in favor.**

#### **#16-COMMISSION MEETING DATE CHANGE**

**Paul M. made a motion to change the Commission meeting from November 7, 2016 to November 14, 2016; seconded by Varlin. All voted in favor.**

#### **#17-RESOLUTION RE: NON-CONTRACT EMPLOYEES**

**Paul M. made a motion to approve the resolution for non-contract employees; seconded by Paul D. All voted in favor.**

#### **#18-CLOSED SESSION**

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

#### **#19-LAW ENFORCEMENT AGREEMENT**

**Paul D. made a motion to adopt the extension agreement for Law Enforcement with adjustments for new hires and commencement of buyouts; seconded by Varlin. All voted in favor.**

#### **#20-LC HUMAN SERVICES EMPLOYEES**

There was some discussion about Trina Lytle being on the same scale as Toni Acuff but at a different step. The Board was under the impression that Trina is already on the scale. Daniel responded that Trina has never been on the scale. No action was taken on this item.

#### **#21-LC WORKFORCE**

Holly Gatzke addressed the Board regarding the expansion of LC Workforce. This item concerns a \$180,000 proposal; Holly asked the board for permission to put in an application for expansion. The expansion would include service to Mesquite area in collaboration with local groups and Cooperative Extension in the Moapa area. Treasurer Shawn Frehner advised the Board that the County will be fronting the money and then having to wait to be reimbursed. Holly advised they can do cash advances at the beginning of the year. The Board discussed risks as well as advantages. The amount for administrative reimbursement is small; \$3,000. These reimbursements will come to LC. Recorder/Auditor Leslie Boucher asked where the reimbursements would go; Grants or General County? This is something that would have to be addressed and decided upon. If the application is accepted, terms will be negotiated at that point. Jerry Carter commented one of the benefits would be an internship for young workers to become a certified sewer/water operator. This would give them the opportunity for them to be employed anywhere in the state. The potential with the Mesquite and Overton office is huge for the youth in our area. **Paul M. made a motion to approve the submission of the application for LC Workforce to expand their operations to Mesquite and Moapa; seconded by Varlin. All voted in favor.**

#### **#22-PHILLIPS STREET ABANDONMENT**

Cory Lytle presented this item, which was the public hearing on Coira Properties, LLC's request for a partial vacation/abandonment of an unimproved portion of Phillips Street, located between First and Second Streets in Panaca, APN #002-202-01. The owner of this property has agreed to deed over the free lots adjacent to Pioneer Park. This helps the County alleviate some issues that have been directly associate with the Spring Road for decades. There is a 20-foot easement for irrigation. Kevin called for public comment. An order of abandonment will have to be signed by the Chair after we have a recorded map. The County will also prepare the deed for the owner. Kevin closed the public hearing. **Paul M. made a motion to approve the abandonment; seconded by Varlin. All voted in favor.**

#### **#23-POOL/PACT RENEWAL**

Cory Wadsworth made a presentation concerning the POOL/PACT renewal. This year costs are about \$183,000. Coverage is mostly unchanged, with the exception of environmental liability coverage. **Paul M. made a motion to approve the POOL/PACT renewal; seconded by Varlin. All voted in favor.**

