



LINCOLN COUNTY BOARD OF COMMISSIONERS

December 16, 2024
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Varlin Higbee, Chair
Janine Woodworth
Mike Reese
Keith Pearson
Diane Path

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

The meeting was called to order at 9:02 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: JANINE WOODWORTH LISA LLOYD, Clerk
VARLIN HIGBEE DYLAN FREHNER, District Attorney
MIKE REESE
DIANE PATH
ABSENT: KEITH PEARSON

There is a quorum present and the agenda was posted on 12-10-24 to comply with the open meeting law. The Invocation was given by Varlin and Diane led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Varlin called for public comment. Maggie Orr advised the NV Association of Conservation District has awarded 2024 distinguished service award to Cory Lytle. Michael Collins advised that Byway Adventures and Kellon Walch want to do a navigation academy. They're doing a fund raiser for high school sports. The academy would be limited to about 20 people and it's \$500 per team (car, navigator, driver). The school would teach them how to navigate off-road racing and safety. They're looking at hosting March 20-22, 2025. They'll ask the teams to provide meals. There will be both classroom instruction and field training. The cost to those putting it on is for event insurance, BLM fee, special events permit, and post event fee. Everything earned will go to the high school sports programs. William Conn addressed the Board discussed the prayer and Pledge as held by the Commissioners at every meeting; the fact that the Board does it means a lot to those who attend the meetings. William advised the people who tore down the house at Burke Tunnel Road have been working with him. William stated nothing has been done on the road. He has spent over $\frac{3}{4}$ of a million dollars of flood control, including equipment. There is a liability to the county. These people have done nothing beyond allowing William to build the berm that helps with flooding. William will continue to address this issue until something is done. He's getting ready to do an expansion on his house and he's worried about getting flooded out. William said a road sign is needed for Burke Tunnel Road. When you're going out of town, the corner at Burke Tunnel Road sees a good many speeding cars. There needs to be a sign coming into the town that gives an indicator that there's a road intersection. We also need to make sure the speed limit is correct for that turn. The other issue is pulling out with a trailer; a sign is needed indicating they need to slow down and watch for traffic coming out from that road. Initial discussions held previously were to slant the road, which would cause the water to be diverted in a controlled way. Snake Road is the place to save the town money in damages by diverting to a culvert there. This would eliminate the flooding coming down Treasure Hill. William has invested a great deal of money into his property and home. He can use an excavator to put a ditch in on the right-hand side, including paying for the gravel, but he feels it's the responsibility of the county to do something. A decision or plan needs to be made to resolve this problem. Michael Collins discussed Item 23. Working with Cory Lytle has been amazing. Michael discussed special event permitting criteria, quantity events per year and quantity events per promoter. Michael works with MRAN, whose name is on all of the insurances first (it then goes to the club, BLM, and the County). If they do the business license and event under MRAN, will it affect the number of events. Donald Jackson, Legacy, had a UTV ride on the same day as the largest motorcycle event in the County. He's asking the Board to be careful with the verbiage due to how it can affect promoters/number of events. Is a nonprofit group exempt? If it is, MRAN is exempt. Michael thinks they all should do a business license. Will they be considered a large event? They hold their events in one place and stay there. Michael advised the two people that fail the 60-day requirement are the two largest promoters. Donald Jackson came the week before his event. Michael suggested the Board hold firm to that and deny events if they come in

late. After a race, BLM tells them where to rake and fix; they then clean it up. Even if it's the Road Department checking the roads, the promoter should pay for that. Michael would like to have MRAN do the business license for all ten of their clubs. Will the eight they hold in LC affect their number of events? Michael wants to make sure they're covered for their events.

