



## LINCOLN COUNTY BOARD OF COMMISSIONERS

August 5, 2019  
Commission Chambers  
Lincoln County Courthouse  
181 Main Street  
Pioche, Nevada

### Commissioners

Varlin Higbee, Chair  
Jared Brackenbury  
Bevan Lister  
Kevin Phillips

### **#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: BEVAN LISTER  
JARED BRACKENBURY  
VARLIN HIGBEE

LISA LLOYD, Clerk  
DYLAN FREHNER, District Attorney

ABSENT: KEVIN PHILLIPS

There is a quorum present and the agenda was posted on 7-30-19. The Invocation was offered by Bevan and Jared led the Pledge of Allegiance.

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

Varlin called for public comment. Louis Benezet discussed the potential donation of the Mill to the County; he's in favor of it. He's also in favor of saving the Mt. View Hotel. He's offered to help clean it up and repair the roof. Whether we save it or tear it down, there are things that can be done in the meantime, including protecting the valuables, repairing the roof, and selling what we can. Louis has circulated a petition and has about 240 signatures to date.

### **CONSENT AGENDA**

- #3 Approve/Deny minutes of the July 22, 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).

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

### **#5-VOUCHERS**

Recorder/Auditor Amy Elmer presented the cash balances via hard copy to the Board; they included payroll but not accounts payable. General County has a balance of \$723,934.73. Grants has a cash balance of \$56,998.51. Detention Center has a negative cash balance of \$24,885.52; July has been billed for over \$140,000 and will bring the fund back up once received. There was some discussion as to how tips are paid. Can they be done on county credit cards or must they be done out of pocket? This is an issue that will have to be discussed and solved via policy. **Bevan made a motion to approve the vouchers; seconded by Jared. All voted in favor.**

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

LC AMBULANCE Sherlyn Fackrell had a total of 13 calls for July; 8 were billed and 5 were treat without transport. Total collections were over \$12,000. They have over \$29,000 for cash on hand. EMERGENCY MANAGEMENT COORDINATOR Eric Holt advised the ambulance has been slower. EM had a meeting with the state last week on the EOP updates. Eric and staff have begun planning of the Area 51 event. Eric has meetings coming up with the resiliency advisory committee in Las Vegas. Eric and staff continue to be busy. There was a fire up north in the County. The truck has been staffed and out on a fire as well. CLERK Lisa Lloyd advised Treasurer Shawn Frehner is away this week at Devnet meetings; she presented the monthly report on her behalf. Lisa advised applications closed last Friday for her Deputy position; she hopes to hold interviews as soon as next week. Lisa reported she and Tracy Lee took part in a teleconference with Pioneer Technologies; the first data set will be received and reviewed at the end of the month. There will be several

data passes before the anticipated go live date in November. ASSESSOR Mark Holt advised they went live with Devnet last week. There is a lot to learn but things are going well. PIOCHE PUBLIC UTILITIES MANAGER Nathan Adams advised there is a sense of public frustration. The NDF crew is only giving us 3 days. It used to be 5. There has been an abundance of moisture that has resulted in a great deal more weeds. The majority of people see that, the weeds. They don't see them being cleaned up. Nathan has only one summer employee left and that individual is also working part-time as a life guard. Nathan is short one full-time employee but they're waiting to see what happens with the power issue before they hire. Nathan will be left with one employee. Nathan has inspections this month and the requirements to prepare for the inspection are vast. Nathan could easily spend the next month just working in the office. He has a wonderful office staff, but they don't have the necessary education to complete some of the work for the inspections. Nathan sees an influx of upset people, especially when Labor Day arrives, if things aren't up to par like they've been in the past. There are at least 50 projects around town but they have to be reprioritized when various emergencies arise. It's about \$770 per day to use an Honor Camp crew; they're still available if needed, but they're expensive. Nathan doesn't want to hire a full-time employee, then changes are made to the power, and that person has to be laid off. Nathan would like to hire an additional employee and suggested he might be able to make the disclaimer that the position may be cut. The inspection takes precedence over what the park looks like on Labor Day. Nathan advised he can hire the Honor Camp crew to get cleanup done for Labor Day, but he stated he doesn't know what the future will hold with regards to their ability to use them/afford them. There was some discussion concerning the hiring of the full-time employee; it's a difficult call to make without all of the necessary information with regards to whether or not the power system will be given over to another entity. Nathan can request the crews under the auspice of fuels reduction. ADMINISTRATIVE ASSISTANT Denice Brown asked which of the Board members will be attending the state NACO conference this year in Sparks. DISTRICT ATTORNEY referred to the NRS that governs roads. Dylan's office has seen an increase in the number of criminal cases; they anticipate several that will go to trial between now and Christmas. JUSTICE OF THE PEACE Mike Cowley advised they did 22 hearings last Tuesday in their court; there has been an upswing in the number of cases they're seeing. Court View is the case management system they use; it's run by the Administrative Office of the Court. Mike advised that he is in the process of moving money around within his budget to fund two extra days for his part-time employee. He can pay for Court View from his AA fees.

