



LINCOLN COUNTY BOARD OF COMMISSIONERS

May 18, 2020
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

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

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

The meeting was called to order at 9:04 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS LISA LLOYD, Clerk
JARED BRACKENBURY DYLAN FREHNER, District Attorney
VARLIN HIGBEE
KEITH PEARSON
BEVAN LISTER

There is a quorum present and the agenda was posted on 5-12-20. The Invocation was offered by Keith and Bevan led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Varlin called for public comment. Dr. Don Deeever advised there is a great deal of poison hemlock, which is a terrible public health hazard, around Pioche.

CONSENT AGENDA

- #3 Approve/Deny amended minutes from the April 20, April 27, May 4, and May 5 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).

Jared made a motion to approve the consent agenda with the exception of the minutes from May 4 and May 5; seconded by Kevin. All voted in favor.

#5-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances to the Board and advised payroll was nowhere near finalized. General County has a balance of \$1,551,831.90 without payroll. Grants has a negative balance of \$11,129.03. Detention Center has a negative balance of \$73,495.12. The April billing is outstanding. Amy denied a portion of the Gregory Barlow invoice (2017-2019 charges for fiscal years as they are more than six months old). Total charges denied are \$1,492.20. \$3,032.20 is the amount Amy has approved. Mr. Barlow is legal counsel for Coyote Springs. Dylan referred to statute; the county can't accept any unaudited claim over six months old. This applies to the GID as well. Amy isn't denying anything for this fiscal year. Dylan suggested the written contract needed to be pulled to reference when the bills become due and payable. If you're outside the fiscal year, there is an issue. **Jared made a motion to approve the portions of the invoice for Gregory Barlow that are within the 6 month period (if it is discovered we are within the contract, the remaining denied portions will be on a future agenda); seconded by Keith. Kevin was opposed. Motion carried.** Dylan advised there is nothing in Mr. Barlow's contract; the only thing the Board has to go off of is the six months outlined in statute. **Bevan made a motion to approve the vouchers with the exception of Mountain Merc vouchers; seconded by Jared. All voted in favor. Bevan made a motion to approve the Mountain Merc vouchers; seconded by Jared. Kevin abstained as he is part owner of the firm. Motion carried.**

#6-OFFICER/DEPARTMENT HEAD REPORTS

CLERK Lisa Lloyd advised early voting starts this coming Saturday. Programming and PreLAT were completed last week. ASSESSOR Mark Holt reported he has been attending a great deal of meetings. EMERGENCY MANAGEMENT COORDINATOR Eric Holt has been working with Louise Buettner and Nicole Rowe to set up community-based testing, which is voluntary and will start the first week in June. It's a drive through swab test.

Anyone in the community can be tested. Eric has a meeting tomorrow to finalize details for the testing. The nasal swabs only tell you if you're actively sick; they don't test antibodies. LIBRARY DIRECTOR Sharron Faehling advised they did an open competitive submission for internet costs in order to boost the internet. E-rate has approved their boost Sharron worked with LCTS on. It will be effective as soon as she can get a hold of John Christian. The funding pays for upgrades and other things. Caliente and Alamo will have the top tier and Pioche will have second from the top. Sharron ordered sanitization supplies for their reopening. PLANNING/BUILDING DIRECTOR Cory Lytle advised they are prioritizing facility maintenance; there are several issues they'll deal with as they come. Building permits are trickling in. Cory stated it has been business as usual. They will have a Planning Commission meeting in June. Solid Waste has been very busy due to all the people being at home. Cory asked the Board to remind people they own the bin sites; there have been a couple bin fires and it ruins them. The cell construction on the next cell has been finished. Department of Taxation has approved the medium-term obligation for the front load truck. COMMISSIONERS' ASSISTANT/GRANTS ADMINISTRATOR Denice Brown presented an invoice from ECA dues in the amount of \$2,500. Denice attended the Grants USA workshop last week. Partial payment from Workforce has been received. The Trap Club funds haven't arrived yet. DISTRICT ATTORNEY Dylan Frehner advised all trials/hearings have been extended past June. We have three trials set for the summer. The murder suspect is now in Las Vegas, in custody with the feds. He will have a preliminary hearing or grand jury indictment. Our goal is to run him through the federal process first. The federal charge is kidnapping across state lines, resulting in death. This allows them to seek the death penalty and they've requested such. They have a committee that has to approve seeking the death penalty. We will file kidnapping charges and the actions that took place in LC. There is a backlog of cases. Justice court is seeing 10-12 cases every Tuesday. Dylan hasn't heard anything on the unemployment claim. Dylan is still receiving a lot of phone calls from entities looking for clarity on how things are going to open. From the county's side, we aren't restricting any businesses; it's all state driven. Restaurants are at 50% capacity and they're wondering if they should push their events back.