CONSENT AGENDA

- #3 Approve/Deny minutes of the December 2 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).
- #5 Approve/Deny the pre-approval of payments collected by Lincoln County to be remunerated to the State for the period of January 1, 2025 through June 30, 2025. Fees per June 7, 2016 letter from the office of the State Controller and any other revenues that are submitted to the State on a monthly basis.
- #6 Approve/Deny the pre-approval of payments collected by Lincoln County to be remunerated to the State for the period of January 1, 2025 through June 30, 2025. Pursuant to NRS 361.745, on the third Monday of July, October, January, and April of each year; each county Treasurer shall deposit with the State controller all money which has come into his/her hands as County Treasurer for the benefit/use of the State.
- #7 Approve/Deny the pre-approval of payment of regular pay, overtime pay, holiday pay, shift differential, annual and sick leave, floating holidays, any special and all regularly scheduled raises implemented through employee contracts pursuant to Resolution #2003-01 for the pay dates of January 1, 2025 through June 30, 2025.

Janine made a motion to approve the consent agenda except for the minutes; seconded by Diane. All voted in favor.

#8-VOUCHERS

Recorder/Auditor Amy Elmer presented the cash balances and payroll. General Fund had an ending fund balance of \$3,246,370.17. Federal In Lieu had an ending fund balance of \$1,035,182.42. Grants had an ending fund balance of \$991,768.90. Detention Center had a fund balance of \$162,339.45. Solid Waste had an ending fund balance of \$97,355.80. Assessor's Technology fund had a negative balance of \$2,177.60. This is due to the GSA payment. Amy will move this payment out of Fund 12 so this can build the balance back up. There are quite a few negative cash balances on the report. Amy is working with Treasurer Shawn Frehner on these; balances reflected will not be the actual ending fund balances. The Assessor has a tech fund but the Treasurer doesn't. GSA is budgeted in In Lieu for over \$33,000. **Mike made a motion to approve the vouchers; seconded by Janine. All voted in favor.**

#9-HIGHWAY COMMISSION

This item was covered under separate agenda.

#10-LINCOLN COUNTY FIRE DISTRICT

This item was covered under separate agenda.

#11-LIQUOR BOARD

This item was covered under separate agenda.

#12-FY 2023-2024 AUDIT

Dan McArthur presented the audit. A clean audit opinion was issued. There are no NRS violations in the report other than two funds with negative fund balances (Detention Center and Building Department Enterprise). There is nothing in the statute that says this is a violation, but Department of Taxation requests this be included in the report if there are any negative balances. Payments are made to PERS every month. State PERS is underfunded so all local governments that participate have to put their proportionate share of the liability. In the Detention Center is has a \$3,508,826 liability for PERS. Building Department Enterprise Fund is similar; it's also negative due to the net pension amount. The fund balance for 2024 was higher than 2023 by over \$400,000. Due to the utilization of sweep accounts, the impact to investment income is over \$623,000. The In Lieu Fund is gradually declining. It's at \$1.3 million, down from 1.5 million. The Detention Center is being funded in part by In Lieu. PERS'

interpretation of special pay to Detention Center was incorrect. They'd made an error in their decisions and actually owe us money. We owe them money as well, so it's nearly a wash. Amy is taking a hard line with PERS, and she's refusing to correct those errors until they can give her a number we're due in return. Treasurer Shawn Frehner reported the TV District has paid their administrative services fee. Dan reviewed the audit for the Southeastern LC Habitat Conservation Plan GID. There were no violations. **Mike made a motion to approve the audit; seconded by Janine. All voted in favor.**

#13-SHERIFF'S REPORT

Undersheriff Darrin Woodworth reported they have 22 federal inmates and 11 locals. We make a lot less money than different facilities throughout the state, but we can't tell them we don't need them and pull out. We need the contract. Diane has started dialogue with ICE. Darrin will meet with a representative soon. ICE is a little more difficult to deal with the federal officers. It required bilingual officers. A new administrative assistant has been hired, Lauralei Cheney. Justin Cheney has been hired on as well; he will work patrol. Diane wants to help DC negotiate a contract if they're able to get one. No action was taken on this item; it was informational only.