#### **#7-PUBLIC EMPLOYEES RETIREMENT SYSTEM AUDIT FINDINGS**

This item concerned the PERS audit findings the County used the wrong factor to calculate County employee PERS contributions from February 2014 to July 2019. Recorder/Auditor Amy Elmer addressed the Board. We had the employer and employer/employee scales that included incorrect factors. The Board has set the employer paid as the base and now the correct factor will be applied. **Jared made a motion to accept and adopt the PERS audit (PERS is taking 100% full service credits from the past to July 2019, we will not modify scales, and we're simply moving forward from this point using the appropriate scale and factor); seconded by Bevan. All voted in favor.** We're still on base hours and every month is different. A specific formula is used to come up with base hours.

#### **#8-LARGE COUNTY EVENTS**

This item concerned future large events that could take place within LC and designation of Commissioners as liaisons to emergency services in order to help with the overseeing and advising of such events. Sheriff Kerry Lee addressed the Board. Kerry and Eric Holt have already met to discuss the storming of Area 51. There will potentially be a very large expense to the County. Kerry is working on partners for law enforcement to reduce costs. The issue is that we have no idea how many will be coming. Kerry advised they're preparing for the worst and hoping for the best. Eric commented they will identify our resources and set trigger points to identify when our resources are exhausted. They will also address what we don't have and need, then reach out to the state for assistance. We haven't any idea how big this event is going to be or what it will look like. There is also the possibility for an emergency declaration; this will say we've depleted our resources and allow us to access state resources. Communications out there will be limited and most likely overwhelm the cell towers. Radios will have issues, too. There is always the question as to negative connotations and costs to the County if we declare an emergency. It is believed there will not be a cost if we have to make declaration. They want to set the trigger points early so we aren't declaring too late to even benefit or receive the needed help. There are several plans that will be in place before the event starts, including a mass care plan. Our information is that there will definitely be people coming; motels have been booked and people have begun asking about RV

hookups. Preparation to deal with the garbage generated there needs to be addressed. Cory has received special event applications in the past. Kerry advised these applications will need to require that they provide their own security, port-a-johns, and other services. Kerry is incredibly concerned about communications; he meets with the state on Friday and hopes to have answers then. This issue is so multi-faceted and there are many, many things to consider. Food, sanitation, traffic, law enforcement, emergency services, and safety are just a few of those to be considered. Varlin suggested the triggers be tied to attendance levels. Kerry responded it's almost too late if you do that. A base level needs to be planned for and then triggers set in place for over and above that. Ronda Hornbeck commented the aftermath of the emergency will require a Commissioner and the Recorder/Auditor going to the state and testifying with regards to finances. Other counties have offered resources and aid to us. Cory advised we will meet on 9-3-19 to review the applications that have been submitted. Cory received a phone call about filming the special event. Cory has prices for bins out there. We're talking about two separate events, one in Rachel and one in Hiko. Cory intends to address issues in the special events process. It is estimated that 45 acres in Rachel will be tied up to house people. It is believed this will be an annual thing and we need to start considering how we will generate revenue from it and recoup costs. Connie West advised they're working with the event planner. Under contract, the event planners are to provide medical, security, port-a-johns, fencing, and many other items. Connie will work with the port-a-john providers who can come as a vendor. They can come out and charge for cleaning, etc. Dylan asked if the organizers are having people register so we can get numbers. Cory advised the vendors will sign up as such and get a temporary business license. There is a chance that many of them will register through Connie as a vendor. Other than that, there is no way to track who is coming. We don't require the vendors have a state business license and tax id number unless they're doing food, which requires a food cart license and health permit. We have so many small hometown events and the more we complicate this process the harder it will be for those taking part in Labor Day and 4<sup>th</sup> of July. Connie is doing her best to set up the vendors and make sure they're meeting proper requirements. The temporary business licenses will not fall under Connie, only the checking of state business licenses will. Connie will not accept the responsibility for state tax. Connie advised that Donnie wants to check prices for trash to see which company can offer better. Connie is planning on paying for two roll offs from the County. Facebook has shut everything down, including Connie and Little A'Le'Inn. Anything to do with Area 51 Storm has been shut down completely. Connie has showers coming all the way from Kansas and potable water is going to be provided. Connie stated they could see at least 30,000. Connie commented their plan is to have their own traffic control on the highways. They're also going to plan on having 4 wheelers with available gasoline every 12 miles in case someone breaks down. Donnie is the promoter. Varlin and Jared will serve as liaisons to emergency services. Jared commented that he truly hopes nobody takes the storming of Area 51 seriously. Varlin has done three different interviews with newspapers from the east; he's told them it's a military installation and it doesn't matter where it's located, if someone tries to storm the perimeter they'll be shot. No action was taken.