#7-BUDGET AUGMENTATION

This item was tabled to the next agenda.

#8-HIGHWAY COMMISSION

This item was covered under separate agenda.

#9-FY 2020-2021 BUDGET

Dan McArthur reviewed the recent changes to the proposed budget as discussed at the last meeting. The minimum requirement for ending fund balance in the General Fund is \$174,877.28. Projected minimum ending fund balance is \$175,000. Dan emphasized the fact that these are budgets, not cash flow items. It is especially important we continue to watch our cash flow. Just because it's in the budget doesn't necessarily mean the cash is there to back it up. All of these budgets are based on frozen wages. **Jared made a motion to carry forward \$41,000 from Pioche Town's ending fund balance into the final budget; seconded by Keith. All voted in favor.** Coyote Springs has a zero budget as it will be closed out by the end of this fiscal year. Amy is going to augment Panaca Town's fund 17 by \$4,000 this year. **Jared made a motion to add \$1,600 out of contingency to Panaca Town's ending fund balance in the final budget; seconded by Keith. All voted in favor.** Bevan made a motion to open the public hearing on the budget; seconded by Jared. **All voted in favor.** Varlin called for public comment. None offered. **Kevin made a motion to close the hearing; seconded by Jared. All voted in favor.** **Jared made a motion to approve the budgets for LC, LC Regional Transportation, Pioche Town, Panaca Town, and Alamo Town with the changes presented today; seconded by Keith. All voted in favor.**

#10-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#11-PANACA FIRE DISTRICT

This item was covered under separate agenda.

#12-COYOTE SPRINGS GID

This item was covered under separate agenda.

#13-SOUTHEASTER HABITAT CONSERVATION DISTRICT

This item was covered under separate agenda.

#14-LC BOARD OF HEALTH

This item was covered under separate agenda.

#15-SPECIAL EVENT IN RACHEL

Connie West addressed the Board concerning the upcoming special event at Rachel. Connie stated there won't be an event in 2020. Connie asked for the ability to prove to the Board and to herself that she can do this in 2021. She lost two of her major sponsors last week and can't afford to do the event on her own. Jared invited Connie to come back next year and present her event. No action was taken on this item.

#16-ALIENSTOCK

Joerg Arnu, present via telephone, resubmitted written comments in opposition of another Alienstock event at Rachel. Joerg reiterated his request to the Commissioner to vote on a resolution to not support a 2020 or other future Area 51 event. No action was taken on this item.

