



LINCOLN COUNTY BOARD OF COMMISSIONERS

September 6, 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 MATHEWS
KEVIN PHILLIPS
VARLIN HIGBEE
ADAM KATSCHKE
ABSENT: PAUL DONOHUE

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 8-30-16. The Invocation was offered by Kevin and Paul M. led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Kevin called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny minutes of the August 15 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 M. 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 \$792,578.44 with estimated expenditures being \$252,515.87. General County will have a balance of \$540,062.57. Daniel advised that there will be an extra voucher today for the September payment to Recology for renting the waste bins, equipment, and running the equipment. **Adam made a motion to approve the vouchers as presented with the exception of the A&H Katschke, Mountain Merc, and Mainstreet Market vouchers; seconded by Varlin. All voted in favor. Paul M. made a motion to approve the vouchers for A&H Katschke and Mainstreet Market; seconded by Varlin. Adam disclosed he is owner/part owner of those firms; he abstained. Motion carried. Adam made a motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin disclosed he is part-owner of Mountain Merc; he abstained. Motion carried. made a motion to approve the special voucher for Recology; seconded by. All voted in favor. Varlin made a motion to approve the Recology voucher in the approximate amount of \$18,000; seconded by Adam. All voted in favor.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

PLANNING/BUILDING COORDINATOR Cory Lytle advised that we are using Eva Donohue when Richard is gone to clean the building. A formal hiring process was done a few years ago and she's been under contract. Cory would like to move Eva under the payroll system and have her fill out a time card. This will allow Eva to do a few more things that are of benefit to the County. Richard will be gone in the near future for medical issues and Eva will be putting in approximately 40-50 hours of time. Kevin directed Cory to move Eva across. Cory will be presenting a request for funds at the next meeting for the HVAC system repairs. The repairman will be here on Wednesday to fix the Panaca Town Center HVAC as well.

#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-EMERGENCY MANAGEMENT DIRECTOR/LC FIRE DISTRICT CHIEF

This item was tabled.

#10-MUNICIPAL SOLID WASTE SOLUTION BY MARCIA HURD

Marcia Hurd offered a presentation concerning a waste service plan. VanNatta Worldwide will use their legal staff, in conjunction with the DA's office, to move forward. Marcia is asking for approval of the service plan today. Additional approval will be required of the Board at different steps as things progress. Marcia spoke with Daniel, who told her about the medical crisis with medical waste. This program includes a combustor, not an incinerator, which will destroy medical waste. Adam commented that 2/3 of all things thrown away are not municipal solid waste. We most likely won't be able to burn everything. Adam asked that Marcia address disposal of those types of things. Marcia referred to the service plan, which includes a recycling program offer. Things that aren't combustible cannot be burned and the separation process is already involved. Marcia advised they can separate and stock pile it then call someone to come and get the things that can't be burned. Their original intention was to do private funding but they're trying to include additional things; they'd like to do a quasi-governmental special district. Most of the financing will most likely come from private sources. At some point, the municipal bonding could be used to help pay back the private funding. When private funding is used, those people are looking for the tax credits that come from the green energy association. Paul M. feels this proposal is a bit premature as we are going to be receiving proposals from the community soon. Daniel stated that the goal is to put the RFP out and receive responses prior to the end of the year. Varlin stated that this entity's main objective is to make power. Marcia stated whether or not the County uses their services or not is irrelevant. With these services available, it may change the way contracts are looked at, especially with regards to length. Marcia stated the County will not be obligated to use this resource, they're simply working to set up another option for the future. Paul M. would like to see information from the power district with regards to the wheeling of the power. Dave Hurd advised the LC Development Authority has been working with Dave Luttrell of LCPD on this issue. This power could be sold to anyone, not just NV Energy or LCPD. There are many electrical providers that are mandated to use green energy. They will put it in the channel so that it can be used by these entities. Several Board members were uncomfortable with approving the service plan at this time as they would like more time to study it. Caliente has already met the requirements for notice of this plan and they support it. None of the Board members were willing to move forward to approve the plan. **Varlin made a motion to have the Board members study and prepare to take action on this at the next Commission meeting; seconded by Adam. All voted in favor.**

#11-COUNTY WEB SITE

Adam advised that the County website is not functioning properly. The Board agreed it has been enough time since the original start of the website that we should go out for bids. **Paul M. made a motion to request proposals for the management of the website; seconded by Adam. All voted in favor.** The Board agreed to assign Paul D. to oversee this.

