



LINCOLN COUNTY BOARD OF COMMISSIONERS

March 2, 2020
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Varlin Higbee, Chair
Jared Brackenburg
Bevan Lister
Kevin Phillips
Keith Pearson

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was called to order at 9:03 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS
 JARED BRACKENBURY
 KEITH PEARSON
ABSENT: VARLIN HIGBEE
 BEVAN LISTER

LISA LLOYD, Clerk
DYLAN FREHNER, District Attorney

There is a quorum present and the agenda was posted on 2-25-2020. The Invocation was offered by Jared and Keith led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Jared called for public comment. Suzanne Reifsnnyder stated she received a message from Sharron Faehling a couple months ago asking how long she'd been sitting on the board. Suzanne was appointed around 2005. Denice Brown told Suzanne she thought new members would be appointed but she expected a phone call concerning the plans. Suzanne then saw the ad in the newspaper looking for members for the Library Board. She still hadn't received notification as to plans to remove her from the board. However, there is an item on today's agenda to appoint and fill Suzanne's position. Suzanne was removed from the board for a period of time then, because they couldn't find anyone else, they reappointed her. Suzanne asked if she is being kicked off the board. No, the Commission is simply trying to make sure all the boards are full. Suzanne commented there is a lot of free labor serving on these boards but no gratitude offered for it. Denice advised the Commissioners asked for the publication of the board openings and she offered a brief update on how this item on the agenda came to pass. Suzanne expressed her concern over the way this was handled and commented it makes people think they're getting kicked off the boards. Jared responded the Commissioners' intention isn't to remove people, it's to simply fill the boards. Jared apologized for the poor communication with regards to what the Board is trying to do. Jared read an email from Melissa Rowe at GCDMC into the record concerning the coronavirus as posted on the CDC's website. GCDMC is making strong efforts to prepare for an outbreak, including requesting additional supplies. Testing for the virus has to be sent to the state. The best practices are to wash hands frequently, don't touch your face, and stay home if you're sick.

CONSENT AGENDA

- #3 Approve/Deny amended minutes from the February 19 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).

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

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances. General County has a balance of \$1,517,297.15 before payroll. Grants has a balance of \$51,774.31, sans payroll. Detention Center has a balance of \$60,684.04, sans payroll and the February billings. Amy presented the single line register for payroll estimates. **Varlin appeared by telephone to vote on the vouchers. Keith made a motion to approve the vouchers with the exception of Mountain Merc vouchers; seconded by Kevin. All voted in favor. Keith made a**

motion to approve the Mountain Merc vouchers; seconded by Varlin. Kevin abstained as he is part owner of the firm. Motion carried.

