



## LINCOLN COUNTY BOARD OF COMMISSIONERS

September 3, 2019  
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: BEVAN LISTER  
JARED BRACKENBURY  
VARLIN HIGBEE  
KEITH PEARSON

LISA LLOYD, Clerk  
DYLAN FREHNER, District Attorney

ABSENT: KEVIN PHILLIPS

There is a quorum present and the agenda was posted on 8-27-19. The Invocation was offered by Jared and Bevan led the Pledge of Allegiance.

### **#2-PUBLIC COMMENT**

Varlin called for public comment. Carol White, Pioche resident, advised we have problems with the utilities in Pioche. In July of last year, Carol provided over 100 pages of documentation to the Board. In August 2018, the Pioche town advisory board decided to transfer the utilities to the Power District and schedule a meeting to let residents know how much their water rates would increase. Two members of the town board admitted Pioche doesn't have the qualified staff, equipment, or money to maintain the electrical system. The next day, it was declared the town isn't responsible for maintaining poles and infrastructure in Pioche. The Commission approved a further electrical study approved last year and all action was held pending the engineer's report, which took 8 months to complete. In September of last year, a Commission candidate petitioned the town board to acquire 300 acre feet of water under a water lease. At that time, the town board was represented by Dylan Frehner, who also serves as the LC Water District attorney and the Commission attorney; Carol believes there is a conflict of interest. November 20, 2018, Dylan declared the proposed resolution with regards to the water lease documents is specific and isn't an open invitation. That same month, an 85 year old resident received a bill for \$657 because they said she leaked over 500,000 gallons on her property. When she brought it to the town board, they required her to pay it. In Carol's opinion, at that time they set the value of their water. The older woman was given six months to pay the bill. In December 2018 there was a public hearing on water rights; they decided to move forward with drafting documents. In January 2019, the town board voted to publish accepting bids on the water rights to comply with the statutes. In February 2019, Bill Brown submitted a letter to the town board asking for clarification as he is concerned about the water tables and the impact to the adjoining properties. In April 2019, Pioche town board approved the resolution regarding water rights. That resolution states the purpose of the water lease is to ensure the town receives the actual value of the water rights. Carol believes the one proposal they received proposes to pay \$34 per year for an acre foot of water; this is quite a difference from what they're charging an 85 year old resident. In May 2019, they adopted resolutions creating reserve funds for all three of the utilities. In June 2019, the town board published a request for proposals. They received one proposal to lease 160 acre feet of water for \$5,555 per year, or \$34 per acre foot per year. During a survey we had when our utilities were failing, the auditor reported the water rates would have to increase \$22-33 per month, driven by personnel costs. At the August 2019 meeting, Mr. Adams gave them three documents for approval regarding water. Mr. Adams advised the town has been in noncompliance and in violation of state laws since 1991 because they didn't have these documents. The PPU manager sits on the board of the rural NV Water Authority and is the VP; Carol has a hard time believing they didn't know they weren't in compliance since 1991. The study came back in April but hasn't been presented to the Commissioners yet. Carol collected water meter logs, state engineer report logs, and she has reviewed the minutes since 2003. In 2018, the town of Pioche pumped between 38% and 92% of their water which wasn't billed or paid for. In August 2017, the town reported they pumped 118 million gallons; of that, 10 million gallons was paid for. They will not explain

where the other water went or why it wasn't paid for. During 2017, they falsely reported to the state engineer and underreported 48 million gallons of water being pumped. Also in 2017, somehow the rodeo well pumped 876,000 gallons of water between September and November. In 2019, between 20-80% of the water pumped in town wasn't billed. Water revenue for 2017 was \$162,000 and in 2018 it was \$172,000. In 2018, PPU falsely reported to the state engineer and underreported 80 million gallons of water. Something needs to be done about the utilities; the law requires the provision of utilities. Carol doesn't understand why we have a water district that has over \$5 million in assets, we have a water problem in Caselton, but for some reason the town board approved a resolution that told the residents of Caselton they would provide them with water as long as they could afford it. They can't afford it. They got an estimate of \$158,000 to do the repairs in Caselton; this was before they found out they would have to remediate contaminated soil and PCBs. Carol discussed the Buck Street project. The developer in the Vincent development wasn't required to tie into the sewer system. In 2016, the town board approved the repairs to Buck Street sewer and electrical. At that time, it was reported to the town board it would only cost \$1,000; they had to pay for the shade as it was to be a joint project with LC Telephone Systems and LCTS's equipment would be used. At the last town board meeting, Mr. Adams advised it is going to cost \$100,000 for that project. Carol stated she doesn't know why Nathan and the town board aren't required to be accountable. Carol encouraged the Board to "stop this madness".