#14-DEPUTY CLERK

Lisa reported her deputy resigned, effective 12-13-24. She needs to replace this position as she can't run the office alone. **Janine made a motion to authorize Lisa to advertise and hire a new deputy to fill the current vacancy; seconded by Mike. All voted in favor.**

#15-ASSESSMENT FOR PAHRANAGAT LAKE AND TRIBUTARIES

Treasurer Shawn Frehner has sent a letter requesting a detail of how the state spends the funds. One has never been received. Shawn stated it is pointless for her to send it again; they don't respond and it's a waste of time. **Mike made a motion to approve the assessment for Pahrnagat Lake and its tributaries for FY2026 in the amount of \$26,951.79; seconded by Diane. All voted in favor.**

#16- ASSESSMENT FOR PAHRANAGAT LAKE/ASH SPRINGS

Janine made a motion to approve the assessment for Pahrnagat Lake and its tributaries/Ash Springs for FY2026 in the amount of \$28,407.64; seconded by Diane. All voted in favor.

#17-SIXCO

Derek Hembd, via telephone, stated ongoing discussions with potential tenants continue. The Southwest Sustainability Engine Award will be awarded this Friday. Derek will have more to share with the Board on January 6th; they anticipate they'll get one of the 8 grants. They continue to hold discussions with BLM to secure feedstock supply. They have site visits to the County planned. 2025 will kickoff a number of exciting items for their project platforms. They're looking for even more collaborations and will be able to announce them formally in the future. No action was taken on this item.

#18-TRANSFER

Janine advised she attended a meeting with Shane, Cory, Diane, and the owners of the Gem in November. Discussion was held about using some of the funds allotted for uptown Pioche flooding. Cory said it will all be contingent upon what PPU decides with the sewer line. Once that's solved, the county can go in and make adjustments and discuss options as well. Once you go into this, you're committed. You can't put in new drop structures without concrete. We will allocate whatever funding the Road Department expends. RD will invoice the Flood Control fund for whatever work is done. This funding will be used to get some of the flooding problems under control so they can fix their exterior wall to keep it from flooding inside the theater. They're working to get the flood waters to go into the existing storm drain. Cory has yet to see a design on what the theater will do with their footing. It will aid us in deciding what we should do. Cory wants to make sure they have the right plan prior to spending several thousand dollars. The owners of the Overland haven't been contacted on this as they're in the middle of change of ownership. This has nothing to do with the current owners. Jason Beam, Gunslinger's, cited several buildings and properties on Main Street that sustain damage every time we get heavy rain. Jason doesn't have curb and gutter. The majority of the water that enters his building comes from the west side. Jason asked if the other business owners will be able to receive assistance from the county, too. Jason would like to see the Gem Theater open for business but reminded the Board there are other properties suffering and in need of help as well. Janine responded there has already been a large amount of money directed at uptown for flooding.

This is a separate issue. Deeds have been signed over to create catch basins. Funds have already been spent to help many of the businesses on Main Street. This is a process. There are multiple owners and jurisdictions. When the government is involved it always becomes complex. We've been working on Newark for over ten years now. We've spent over \$70,000 on property acquisition and projects. This project takes a great deal of time. There is a SNPLMA grant coming for the Pioche linear park; it'll provide curb and gutter on the west side. We will continue to work on the Channel of Light building and various projects. There are ownership/grade/infrastructure issues, but they all come at a very hefty price. We own the property by the Gem; it's the only access point to the rear of the properties. It is improving the infrastructure in that area. We haven't had a big flood since all the work uptown was done so everyone can see the benefit of all the work that has been done. This was dedicated as a street and was intended to be one since 1936. Diane said this is county money; it can be allocated to any project within the county. When using these funds, it is on a project that is for the benefit of the county. This will help the other businesses down from that area. It'll take more of the run off and put it in the storm drain. This isn't going for the Gem Theater, it's to help everyone down the street from it. John Stever has been dealing with the flooding issues for several years with the county. John stated the flooding to Gunslinger's comes from the old fire station and down. The back of the trailer there has washed out; John put timbers in and it washed out again. Jason is simply stating the work done on top doesn't help the businesses on the west side of the street. Jason is asking if the county will be helping other businesses with their flood issues. Varlin agreed it needs extensive flood control, but it requires funding. Jason isn't against this project; he simply wanted the Board to consider helping other businesses. Janine stated this project isn't specific to a business. It's to help control the flooding in that general area. If some of the flooding isn't alleviated by the work at the top of town, business owners should come back. Only one project at a time can be addressed. Sheena Garrison, Silver Café, agreed this is a good project. Sheena asked the Board to keep in mind this conversation when other business owners come to them. Their back door to the kitchen is two feet below grade. Every time it rains, they have to push it out. She encouraged the Board to remember the businesses. Nathan Adams cited the Town never found money for flood control; they used RTC funding. A lot of water comes down McCannon and funnels into the back of the Silver. Pioche Town discussed a remedy for that for years with Sunrise. Amy cited the main issue is about transferring money. She asked that the Board not do a transfer, but rather they set aside the funds and payment can be made from that fund. **Janine made a motion to approve the use of funds, not to exceed \$25,000, from Fund 004 (Flood Control) for flood control improvements at Lot 3 Block 18 in Pioche, between the Gem Theater and the Pioche Club, as invoiced by LC Road Department; seconded by Varlin.** Nathan Adams advised it won't cost very much to replace the sewer line. It's better to replace it before any concrete is poured. **Motion fails 2-2. Mike and Diane were opposed.**