#6-OFFICER/DEPARTMENT HEAD REPORTS

CLERK Lisa Lloyd advised candidate filing is open now, from today until March 13. A team from the Secretary of State's office will be here tomorrow to review cyber security issues. RECORDER/AUDITOR Amy Elmer finished her HR training; she will be requesting additional funds for personnel funds as we're out of compliance. EMERGENCY MANAGEMENT COORDINATOR Eric Holt advised they've been working on their grant applications. Eric is working through timeline issues with Denice for the gap between when Elaine left and Denice took over. There is a resiliency committee meeting in Las Vegas coming up; the vote taken there will affect their funding. They're working on restructuring the LEPC committee. LEPC applies for two grants; United We Stand and CERC. There is an active shooter drill later this month in Alamo. There is also a mass casualty drill with the EMTs this month. The State Division of Emergency Management is holding weekly teleconferences concerning the coronavirus. As of right now, there are no confirmed cases in NV. It is believed the virus has been undetected in the State of Washington for several weeks. LC AMBULANCE Sherlyn Fackrell reported their cash balance is \$37,569. Over \$5,000 was collected in February for billing claims. The ambulances have been stocked in preparation for the coronavirus. HCP COORDINATOR Ronda Hornbeck cut 300 new willow plantings/trees to replant on March 30-31. TREASURER Shawn Frehner presented the monthly reports for February. Shawn ordered the lapel pins. Shawn reported on the continuing issues with Devnet. To date, we've paid them 65% of their fees, we're three years in, and several of the modules in the system do not work. Shawn has always been able to take a payment in Devnet and distribute it; today that module isn't working correctly and she can't trust it. Shawn can distribute through the ADS system as she continues to do dual data entry. For the last three months, the distribution module in Devnet has worked perfectly; this month it doesn't work and requires continued testing. Shawn can't trust anything in this system; even if something has worked for several consecutive months, there comes a month when it won't work. Shawn is incredibly frustrated. The deadline for the state report is looming; it's due Thursday. The Department of Taxation is aware she will not submit a report if the system isn't working correctly. Shawn could do the report via ADS, but she isn't sure where the assessed values are in that system. Devnet has been here working with Assessor Mark Holt to get his values exact as they didn't import the proper values. Shawn hasn't been able to test that as the tax calculation in Devnet is also incorrect. Shawn was advised by Devnet not to test it as they don't want her to fail it and not give them enough time to fix it. Shawn isn't worried as much about Mark not certifying the values. Wednesday is the day Shawn can test it. If it doesn't pass, Shawn has advised the state to use last year's numbers. If Devnet doesn't get this cleaned up, Shawn will go back to the ADS system. She has to be able to bill \$5 million in taxes come June; she can't wait until the day before to test and determine if they've finally gotten it right. Shawn can't run those tax bills today and was uncertain if she'd be able to ever do it in the Devnet system. This is the main function of the county's revenue and impacts the schools, the hospital, and many other entities. We can't wait until the last day to determine whether or not it works. Shawn would have to have all the values in ADS from the Assessor's office before she can even run it from ADS. Shawn is incredibly frustrated as she can't accomplish the things required of her. Tracy Lee has been working to manually pull the numbers into a spreadsheet; he's spent numerous hours to come up with a Plan B. ADS is out of business, but there is a company in UT that will support the program. The Commissioners are responsible for terminating the contract but Shawn has processed the invoices for Devnet. She will not process one more invoice on their behalf. There are some counties that are trying to find and expert attorney in this area of law in an attempt to regain some of the funds spent on this company. Shawn has spoken to our DA about these issues. It might be possible for LC to join the lawsuit with the other counties but it will cost. Shawn's solution to this problem is to return to the ADS system; we must have accurate numbers. The contract is for both the Treasurer and Assessor's offices; Shawn wasn't certain if she would be able to carve out her portion. Mark indicated he isn't ready to opt out of Devnet yet. He is still working with them, in spite of the workload it has created. Devnet comes here to go through the numbers, and it prevents Mark from doing his regular work. His office is also doing dual data entry. Jared commented he'd like to see us stick together on this if we're going to get in a lawsuit and try to get our money back. Mark commented Devnet owns the ADS system; he questioned what will happen to us if Devnet shuts it down. Devnet doesn't own our system; we've been told by Mark Carter at ADS that we own the system and the data, we simply can't resell any of it. What is on our server is ours, including the program and the data. We can update our systems and continue to enter data; we simply can't resell it. Esmeralda ran their numbers through Devnet; they matched within \$40. When we ran ours, however, it wasn't