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the August 19, 2019 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).

**Bevan made a motion to approve the consent agenda except for the minutes; seconded by Jared. All voted in favor.**

### **#5-VOUCHERS**

Recorder/Auditor Amy Elmer presented the cash balances via hard copy to the Board; they did not include payroll or AP. General County has an estimated balance of \$1,214,478.67. Grants has an estimated balance of \$64,235.25. Amy will be watching the Fair fund as it is getting low. Amy presented the expenditure list for accounts payable as well as the total gross payroll sans benefits. **Bevan made a motion to approve the vouchers; seconded by Jared. All voted in favor.**

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

EMERGENCY MANAGEMENT COORDINATOR Eric Holt advised they continue to be very busy planning for the Storm Area 51 event. Eric has a few meetings this week to finalize planning efforts. PIOCHE PUBLIC UTILITIES MANAGER Nathan Adams advised Labor Day went well. Nathan stated there are two different projects on Buck Avenue. They report to the state quarterly on how much water is being pumped out of the ground. The state doesn't ask how much they sell; they're only concerned they don't over utilize their water rights. Pioche Town Board is having a meeting on 9-17-19 to discuss the future of the electrical system. DISTRICT ATTORNEY Dylan Frehner advised he has court today at 1. TREASURER Shawn Frehner presented the monthly report. Shawn advised her deputy is out this week. Shawn will be out next week for meetings. Devnet is a bit behind; the conversion date is in November. They're having more meetings than previously anticipated due to being behind.

### **#7-HIGHWAY COMMISSION**

This item was covered under separate agenda.

### **#8-SIGN PROJECT IN LC**

Stan Harger provided an update on the current grant project to erect signs throughout LC for safe OHV travel. They're on track to complete the project by the year's end. More than 500 miles of roads/trails have been marked at key intersections. OHV grant is \$70,384; they committed to another \$38,000 in-kind. 1,831 volunteer hours have been invested to date. They're putting an OHV kiosk in Mesquite and one in Caliente. They're working to decide where the Caliente kiosk will be placed. GPS coordinates have been included on the signs and they're very helpful for those who break down. Stan discussed the fact that a good many of their signs are being plowed over. Stan was unable to quantify how many have been plowed. Varlin is going to talk to Shane

Cheeneey to see what the work around is. **Jared made a motion to schedule a meeting with the OHV people and the Road Department; seconded by Bevan. All voted in favor.**

#### **#9-SIGN PROJECT IN LC**

This item was covered under #8.

#### **#10-LINCOLN COUNTY FIRE DISTRICT**

This item was covered under separate agenda.

#### **#11-ECHO STATE PARK GRANT**

Ben Johnson, NV State Parks, advised they're trying to put two new bathrooms in at the old Echo campground. The agreement states the county will take over and maintain the facilities if state parks goes away. **Jared made a motion to approve the request from NV State Parks to co-sponsor a Land & Water Conservation Fund grant in the amount of \$300,000 to be used at Echo Canyon State Park; seconded by Bevan. All voted in favor.**

#### **#12-TRI-COUNTY WEED EMPLOYEES**

Bevan stated he has concerns with this; they're already getting 40 hours overtime per pay period. This isn't an efficient use of money, paying people so much overtime. It would be far better to have another full-time employee. Rope has been trying to get this on the agenda for several weeks now. Jared will talk to him about this. Jared advised White Pine is taking this over in October. **Jared made a motion to approve the cost of living increase for Tri-County Weed employees, retroactive to July 1, 2019; seconded by Keith. Bevan was opposed. Motion carried 3-1.**

#### **#13-UNIVERSAL RETIREMENT**

Todd Howell, Universal Retirement, presented a deferred comp (457b) program to the Board. They've contracted with NV Bank and Trust for retirement services. LC School District has signed on with this program. They'd like to offer the same services to LC employees. They used fixed income strategies so income will never be at a risk for loss. This program is strictly employee contribution and has to go through the payroll process. **Bevan made a motion to approve and allow Universal Retirement to become a deferred comp (457b) provider for LC and to contact LC employees; seconded by Jared. All voted in favor.**

#### **#14-GRANTS**

This was the time and place set for public hearing on possible projects to be submitted for Community Development Block Grant (CDBG). This is the second required public hearing. To date, the only project submitted is for Airport Road in Pioche. Pioche Public Utilities Manager Nathan Adams advised they'd like to add curb/gutter on Airport Road to hold the road together, prevent erosion cuts, and the build up of debris. A survey is needed. They'd also like to install sidewalk down to Lee Drive to keep kids out of the roadway. Elaine wants to put the project in for not only curb/gutter for drainage issues, but to expand the length of the project and also to get the road paved as well as install drainage features. Elaine would like to ask for the entire amount as we haven't been able to get CDBG funding for a number of years. Cross walks need to be addressed as well. Estimated costs will be presented at a future meeting that include the additional features. Unless the hospital has all of the funding available, they will not be eligible for matching funds. The decision on project submissions will be made at the next Commission meeting. No action was taken on this item.