#12-RECOLOGY AGREEMENTS

This item concerns the possible approval of closing agreements with Recology, including a final purchase and sale agreement, assumption agreement, and an agreement terminating the 2006 franchise agreement for solid waste disposal. \$392,000 is already in trust with the title company. \$23,000 is the rent from 8-9 to today. We've had to pay an extra \$20,000 for using the landfill for the month. \$100,000 is the equipment for the landfill. \$50,000 is for the collection vehicles. We still owe approximately \$18,000, which was approved for payment under Item #5, Vouchers. Daniel reviewed the agreements for the Board. The County is responsible for pumping enough out of the well to prove up on their rights. Once we move our well, the easement agreement will be void. Cory stated that it could take a year to get approval to transfer the rights. Daniel advised the Board they can do cost sharing. Mark stated there is no value for us to own the well as we will have

to drill a new one on our property anyway. When we build a new well, we'll put in power. If we buy their well, the County will not get any revenue. If Recology continues to own the well, there will be a tax assessment. Ronda Hornbeck stated changing the point of diversion will take at least one year. The County will also be responsible for closing the well if it is transferred. The cost share will be for the well maintenance only; we are responsible for the easement access regardless. Cory suggested that Daniel speak with Recology about not operating the well 24/7 during the winter. **Adam made a motion to approve the final closing agreements with Recology, including the change in language to the cost sharing and access; seconded by Paul M. All voted in favor.**

#13-GRANTS

This was the time and place set for public hearing and discussion of possible State Community Development Building Grant (CDBG) applications. Kevin opened the public hearing and asked for comments and proposals from the public. None offered. Kevin closed the public hearing. No action was taken.

#14-TAX STRIKE

Paul M. made a motion to approve the tax strike for Nykki Holton, APN 001-065-14, due to improvements being removed (435 assessed); seconded by Varlin. All of voted in favor.

#15-TAX STRIKE

Varlin made a motion to approve the tax strike for NNP Trust, APN 001-122-03, as the shed has been removed (287 assessed); seconded by Paul M. All voted in favor.

#16-BUSHWACKERS MC HARE SCRAMBLES

Paul M. made a motion to approve the Buschwackers MC Hare Scrambles on September 17; seconded by Varlin. All voted in favor.

#17-NUCLEAR OVERSIGHT

Connie Simkins presented an update, including the accounting of funds. There is currently \$58,000 in the account and Connie believes spending can be kept at a minimum so this fund will make it until June without augmentation. There is a Westwide Energy Corridor meeting on 9-27 in Las Vegas. There is a meeting and book signing in Pahump by Dr. Michael Vogel on 9-10 addressing technical issues around Yucca Mountain. The Center of Counsel on Environmental Quality has issued a set of regulations that deal with greenhouse gas emissions. There is a multi-agency working group dealing with how birds and solar interact. This Thursday and Friday the BLM's National Wild Horse and Burro group will meet to discuss issues in eastern NV and the unnatural disaster numbers. Attorney General Adam Laxalt will be in Ely tomorrow; Connie will attend the meeting. 9-1 the BLM issued additional guidance for how they will implement the Greater Sage Grouse Land Use Amendments. Common citizens know the biggest impact on the sage grouse is the excess horse numbers. The new document makes no mention of the horses. Sage grouse habitat will never be improved without removing the excess horses. The Air Force is asking to expand their boundaries. The area they're looking at includes nearly 302,000 additional acres. Meetings will be held in October and they're also asking for written comments.

#18-CORE GEO DATA

Paul M. made a motion to approve a task based contract with Core Geo Data, Jason Pitts, Licensing Support Network and electronic backup copies of JCCIAC activities, reports, and studies for long term storage; seconded by Varlin. All voted in favor.