even close on exemptions, abatements, or recaptures. Shawn will not waste her time testing the program anymore until Devnet is ready. Jared asked Shawn if she needs a part-time employee to help her get through this. Shawn doesn't have the money in her budget. Further, Shawn would also have to find the time to train someone. Devnet needs to widen their areas of concentration to include Proforma, delinquencies, interest, penalties, and so many other things. Shawn is working on many, many other things but Devnet has chosen to only focus on Proforma. All of the other things she works on need equal attention. Shawn doesn't know how much longer she can carry on with this program. Shawn can't send out tax bills or a report that she doesn't know to be 100% correct. ASSESSOR Mark Holt advised these new programs are a great deal of extra work. It wouldn't be hard for him to switch back to ADS as they're already doing double data entry. Mark would like to talk to the other assessors to see what their experiences are like. Mark will be out of the office next week as he will be attending a conference. LIBRARY DIRECTOR Sharron Faehling discussed the need to upgrade her computers. The county doesn't have a contract with Best Buy and the county will have establish a line of credit with them, but she's received her quote. Sharron was told she needs approval from the Commissioners to proceed with the purchase from Best Buy; it will have to be on the next agenda. Sharron has funding in capital outlay for computers. Other than the computers, things are going well. SENIOR NUTRITION ADMINISTRATOR Toni Acuff reported she's writing grants. Tracy Lee has updated system security so their copier will no longer work properly. Toni advised they have the funds to upgrade computers and copier. Commodities and food drop saw them putting out 28,000 pounds of food in the county. COMMISSIONERS' ADMINISTRATIVE ASSISTANT/GRANTS ADMINISTRATOR Denice Brown has been working with Eric Holt on the EPWG and EMPG problems resolved. Denice finished the CDBG application. Denice worked with Deputy Kenyon Walch to see if their grants can be streamlined to cut out some of the hands they're passing through. Denice advised the VOCA program has had a lot of changes; she attended a meeting concerning such. VOCA funding came through. Denice spoke with Mr. Williams, who indicated Round 18 of SNPLMA is coming up soon. To date, Denice has heard of five different SNPLMA project submissions. Denice will be working in the Clerk's office tomorrow as they have court and meetings with the Secretary of State's office.

#7-ADVISORY BOARD APPOINTMENTS

The Board needs to appoint for the following vacancies: Panaca Town Board (3 seats); Pioche Town Board (2 seats); Library Board (2 seats); Museum Board (2 seats); Housing Board (3 seats); Airport Authority (1 seat); Board of Equalization (1 seat); Debt Management (Bond) Commission (3 seats); Fair and Rec Board (Room Tax Board) (3 seats). **Kevin made a motion to appoint Gretchen Soderborg, Doug Peterson, and Gary Elmer to the Panaca Town Board; seconded by Keith. All voted in favor. Kevin made a motion to appoint John Christian and Phyllis Robistow to the Pioche Town Board; seconded by Keith. All voted in favor. Kevin made a motion to appoint Suzanne Reifsnnyder and Peggy Hone to the Library Board; seconded by Keith. All voted in favor. Kevin made a motion to appoint Chris Faehling to the Museum Board; seconded by Keith. All voted in favor. Kevin made a motion to appoint Sharron Faehling and Chris Faehling to the Housing Authority; seconded by Keith. All voted in favor. Kevin made a motion to appoint Dan Simkins to the Airport Authority; seconded by Keith. All voted in favor. Kevin made a motion to appoint Phyllis Robistow to the Debt Management (Bond) Commission; seconded by Keith. All voted in favor. Kevin made a motion to appoint Connie Simkins and Susan Willingham to the Fair and Rec (Room Tax Board); seconded by Keith. All voted in favor.**

#8-HIGHWAY COMMISSION

This item was covered under separate agenda.

#9-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#10-RURAL DESERT SOUTHWEST BROWNFIELDS COALITION

Presentation was made concerning the status, accomplishments, and potential projects for the RDSBC throughout LC since 2011. LC projects include the Pahrnagat Valley High School auto shop, PVHS multi-use building, and the Gem Theater (in Pioche). No action was taken on this item.

#11-RURAL DESERT SOUTHWEST BROWNFIELDS COALITION GRANT

Arnold Knightly and Eileen Christensen presented a request for grant funding for the development of the next open solicitation of a Brownfields Coalition assessment and grant application in the amount of \$4,000. Kevin suggested the Board consider the request of \$4,000 during the budget process. No action was taken on this item.