#### **#15-STORM AREA 51/ALIENSTOCK/UFOLIOGY EXPO**

Desma Auclair advised that a good many people didn't even realize what was going on due to the noticing. Desma has suggested starting a Facebook page so locals can get notifications of Commission meetings and the agenda. The agendas are posted on the county's website. Desma asked that meetings be held via telecommunications/video conference, especially if it involves a lot of people from the southern end of the county. Desma lives on Hwy 375 and has done so for 45 years. Desma has had many people contact her concerning the upcoming event. Everyone there is very concerned, especially those who live on the highway. The main concern is that too many times we wait to say anything; our small county and communities have been put on the national map by a joke. Many of the residents in the southern end of the county are opposed to this event and do not want these events to take place every year. Desma advised that she's spoken to some of the

residents in Rachel, who are very concerned as well. This started out as a one day event and is now a four day event. Why did that happen? People come, take pictures of the sign, drive up their road and take more pictures of the sign that says gas in 150 miles, then they leave. This is what the residents hoped would happen. Now, we've given them a party and they'll be staying for multiple days. Varlin proffered a brief response covering the history of how these events became so big. Jared advised the county is trying to maintain control. Desma is also concerned as Hwy 375 isn't a main road; the condition of it on the other side of Coyote Summit is not very good and there is no shoulder in most of that area. There are only a couple of signs that say anything about it being open range (most of these have been colored on or scrubbed off and aren't very clear). The lack of signage isn't sufficient to let visitors know this area is open range. Medlins have had cattle hit in the last couple of weeks. Is the county getting any reimbursement from these two events? Jared responded and advised that the entities are being made responsible for hiring emergency entities and security. Also, the county will be receiving 9% of the tax from the concert. This isn't going to be a big money maker for the county. Desma asked if we have a fee in place to aid with the costs of these events? The only fees we have are permit fees. There are restrictions and no open fires will be allowed. The hours on these events vary and go later than 11 p.m. 1 p.m. to 11 p.m. are the hours for the Ufology Expo; all those not camping on the property will be removed by 1 a.m. Desma stated the cars and RVs being parked in the area won't be searched by security; are there any guidelines for those parked there? No. Security companies have been hired for both events. Jared agreed those with cattle also need to be protected. There was some discussion about contacting NDOT to obtain large, temporary signs stating "open range". Eric Holt advised NDOT is planning on erecting messaging boards. Highway patrol will have a heavy presence to assist with traffic control. The Hiko event will have two traffic control signs; they're programmable so messages can be added advising of the open range. There was some discussion as to whether or not people were going to park in Alamo and be bused to the events. To date, we haven't heard that. NDOT will have flagging stations to handle the traffic. When you get close to the events, the event organizers are handling their own traffic. The large events have encouraged even more people to come. Residents are concerned about the mess that will be left behind. Many residents have taken time off of work and have had to reschedule many personal appointments. What are our LC Officials' intentions with regards to having it every year? Varlin responded we aren't set up to handle this kind of event; we don't have the resources to do this every year. Varlin discussed different events throughout the state wherein tickets are sold and this is the mechanism used to control the number of people that come. Throughout the next several months, the Board will be reviewing the special use permit requirements, as well as planning requirements, in hopes of being better able to address large events. Is there a license for distribution of alcohol? Yes, they will be licensed. Ufology is capped at no more than 5,000 in attendance. Rachel/Alienstock can't be capped. There was some discussion about why people are being put in the town of Rachel to control them versus putting them on the dry lake bed that's public land. BLM has their own rules regarding camping and open burning. There was some discussion about BLM's rules with regards to open burning, which is allowed on public land. Joerg Arn commented there is enough time to do the event on BLM land. Joerg has paid over \$1,000 for lights, signage, and fencing to protect his property. Joerg is trying to decide whether or not he should stay on his property during the event or leave for safety reasons. Sheriff Kerry Lee advised they will have a substation set up at the park in Rachel and one set up across the street from the Alien Research Center. The SO will be responding to any issues as they normally would. They have over 150 law enforcement officers and over 300 first responders for the events. Signage will be erected so people know where to go for EMS needs. Varlin commented the Board's first concern has always been the residents of Rachel. Everything that can be done to protect private property is being done. Joerg asked to be kept in the loop as to what is going on. He has contacted the Little A'Le'Inn multiple times last week as well as the Planning Department. Joerg has erected temporary fences to keep people from parking on his land. Joerg asked if there is any way to post information online. The SO will post information on their site. Kerry advised that massive planning has been underway for weeks; they've written many, many emergency plans and are trying to cover every single contingency possible. There are going to be trespass and parking issues. Many of the things that can happen will have to be dealt with as they come. Varlin advised the county is doing everything it possibly can. Plans are ever evolving as things change and updates are received. We are trying to plan for the worst but hoping for the best. Plans will not be published due to safety issues. Desma stated the residents love it here and it's been our home for generations; we want to keep it the way it is and not let anyone destroy it. When people come here and have no personal connection it doesn't bother them to destroy things. The residents don't want to see the desert trashed nor be covered in trash. They're very concerned that this will become worse and worse as the years go on. No action was taken on this item.