#19-PIOCHE TOWN VEHICLE AUCTION

DA Dylan Frehner advised this is on the agenda because it's higher than the amount in the disposal policy. It has to be approved by the Commissioners prior to sale. Anna outlined the bids. There were four vehicles total. Alexander Nelson purchased three of them. Payment has been received. Ayden Rich won a truck as well. The vehicles go to the highest bidder. These vehicles weren't used by the Town for quite some time; all bids came in above the minimum bids. **Janine made a motion to approve the winning bids for Pioche Town vehicle auction; seconded by Diane. All voted in favor.**

#20-WATER UTILITY BILL FOR CHAMBER OF COMMERCE BUILDING

Nathan Adams asked who LC Water District sends the water utility bill to for use of the Chamber of Commerce building owned by LC. DA Dylan Frehner stated this will come down to the lease agreement. Every other water bill is paid by the property owner. Alyson has paid the last two bills. The water is off and the building is mainly used as storage. Now the fee has been implemented, they're getting a bill and are wondering about it. Whoever is inhabiting the building should be responsible for the bill. They are paying for the power bill. The utility bill is \$20 per month. The water hasn't been on in years and years. When they stopped using the Chamber is when they started using the Opera House. It's been 15-20 years. The building was opened for the pub crawl in March but it's mostly storage. Diane feels this is a problem for the utility, not the County. This issue should be handled on the LC Water District agenda. General rules read that the property owner is liable. The County owns the building. Anna said the Chamber has agreed to pay it. There is a policy that allows for the removal of the meter. To turn it back on, it is several thousand dollars. Dylan cited there is no issue; the Chamber is paying it. No action was taken on this item.

#21-LETTER OF SUPPORT FOR BAKER RANCHES

Mike discussed the history of the issues surrounding Baker Ranch and water. Varlin would like to see the LC Water District file an Amicus brief. **Mike made a motion to approve the letter; seconded by Janine. Diane was absent for the vote. All present voted in favor.**

#22-PARKS, TRAILS, AND NATURAL AREAS SUBGROUP MEMBER

Mike made a motion to designate Denice as first, Cory as second, as a Parks, Trails, and Natural Areas subgroup member; seconded by Janine. All voted in favor.