#12-SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT (SNPLMA) ROUND 18

Denice Brown presented this item. One of the projects received is for a new hospital in Caliente. Caliente would like to build a community center for the county, similar to a convention center. Pioche is requesting a bike trail project. Panaca would like to expand their park as well as do some upgrades. The last project is an indoor arena for the LC Fairgrounds. Denice could submit the hospital and convention center projects in the name of the City. The rest of the projects could then be submitted on behalf of the county. Jared commented, with all the work he's done, he wants to make sure the hospital project goes forward. Adriana Brackenbury, Caliente Planning Commission, discussed the proposed events center. They have 8.3 acres where the old rodeo grounds in Caliente used to be. City Council is in support of this project. Caliente simply doesn't have the personnel to push this project forward, but they're willing to work with Denice. The size and layout of the building needs to be configured still. An interlocal agreement between the City and County could be put in place to govern the use, maintenance, funding, and insurance costs. Adriana advised they will be requesting the full amount of the grant and will not be including any matching funds. If the county applies for the building, the county will then own it. Caliente will own the land; Lincoln County will own the building. Cory presented the Slaughterhouse bike trail project in Pioche. Connie Simkins discussed the proposal for an enclosed arena at the LC Fairgrounds. It can be as elaborate as the Board wants it to be. Panguitch has one that cost \$2 million to build and includes meeting rooms, a full kitchen, public showers, and an indoor arena with grandstands. Connie advised LC received a Round 17 project for additional amenities at the Fairgrounds. Having a covered arena would create a good many other opportunities for the county. No action was taken on this item.

#13-GRAZING REGULATIONS ON PUBLIC LANDS

Kevin made a motion to approve the comment letter to the Bureau of Land Management pertaining to the proposal to prepare an Environmental Impact Statement (EIS) on revision of grazing regulations for public lands; seconded by Keith. All voted in favor.

#14-RED FLAG LAWSUIT

This item concerned joining the Red Flag lawsuit. DA Dylan Frehner advised the lawsuit exists and only Elko and Eureka Counties have taken action to join. There are a few other counties who are looking into hiring private counsel. Dylan cautioned the board to hold off on this until we see what potential costs will be. Jared commented he has received quite a bit of input from people who want to see the county get involved. Sheriff Kerry Lee advised the attorney who was willing to represent the counties was willing to do so regardless of how many counties join. Kerry believes this will go to the Supreme Court. No action was taken

#15-SECOND AMENDMENT RESOLUTION

Dylan cautioned the Board against taking action as there is some language in the proposed resolution that needs to be changed. Kevin suggested this item be tabled to the next meeting. No action was taken.

#16-MERGER OF PANACA FIRE PROTECTION DISTRICT AND LINCOLN COUNTY FIRE PROTECTION DISTRICT

Keith made a motion to approve the resolution proposing to consolidate the Panaca Fire Protection District and the Lincoln County Fire Protection District; seconded by Kevin. All voted in favor.

#17-MOUNTAIN VIEW HOTEL

A \$5,000 grant has been secured to bring in Mel Green to do a structural analysis of the building. They're attempting to find a way to make the restoration of the building easier. This will be similar to what was done with the Mob Museum and the City of Las Vegas. Dylan will work with the NV Preservation Foundation on the lease agreement between Lincoln County and the Nevada Preservation Foundation for the proposed facility site assessment and associated activities pertaining to the preservation of the Mountain View Hotel. This is a long-term project. No action was taken on this item.

#18-STATE OF NEVADA DEFERRED COMPENSATION PROGRAM

This item was tabled.

#19-US DEPARTMENT OF ENERGY ENVIRONMENTAL MANAGEMENT NEVADA

Tiffany Gamero offered a presentation on the U.S. Department of Energy Environmental Management program activities in Nevada. Tiffany discussed the history and ground water characterization program at NNSS, including post-closure monitoring. They don't expect the contamination to ever reach populated areas. There are many regulatory requirements in place, governed by the state and NDEP. Studies show there is no risk to any public areas and it is not expected to ever reach publicly accessible wells. The movement of the contamination on the site is very slow. No action was taken on this item.

#20-GRANTS

Jeff Fontaine presented this item, which concerns an application for grant funding to pave the Crestline Road. The prudent step would be to seek analysis of the costs to see if this is feasible. Applications are due March 12. If approved, Jeff will work on it and submit it on the county's behalf. The total cost estimate for the survey and preparation 30% civil design plans is \$246,000. The total FLAP grant request is \$233,700 with a match of \$12,300. **Kevin made a motion to approve the submission of a grant application to the Federal Highway Administration for Federal Lands Access Program (FLAP) grant to survey and prepare 30% civil design plans to improve and pave the Crestline Road in LC from State Route 319 to the county owned landfill; seconded by Keith. All voted in favor.**