#### **#16-ALIEN RESEARCH CENTER UFOLOGY EXPO SPECIAL EVENT PERMIT**

George Harris, Alien Research Center, advised he is a resident of this county and has been for a very long time. All conditions of their permit have been met. Keith Wright addressed the Board and outlined their event, presenting maps and other logistics plans. Keith advised people will be searched as they enter the property but cars will not. They have 15 security officers attached to their event; at least one will be located at the RV event. If they have 3,500 sold tickets, this is about \$12,500 tax to the county. There are other costs/taxes from the vendors. Some of these revenues will be passed onto the county. They're spending over \$80,000 to enhance their property, including bringing in port-a-potties and water trucks. They have 12 media trucks lined up. Small cars/large cars will be separate. RVs will be onsite and they have over 100 camping sites. They anticipate about 30 vendor spots, including 11-12 food trucks. They're going to have entertainment and other events to keep people occupied throughout the day. All vendors are required to show their application for temporary business license. The plan on all of this is to be completely self-sufficient. They have 6 generators that are clean power. They're also working with Ahern rental for the vendor village and other areas. They don't want to load the grid up and have made effective plans to provide power off-grid. The event has been treated as a dry site. Food vendors are required to have a state health permit. Dumpsters have been commissioned; they'll have two thirty-yard dumpsters in addition to over 60 trash cans. They're using local labor to help with the infrastructure, including temporary fencing. They've contracted with Guardian medical services for EMS/ambulance/medical tent. They have Nationwide event insurance and the county and NDOT have been named as an additional insurer. Signage will be put in place to help with speeds on the highway. Integrity Global Security is providing their security. When they get close to the 5,000 persons allowed on the property, it will then be one in/one out. To date, they've sold about 250 tickets. They're not actively marketing and figure most ticket sales will be walk-up. Keith doesn't believe this will be a huge money-making event; he hopes they break even. George advised there will be sales tax attached to this; NV Department of Taxation will have officers at both events. If you have live entertainment, you're paying the tax. George advised they're prepared for that. George hopes these events will result in revenue for the county. No action was taken on this item.

#### **#17-ALIENSTOCK/RAID RACHEL SPECIAL EVENT PERMIT**

Connie West reviewed her event for the Board. Connie has her permit from the health department. She discussed how medical will be handled. Connie received the final bid for security today and is working on the contract. IOB officers and volunteers will be roaming Rachel and the event. Barricades will be put in place to close off Rachel proper. Connie advised they can't use the NDOT right-of-way unless she can pay \$30,000 for the engineering on parking. She can't afford this, so all RVs will be brought to the inside of their private property. NDOT wants people kept off their land. There will be no parking on BLM/NDOT land. VIP section has been moved to the far corner in an attempt to maximize use of space for parking. The land next to Connie's house will be used for medivac helicopter and event staff. If this space is lost, they lose the ability to park cars. They will have 75 security guards; aim is 1 guard for every 150 attendees. Their planned capacity is 10,000 and this is where they set their permits. Everyone entering the festival will be checked; no weapons are allowed. Any weapons found will be turned over to the Sheriff. Vehicles are being visually searched upon entering their parking spaces. There will be signs in many places advising of no weapons. All confiscated drugs will be reported and turned over to the Sheriff. Connie advised the cost for security is \$60,000, medical is over \$30,000, and all of this is coming out of her pocket. She's doing the best she can to do this in an affordable manner. Any merchandised purchased needs to go directly out of the event area and to the attendees' vehicles. Connie advised they've sold approximately 700 parking spots to date. The media is going through an application process along with the vendors. Over 1,000 food vendors have approached Connie; they must be licensed and have a health permit. The health inspectors will be present at the event. Connie has contracted with Guardian AME. Cory Lytle advised they'll attempt to have a list of vendors and this will be shut down next week. Connie advised that every type of vendor will be locked down on the 7<sup>th</sup>. Dust control has been procured. Connie's insurance is in place and has been paid for. Cory advised there have been questions with regards to the helicopters. The risk assessment from Sundance has been received; they have a safe and positive location by Connie's house. There will not be any night flights. Trucks will be on site to empty the port-a-potties. No action was taken on this item.