#19-LANDFILL BILLING

Jan Jonas is requesting reimbursement for garbage billing. Jan was receiving two bills for her RV park, one from the County and one from Recology. Jan is requesting reimbursement for the last three years, in the amount of \$624. **Adam made a motion to pay the reimbursement; seconded by Varlin. All voted in favor.**

#20-HOST COMMUNITY FEE ORDINANCE

Adam, Daniel, and Franklin met with WE concerning fees that will need to be charged. WE is putting \$.09 per ton into the Western Elite Youth Fund. Adam recommended a \$.05 per ton fee for Class III and \$.50 per ton for

Class I and II. **Adam made a motion to propose an ordinance that imposes a host community fee of \$.05 and \$.50 per ton based upon gross tonnage of solid waste received on all disposal sites operating within the jurisdiction of LC and to set the public hearing for October 3 at 10 a.m.; seconded by Paul M. All voted in favor.**

#21-APPOINTIVE COUNTY OFFICERS SALARIES

Adam advised "Landfill Operator II" should be amended to "Landfill Supervisor", Grade 37. **Adam made a motion to approve the resolution setting appointive County officers and employees' salaries; seconded by Paul M. All voted in favor.**

#22-LINCOLN EMPLOYEES PAY GRADE

Adam made a motion to approve the resolution establishing a pay grade and step for certain employees of LC; seconded by Varlin. **Paul M. opposed as these individuals aren't being started at step 1 and this is inconsistent compared with past hirings in the County. Motion carried.**

#23-SOLID WASTE FUND

This item concerns the bolstering of the Solid Waste Fund. The Board previously discussed moving \$400,000 from the Water Special Use Fund of the Land Act Special Use Fund to the Solid Waste Fund to support the collection and disposal of solid waste. When you move funds like this, it's considered an interfund loan. Approval is required by the state and the County must obtain a medium-term obligation. We have to spell out the amount that will be paid back every year and the state must proffer approval. Funds can't be moved until the resolution for medium-term obligation is complete and the approval is received. It will take about one month to complete the process. There was discussion concerning the rate at which to pay the funds back. Paul M. suggested a repayment of \$20,000 per year with a ten-year balloon. Adam agreed. **Paul M. made a motion to approve a repayment of \$20,000 per year with a ten-year balloon of \$200,000, first payment is due July 1, 2017; seconded by Adam. All voted in favor.**

#24-COMMISSIONER REPORTS

COMMISSIONER PAUL MATHEWS attended the Tri-County Weed meeting; things are running smoothly. We are being pressed to provide an alternate to attend these meetings and Ken Dixon has been suggested. This will be on the next agenda for approval. **COMMISSIONER VARLIN HIGBEE** advised that there is a judge's ruling that says the state has never relinquished judicial jurisdiction to the federal government. This means that BLM has no arresting authority. **COMMISSIONER KEVIN PHILLIPS** attended the NACO BBQ and meeting last week in Carson City. NACO is gearing up for the legislative year. The NACO conference this year will be November 15-17 in Pahrump. Kevin reminded the Board members of the need to provide an item for the silent auction. **COMMISSIONER ADAM KATSCHKE** discussed a letter he received from Silver Springs concerning culinary wells. Based on what is happening, you can't do much gardening or water livestock. Paul M. commented they're working to fix the problems in areas like Pahrump. Everyone who drills a well in that area gets 2 acre feet. They're trying to adjust it and force more organization to the growth as well as limit the amount of water that can be pumped to keep the amount of water removed from the basin in check. Paul M. stated this is the issue that the Legislature is attempting to fix.

#25-PUBLIC COMMENT

Kevin called for public comment. Cory Lytle presented the scope of work moving forward on the landfill to put together a bid package; this issue will be on a future agenda for discussion and action. Cory would like to narrow the scope to three in order to simplify. We need to leave some of the options open for County, private entities, and others.

#26-ADJOURN

There being no further business for the Board to attend to, Kevin adjourned the meeting at 11:48 a.m.

Attest: _____ Approve: _____