#21-FACILITIES MAINTENANCE WORKER/BUILDING INSPECTOR JOB DESCRIPTION

Cory presented the job description for the Facilities Maintenance Worker/Building Inspector. This employee will be paid from three different funds. This job is a spinoff of the custodial II position. Cory included a pay grade but recommended it be changeable based on the experience of the hiree. This individual would not be responsible for cleaning unless there was an emergency. **Kevin made a motion to approve the creation of this position and to have Cory advertise; seconded by. All voted in favor.**

#22-HARDEN OFFROAD NEVADA 200 TRAIL RIDE

Keith made a motion to approve the Harden Offroad Nevada 200 trail ride scheduled for April 17-29, 2020; seconded by Kevin. All voted in favor.

#23-ORDINANCE AMENDMENT – SPECIAL EVENTS

This item concerns the introduction of an ordinance to amend Title 4, Special Event Permits, in the LC Code. Cory presented a first draft. Dylan advised a public hearing can't be set as of yet. Fees should be developed through, and amended by, resolution. Large events and local events have been set in definition in the proposal. Sheriff Kerry Lee commented we shouldn't be against an event, but the events need to take care of themselves financially. EM Coordinator Eric Holt advised we need to make sure the county resources will not be relied upon. The event promoter must make certain that all EMS/fire, etc., are hired independently. The Board agreed they don't want to choke these events so nothing can ever happen; the goal is to make sure they these events are self-contained all the way around, financially and from a public safety perspective. No action was taken.

#24-ORDINANCE TO DISSOLVE COYOTE SPRINGS/LINCOLN COUNTY GID

This was the time and place set for the first reading of an ordinance to dissolve the Coyote Springs – Lincoln County General Improvement District and allowing the provision of public services by other existing county entities. Emilia Cargill, Coyote Springs, introduced Eric Leigh from Quickrete. Eric addressed the Board and gave an overview of the products they manufacture. Eric shores up the supply for the many products they create. Eric advised they're working on an agreement to put a facility into Coyote Springs on the LC side. They'll be producing various types of sand and gravel to the Las Vegas market. Dylan read the proposed ordinance by title. No action was taken.

#25-ORDINANCE TO DISSOLVE COYOTE SPRINGS/LINCOLN COUNTY GID

Kevin made a motion to set the public hearing to dissolve the Coyote Springs/Lincoln County GID for April 6, 2020, at 11 a.m.; seconded by Keith. All voted in favor.