#17-ORDINANCE AMENDMENT

This was the time and place set for public hearing on an ordinance amending Title 4 and Chapter 4 of LC Code to allow the LC Board of Commissioners to make amendments for conducting special events in LC. Varlin read the ordinance by title. Cory Lytle reviewed the ordinance. **Kevin made a motion to adopt the ordinance amendment; seconded by Bevan.** Jared asked who will approve a big event. The process is the same; it will still go before the Board. Proper staging and other specific items will be governed as special conditions. Bevan asked if there is some way to include criminal sanctions for unpermitted events. Dylan commented the individual who started Alienstock can only be charged with a misdemeanor. Bevan asked if there is some legal way to prevent future events and things like the one that occurred last year. Events must be permitted, then tickets, sold, etc. Not the other way around. Sheriff Kerry Lee suggested the highest fine possible also be set. **Kevin opened the public hearing; seconded by Bevan. All voted in favor.** Varlin asked for public comment. Frank DiMaggio, managing partner of Alienstock, appeared by telephone. Frank cautioned the county about coming up with an infrastructure that works correctly. Profit shouldn't be the first thing in mind. Frank stated they own the rights to Alienstock and they own the name. Frank cautioned the Board against giving a permit to Connie West under that name. Dylan cautioned Frank that this is the time and place for comments about the ordinance only. Frank advised they are not associated with anything Alienstock in Rachel. Michael Creber discussed the statement from Mr. Joerg, citing that the information in the letter is wrong. **Kevin made a motion to close the public hearing; seconded by Keith. All voted in favor. The motion to approve as made by Kevin was brought up again. Varlin called for the vote. All voted in favor. Motion approving the ordinance passed.**

#18-LETTER TO BOARD OF DENTAL EXAMINERS

Bevan stated he would like to see Ms. Lamb, the dental hygienist, actively working towards Nevada licensure. **Bevan made a motion to approve the letter to the Board of Dental Examiners asking for waiver of the requirements of NRS 631.300 for Dr. Gunn's dental hygienist to work when they're in Caliente provided they've made request for NV license; seconded by Keith. All voted in favor.**

#19-NEVADA STATE FINALS RODEO

This item concerned a request to hold the NV State Finals for both high school and junior high rodeos in Alamo. Dylan advised any county insurance coverage would be negated if a COVID-19 outbreak occurred. The insurance will not cover it. The rodeo has insurance for anything that could happen with regards to the rodeo, but not for COVID-19. Jared asked if participants are required to sign a waiver saying they know COVID-19 exists. The response was that our insurance won't cover it. The state mandated limit on gatherings is still 10 people. There is no directive for outdoor events except for golfing. **Jared made a motion to approve the NV state finals for high school and junior high rodeo, to be held in Alamo on June 10-14, 2020 with the caveat that they're aware of social distancing and state guidelines with regards to COVID-19, the NV State Finals must provide their own insurance; seconded by Bevan. All voted in favor.**

#20-RED FLAG LAWSUIT

Keith made a motion to approve the Red Flag Lawsuit resolution; seconded by Jared. All voted in favor.

#21-LIBRARY BOARD

Bevan made a motion to accept the resignation of Richard Sidford from the Library Board; seconded by Keith. All voted in favor.

#22-LINCOLN COUNTY AIRPORT – PANACA

Kevin made a motion to approve the proposal from Bureau of Land Management to construct a single engine air tanker (SEAT) base facility at the LC Airport – Panaca; seconded by Bevan. All voted in favor.

#23-BUREAU OF LAND MANAGEMENT – SINGLE ENGINE AIR TANKER BASE LAYOUT

Kevin made a motion to approve the revised SEAT base layout and receipt of BLM funding in the approximate amount of \$250,000-\$300,000; seconded by Bevan. All voted in favor.

#24- BUREAU OF LAND MANAGEMENT – SINGLE ENGINE AIR TANKER BASE LAYOUT

Bevan made a motion to approve the Armstrong scope of work and fees for the design and construction period services for the SEAT project; seconded by Keith. All voted in favor.

#25-COOPERATIVE AGREEMENT BETWEEN LC/SEVENTH JUDICIAL DISTRICT COURT

Bevan made a motion to approve the 2020-2021 cooperative agreement between LC and the Seventh Judicial District Court; seconded by Kevin. All voted in favor.

#26-GRANTS

Bevan made a motion to approve the resolution for the submittal of a proposal to the NV Department of Transportation (NDOT) for grants for the LC Transportation program; seconded by Kevin. All voted in favor.