**#18-LINCOLN COUNTY REGIONAL TRANSPORTATION COMMISSION**

Bevan made a motion to appoint Mayor Steve Rowe to the LCRTC; seconded by Jared. All voted in favor.

**#19-LINCOLN COUNTY REGIONAL DEVELOPMENT AUTHORITY BOARD**

Bevan made a motion to appoint Eric Bernal to the LC Regional Development Authority; seconded by Jared. All voted in favor.

**#20-ROBERT AND SANDY ELLIS DAY**

Jared made a motion to approve the proclamation declaring September 23, 2019 Robert and Sandy Ellis Day; seconded by Bevan. All voted in favor.

**#21-BUSHWACKERS HARE SCRAMBLES**

Jared made a motion to approve the Bushwhackers hare scrambles motorcycle race on September 14, 2019; seconded by Keith. All voted in favor.

**#22-GRANTS**

Bevan made a motion to approve the signing of the Aging and Disability Services Division Notice of Subaward for transportation services in the amount of \$34,320; seconded by Jared. All voted in favor.

**#23-GRANTS**

Bevan made a motion to approve the signing of the Aging and Disability Services Division Notice of Subaward for homemaker services in the amount of \$34,632 (match of \$3,835 to be paid from Grant Match Fund); seconded by Jared. All voted in favor.

**#24-GRANTS**

Jared made a motion to approve the signing of the contract with Sunrise Engineering, Inc. in the amount of \$172,300 for engineering design, bidding and negotiating, and construction administration services for the LC Fairgrounds Phase III SNPLMA funded project; seconded by Bevan. All voted in favor.

**#25-COMMISSIONER REPORTS**

COMMISSIONER JARED BRACKENBURY attended the Airport meeting in Alamo. A great deal of work has been done on the Alamo Airport. Jared did the jail tour; they are very short staffed and he'd like to see positions filled. Jared has attended the emergency management meetings pertaining to the Area 51 events coming up. The emergency declaration has been approved and signed. COMMISSIONER BEVAN LISTER met with Pioche Town Board on 8-20-19. There are some challenges they're facing. There are people who feel we should get rid of the power system in order to save money. In the long run, you get rid of employees and you can't operate the sewer/water system with just two people. Rates will have to go up a certain amount to sustain everything. HCP met on 8-25-19; they're working on a couple of projects at the LC Land Act area. They're still in the planning stages and nothing has been finalized. Bevan discussed the Caselton Heights water system. They're having a difficult time getting an easement across Greenfield Trust's land. Nathan is very frustrated and Greenfield thinks there is a possibility of hazards in the dust when they start digging. They're questioning whether or not we have qualified people who can handle that. 8-22-19 Bevan met with Bob and Linda Rollins to discuss the Greenfield Trust program. Cory, Bob, Linda, and Bevan will meet to further discuss this. Bevan met with Michael McDonald, state republican committee chair. 8-26-19 Bevan met with Senator Cortez-Masto to discuss wild horse/burro issues. Bevan suggested we have this issue on a future agenda to sign a letter of support in support of the plan that came forward in May from the National Wild Horse Burro Coalition. This plan puts all fertility control measures on the table. The downside of the plan is the price tag; it's \$100 million over the course of ten years. Bevan took part in the NACO public lands meeting last week. COMMISSIONER VARLIN HIGBEE attended the NACO public lands meeting. There is a new natural resources director at NACO. They went through budgets and NACO's finances are in good shape. They discussed the upcoming NACO conference on September 26-27. Varlin met with various entities concerning emergency management planning for the Area 51 events.

**#26-PUBLIC COMMENT**

Varlin called for public comment. None offered.

**#27-ADJOURN**

There being no further business for the Board to attend to, the meeting was adjourned at 12:59 p.m.

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

DRAFT