#26-LARGE EVENTS IN RACHEL

Joerg Arnu addressed the Board concerning a large event, another Alienstock, in Rachel; he presented written comments. Alienstock 2019 cost the county at least \$250,000 with no significant income return. That means every man, woman, and child in LC spent \$50 for the event. The Little A'Le'Inn claims they lost money and are still involved in lawsuits stemming from the event, yet they still want to do another event this year. They're already advertising for it. They're advertising a 2020 event on their website, on social media, and in the media in general. They're promoting a 2020 event in spite of not having a county permit for it. According to statements made on the record by Ms. West, they expect the attendance to be as high as 10,000 people; this is three times more than last year's event. Several of the residents in Rachel are very concerned about this. Last year, the Commissioners permitted the event in order to minimize the potential damage from the irresponsible Facebook post. In good faith, they defined a number of requirements under which the Inn was allowed to host the event. They failed to meet a number of these requirements; putting the residents of Rachel, their town, and the county in danger. The event permit was for 500 people, but the Inn expected up to 30,000. About 3,000 total showed up, which is still six times the permitted amount. The Inn was supposed to close off roads to the residential areas but they failed to do so. As a result, tourists were racing through the residential part of Rachel all weekend, damaging roads and endangering residents. The Inn was required to hire a private security company with 75 guards on site; they failed to do so. Instead, Ms. West's two sons were the only security and they lacked proper training. Due to this, the Sheriff's office had to post deputies to regulate traffic in Rachel (at the expense of the county). The Inn was required to hire a company to handle medical emergencies; they failed to do so. Instead, emergency services had to be handled by the county. The Inn was required to handle vendor permits and ensure all vendors had permits as well; they failed to do so. As a result, many vendors didn't have a permit which means a loss in revenue to the county. No campfires were allowed but, due to the lack of security, there were numerous camp fires and even some fireworks. One vendor even sold firewood to the campers. The Inn failed to conduct effective checks for weapons and drugs. Structures, including two makeshift wooden stages, were built and used for the event without a proper building inspection. Appearance would suggest they're unsafe and pose a hazard to event goers and residents; they could collapse or put off flying debris. This year, the Inn picks up where they left off; they're ignoring requirements set forth by the Commission. Joerg and several of the residents don't feel the Inn is capable of organizing an event of this size without help from the county. Joerg advised, due to the Inn's failure to meet numerous obligations last year, they don't trust the Inn to meet this year's obligations either. This will put the residents, and possibly the county, in danger again. Last year's reasoning was that people would show up anyway. This year, the situation is different and it can be made clear now that the event will not be permitted so people will not show up. Joerg cited that Alienstock doesn't benefit the county in any way. Joerg directed people to go to www.NoAlienstock.com for more information about their concerns. Joerg asked the Commissioner to vote on the resolution not to support a 2020 Area 51 event, as unanimously agreed upon at the January 6 meeting. Joerg also asked that the Little A'Le'Inn not be allowed to continue advertising an event they don't have permits for. If they continue to advertise, people will show up and the event will become uncontrollable and unpredictable. Emergency Management Coordinator Eric Holt advised he has been in close contact with the state. The news has picked up the story of a potential second Alienstock. Eric commented it is imperative we make it clear that the county is not in support of any type of event that will require a response on behalf of the county's resources. It was a drain on both Emergency Management's and the Sheriff's office resources last year. Eric feels a resolution showing the county doesn't support a second event is in the county's best interest. We will most certainly not be reimbursed for the 2019 event if the county indicates they're supporting a 2020 event. Jared is incredibly frustrated that the Board spoke with Ms. West about this and asked for bonding to cover any and all costs associated with another event yet it's being promoted anyway. Dylan will have to research whether or not a cease and desist can be applied. There is no action whatsoever in place indicating the Board hasn't issued a permit for another event. The Board never approved the resolution of non-support; Jared asked that it be put back on the agenda to permanently deny this event. Denice advised she received a call from a gentleman who is concerned Ms. West is using a name that doesn't belong to her for the event. Joerg doesn't believe the county can deny Ms. West the right to advertise, but the Board can make it clear the county doesn't support it in any way. The Board agreed it was made quite clear the county will not support any event that costs the county anything. A permit will not be issued unless they can prove there will be no cost whatsoever to the county. Sheriff Kerry Lee advised the 100 plus law enforcement officers that came will not do so again without being paid. Unless Ms. West can prove the county will not incur any costs, the permit must be denied. Dylan commented until a permit is received or denied, they have the right to advertise. We can't shut

down their advertising until the Board takes action on the permit itself. Ms. West hasn't applied for a permit yet; the Board gave her until the second meeting in April to present her bonding information. This item will be held until the April 20 agenda. No action was taken.

#27-COMMISSIONER REPORTS

COMMISSIONER JARED BRACKENBURY attended the Room Tax meeting. COMMISSIONER KEVIN PHILLIPS worked on BLM and county road issues. Kevin and Varlin interviewed the employees of the Road Department who were interested in becoming the Lead Man. Recommendation will be made at the next meeting.

#28-PUBLIC COMMENT

Jared called for public comment. Treasurer Shawn Frehner advised both Lander and Eureka Counties have now severed their contract with Devnet. This brings the total to three (Eureka, Lander, and Douglas) who have done so and there is another in the who will be terminating their contract shortly. Cory Lytle advised there are major repairs required to the heating/cooling system. One of the condensers went out. Cory advised they'll be moving quickly as they can on the Pioche trap range. The steel building will be ordered shortly. They will have to advertise the construction of the steel building. The match will consist of in-kind. We make the payment then the state reimburses us.

#29-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 1:44 p.m.

Attest: _____ Approve: _____

DRAFT