#27-BEST IN THE DESERT/VT CONSTRUCTION SILVER STATE 300

Jared made a motion to approve the Best in the Desert and VT Construction Silver State 300 truck and buggy race tentatively rescheduled for June 27, 2020 (they must adhere to state required guidelines with regards to COVID-19); seconded by Keith. Kevin was opposed. Motion carried.

#28-SOUTHERN NEVADA OFF-ROAD ENTHUSIASTS (SNORE)

Jared made a motion to approve the Southern NV Off-Road Enthusiasts Knotty Pine 250 off road truck and buggy race scheduled for May 29-30, 2020 (they must adhere to state required guidelines with regards to COVID-19); seconded by Keith. All voted in favor.

#29-NIGHT ECHOSE HALF MARATHON/20k

Jared made a motion to approve the Night Echoes half marathon/20k run sponsored by Rocky Road Adventures, to take place the evening of May 30, 2020 (they must adhere to state required guidelines with regards to COVID-19); seconded by Keith. All voted in favor.

#30-NEVADA AND NORTHEASTERN CALIFORNIA GREATER SAGE GROUSE

Bevan made a motion to approve the comment letter to BLM concerning the draft supplemental environmental impact statement to the NV and Northeastern California Greater Sage Grouse Resource Management Plan amendment; seconded by Kevin. All voted in favor.

#31-RETIREMENT AGREEMENT WITH ANNA M. TROUSDALE

Jared made a motion to approve the early retirement agreement with Anna M. Trousedale, to be paid from Fund 97; seconded by Keith. All voted in favor.

#32-RETIREMENT AGREEMENT WITH JOHN R. STEVER

Jared made a motion to approve the early retirement agreement with John R. Stever, to be paid from Fund 97; seconded by Keith. All voted in favor.

#33-RETIREMENT AGREEMENT WITH JEFFERY W. CHILDERS

Jared made a motion to approve the early retirement agreement with Jeffrey W. Childers, to be paid from Fund 97; seconded by Keith. All voted in favor.

#34-RETIREMENT AGREEMENT WITH DEREK FLOYD FOREMASTER

Jared made a motion to approve the early retirement agreement with Derek Floyd Foremaster, to be paid from Fund 97; seconded by Keith. All voted in favor.

#35-COVID-19 DECLARATION OF EMERGENCY

This item concerns revisions to Resolution 2020-04, Declaration of Emergency regrading COVID-19. **Bevan made a motion, excluding senior centers, to open everything else and return to life as normal; seconded by Jared. All voted in favor.**

#36-QUARTERLY JAIL TOUR

Keith reported he and Kevin made the quarterly tour. Inmates were doing the cleaning. Inmate numbers are down. No action was taken.

#37-COMMISSIONER REPORTS

Commissioner Keith Pearson will be attending several meetings in the next week. Keith has spoken to a few people about the power poles and light poles in Panaca. Commissioner Kevin Phillips has received complaints about letting the racers come into town during COVID-19. There is fear about these individuals bringing the virus in. Kevin invited the individuals to stay home and not attend the races. Commissioner Bevan Lister took part in several teleconferences. A discussion/action item concerning property management will be on the next agenda. Commissioner Varlin Higbee took part in a couple teleconferences. One for WIR and the other for National Board of Directors for NACO.

#38-PUBLIC COMMENT

Varlin called for public comment. Sharron Faehling thanked the Board members for everything they do. Sharron had someone donate a sign for the library, including time and resources. As soon as the wind calms, it will be mounted under the awning on the front of the library. Cory Lytle mentioned Alamo Sewer and Water and their interest in the Alamo Industrial Park. If ASW can get a commitment from the county, negotiations can move forward to get them some acreage. This will be on a future agenda.

#39-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 2:52 p.m.

Attest: _____ Approve: _____