#23-SPECIAL EVENT POLICY AND FEES

Cory Lytle reviewed the updates to the special event policy and fees; changes are very few. MRAN provides insurance for their events. MRAN will get the business license but the race clubs will put them on. Brian Folks, Best in the Desert, asked if the 1,000 participants is racers or is that 1,000 overall attending the event. Cory responded a race of their caliber might involve more than 1,000. Up to this point, it's been treated as a local event. Based on their application, they'll be treated as a local event. The people involved in this event are spread out throughout the County. Mike asked about sanitation; who pays for the trash? A portion of the application fee goes into solid waste. Mike talked about the roads. Shane Cheeney tries to coordinate these with annual maintenance for the Road Department. Mike spoke with Mike Scott concerning races during shed season or wintering grounds. Mike doesn't want to hold races during these times. Mike asked Mike Scott to change the shed season. If that was done, he'd feel better about voting in favor of a race. Cory said they try to promote seasonal structure on these events. They control the calendaring. Cory looks at some of the events as a temporary disturbance; he hopes it doesn't have a big impact. They do the best they can with these event applications. Janine supports MRAN races being handled by club, so they each have their own category. Penalties were included in the updated version of the policy. **Janine made a motion approving the update to the special event policy and fees; seconded by Diane.** Vern Holaday asked for clarification as to whether or not emergency management/fire/EMS are mandatory for all events. Cory responded those are for large events. County code governs what is classified as a large event. Vern is on the special events committee. SNORE has never been considered a large event; it's been considered a local event. The application was developed as a standard form; it's up to the entities to attach something to it outlining additional things to be charged for. Search and Rescue has a charge that is taken care of. If there is cost recovery, it is sent directly to Shane. If there are add-ons, they're generally handled outside of the application. The application process is based on the honor system. Vern stated they believe that each car has about ten people that go with it; that's how the estimate number of people in attendance. The more the Board tried to nail it down, the more regulation they'll have to have. Cory offered to look at it again, but the fees could go even higher. We're simply trying to ensure our County departments are whole post event. There is no negotiation with BLM; if you want to race, you pay it. We're the only ones that seem to negotiate on it. Applications are due 60 days prior. There is a fifteen-day review process. Varlin called for the vote. **Mike was opposed. Motion carried 3-1.**

#24-POLICY FOR DISPOSAL OF COUNTY PROPERTY

DA Dylan Frehner presented this item. If there is a value of over \$1,000 then it requires certain activities. **Diane made a motion to approve the disposal policy; seconded by Janine. All voted in favor.**

#25-AGREEMENT BETWEEN LC/VERTICAL BRIDGE REIT

Janine made a motion to authorize the District Attorney to approve and sign any additional tolling agreements between LC and Vertical Bridge REIT while the parties are negotiating a resolution to possible litigation (tolling agreements extend the deadline and filing period for Vertical Bridge to challenge the County's denial of its application for a special use permit to construct a cell tower at the Eagle Valley Resort); seconded by Diane. All voted in favor.

#26-OFFICER/DEPARTMENT HEAD REPORTS

Clerk Lisa Lloyd advised that she attended the annual elections conference last week. It was very well done and was heavy on education. There are continued changes coming and elections will continue to be a full-time job. At some time in the future, she will ask for a part-time employee. Board of Equalization is scheduled for January and February. Treasurer Shawn Frehner presented the monthly report. Assessor Cydney Dwire said assessment notices have gone out. Planning/Building Director Cory Lytle is going to schedule the lighting/painting upgrades

with each office. Cory met with NDEP concerning solid waste and the limb piles at each site. They're looking at various options. They're going to send him requirements to burn the bin sites; it all involves additional costs. Cory has spoken with Scott Seastrand of Western Elite. They've discussed solar panels and are looking at a plan for that. District Attorney Dylan Frehner made contact with the individual who they're trying to transport for murder trial. We've been asked to hold off trying to transport due to extenuating circumstances. Negotiations for all bargaining units start next year in January. The legislative session is coming up; it would be easy for Wayne to attend if the Board so desires. Dylan thanked Varlin for his service.

#27-COMMISSIONER REPORTS

Commissioner Mike Reese attended the NACO meeting. SNPLMA was a presenter there. Mike attended all of the town boards; he'll attend Panaca's tonight. Commissioner Varlin Higbee attended NACO. Varlin discussed the national NACO meeting in Sonoma. Many of the homes burned down. In seven years time, they've rebuilt the majority of their community. Commissioner Diane Path and Janine attended the ECA conference in Las Vegas. She attended a grantsmanship training via zoom. She has also been negotiating with an outside firm for ICE, trying to get prisoners here for the Detention Center. Commissioner Janine Woodworth attended ECA in Las Vegas. She toured the NV National Security Site. Janine sat in a meeting with the Senior Nutrition department head. She attended both the LCWD and Solid Waste meetings. She attended town board meetings.

#28-PUBLIC COMMENT

Varlin called for public comment. None offered.

#29-ADJOURN

There being no further business for the Board to attend to, the meeting was adjourned at 1:55 p.m.

Attest: _____ Approve: _____