#### **#24-AIRPORT LIABILITY INSURANCE**

**Paul M. made a motion to approve the Airport Liability insurance; seconded by Varlin. All voted in favor.**

#### **#25-CLOSED SESSION**

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

#### **#26-RECOLOGY AGREEMENT**

This item concerns the possible acceptance of a settlement agreement with Recology. Paul M. reviewed the agreement, including the landfill and settlement prices. Caliente's current contract goes with the landfill. The County has met with the City concerning the contract. Does the County, in purchasing the landfill and assuming the contract, have a liability or an asset? Paul M. would like to approve the Recology contract with the understanding and caveat that the City Council will meet and approve it as a one-year contract, at which time it will be renegotiated. Right now, the contract is in perpetuity and is tied to the landfill as long as it is open. The County, not understanding what the costs are right now, doesn't want to assume such an unknown with this contract. Reopening the contract in one year allows Caliente to finish this fiscal year and then, reopening at a later time will allow for inclusion of costs in their budget. **Paul M. made a motion to accept the MOU with Recology for the purchase of the landfill, including the purchase of equipment in exhibits A and B, in the amount of \$386,000; seconded by Varlin. All voted in favor.** There was some discussion about the payment of \$25,000 per month to Recology. We have until August 7 before we have to pay an additional \$25,000 to Recology. Each month over and above August 7 will cost the County an additional \$25,000. Paul M. asked that we not have a \$25,000 penalty as we are moving as quickly on this as we can. However, we have to wait for the City to meet and vote on this. Daniel asked Debbie Leonard, present via telephone, if the \$25,000 would be prorated. Debbie responded that she would have to speak with her client to see if they'd be willing to prorate. Debbie anticipates it would be prorated but she couldn't speak on behalf of her client. Daniel suggested a grace period may be given. Kevin discussed Judge Fairman's order for Recology to remove the garbage by the Saturday after the order. However, the bins are still full. Debbie responded that she was advised that Western Elite was going to remove the waste and bins. Recology started removing the bins but once the deal was reached that WE would finish the removal stopped. Paul M. advised that the \$25,000 can be addressed on the August 1<sup>st</sup> Commission meeting. Treasurer Shawn Frehner advised that the County must also be in contact with WE because someone must start hauling Caliente's waste. Leslie asked what fund the \$25,000 would be paid from and which fund the \$386,000 be paid from. Paul M. responded we pay the \$25,000 from the Solid Waste fund. The \$386,000 is of great concern because the County is tight. The only room the County has is within the LC Land Act funds; these funds are regulated by ordinance and can only be spent on assets. In this case, the funds can be spent as the landfill is an asset but Paul M. will not approve it without also setting up some way to pay the money back to the fund it is paid from. Leslie suggested the Board use the LC Water Special Use fund, Fund 84. Leslie asked that the Board review the resolution drafting these funds. **Paul D. made a motion to pay the \$386,000 from Fund 84; seconded by Paul M. All voted in favor.** Ed Wright congratulated the Board on their purchase. Ed is concerned the Board will create another entity in this County; this means another property tax raise. Ed asked that the Board look at recycling to look at eliminating the bulk of things that will have to be transported. Ed suggested that the model in UT be considered. Recycling could make money for the County. Ed asked that the County doesn't raise the rate so it is prohibitive for him to stay in business.

#### **#27-THE MONUMENT**

A letter will be presented at the next meeting stating that activities within the Monument must be according to the Monument Plan with no prohibitions. No action was taken.

#### **#28-INTERTECH SERVICES AGREEMENT**

**Paul D. made a motion to approve the as-requested contract with Intertech Services; seconded by Varlin. All voted in favor.**

**#29-BEST IN THE DESERT**

**Paul D. made a motion to approve the public comment letter to BLM concerning the Best in the Desert Vegas to Reno special recreation permit environmental assessment; seconded by Varlin. All voted in favor.**

**#30-BEST IN THE DESERT**

Cory advised that one of their alternatives was to trailer around The Monument. We recommended that the race be allowed through The Monument. The biggest issue with this is that the roads get destroyed and the Road Department then has to fix them. **Paul D. made a motion to approve the Best in the Desert Vegas to Reno truck and buggy race scheduled for August 19-20, subject to repairs to County roads being rehabbed by LC Road Department; seconded by Varlin. All voted in favor.** General maintenance on the roads is approximately \$20,000. This includes man hours to grade the road only.

**#31-PER DIEM RATES RESOLUTION**

**Paul D. made a motion to approve the resolution setting per diem rates (breakfast is \$11, lunch is \$12, dinner is \$23); seconded by Varlin. All voted in favor.**

**#32-QUARTERLY JAIL TOUR**

This item was tabled.

**#33-COMMISSIONER REPORTS**

**COMMISSIONER PAUL DONOHUE** has been working with North Las Vegas with regards to getting inmates. Mayor Hafen has advised they also are losing inmates.

**#34-PUBLIC COMMENT**

Kevin called for public comment. Rodney Mehring asked for separate bins and advised that much of the trash can be composted. Shane Mathews has a lot of manure that can be mixed in to make compost; this product then could be sold to Las Vegas. Western Elite is looking for places to dispose their branches. Rodney offered to help with this type of project. Rodney currently composts on his own property, in approximately 3-4 yards per year.

**#35-ADJOURN**

There being no further business for the Board to attend to, Kevin adjourned the meeting at 2:00 p.m.

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_