#### **#9-LARGE EVENTS & PERMITTING ORDINANCE**

This item was included on the agenda as it was unknown as to whether or not our current ordinance needs to be changed that governs large events. Cory advised there is nothing that will cover every single possibility of what could happen at Rachel and Hiko with the "Storm" event. Cory asked that we try and cover what we can but keep it simple. We should use what we have now, employ our special use permits, then over the course of the next year make any necessary adjustments. Cory stated we're okay as far as the ordinance right now. The language could use updating as it is somewhat archaic but it will work for now. Based on what occurs this year with the event at Rachel/Hiko, we will adjust the ordinance accordingly. Cory commented he doesn't believe this is the first and only time we will have this event. When event size increases, do we need to require minimum amounts of insurance? This will have to be taken into consideration. \$1 million is the standard amount but it isn't very much money anymore. Connie West has discussed the insurance issues with Donnie, advised him it is a minimum \$10 million, and told him the County must be named. Connie is getting her own insurance for her business. It is important that the County and Little A'Le'Inn not be held liable for any of this. No action was taken.

#### **#10-HIGHWAY COMMISSION**

This item was covered under separate agenda.

#### **#11-LINCOLN COUNTY FIRE DISTRICT**

This item was covered under separate agenda.

#### **#12-NEVADA DEPARTMENT OF TRANSPORTATION ANNUAL WORK PROGRAM**

Lee Bonner presented the annual NDOT work program. **Jared made a motion to accept the FY 2020 annual work program and to keep the top two priorities; seconded by Bevan. All voted in favor.**

#### **#13-NEVADA DEPARTMENT OF TRANSPORTATION TOP TWO CONCERNS**

This item was covered under Item 12.

#### **#14-COMMUNITY HEALTH NURSE ADMINISTRATIVE ASSISTANT PAY**

**Jared made a motion to approve the pay increase for the Community Health Nurse administrative assistant retroactive to July 1, 2019; seconded by Bevan. All voted in favor.** There was some discussion concerning how to get this position on the County pay scale; it must be done by resolution.

#### **#15-PIOCHE PUBLIC EMPLOYEES PAY INCREASE**

Nathan Adams advised they need to know which employees are affected and receive the 3% increase approved on July 1, 2019. Bevan stated he believes the Board approved the increase for those that had been included in the Pioche Town/PPU budget. Nathan responded this would be permanent employees. Amy advised she needs an effective date as well. **Jared made a motion to apply the 3% pay increase for Pioche Public Utilities/Pioche Town to permanent employees, retroactive to July 1, 2019; seconded by Bevan. All voted in favor.**

#### **#16-TAX STRIKE**

**Bevan made a motion to approve the tax strike for Haggerty Ranch, APN 005-021-02, in the amount of 4,503 assessed as the well included on the assessment is actually a spring water system and the cattle squeeze is manual; seconded by Jared. All voted in favor.**

#### **#17-GHOST TOWN SALE OF CBD**

Bevan asked if there are any restrictions on the sale of CBD. The only restriction is that there can't be THC in it. Bevan cited it isn't prudent to approve or deny Kelly Garni's request to sell CBD at Ghost Town as there are no state requirements. Cory advised the property is zoned commercial but there are some issues with the property itself. No action was taken.

#### **#18-GRANTS**

Bevan asked that this item be put on the agenda. After numerous verbal and email attempts to get reports from the Grants Department, none have been received. After the meeting in May with a similar agenda item, Bevan believed agreement was reached with regards to reporting. Bevan asked if the Board wants to make the reporting requirements mandatory. Jared agreed that he does and discussed the previous meeting. Varlin advised if the Board is going to require it, they need to lay out the items they want. Bevan responded as part of this process during budget hearings in April, Elaine/Amy/Bevan met with Dan McArthur. Dan created a spreadsheet that basically gave a grouping of information. Bevan's proposal back in May was that the Grants Administrator offer a general narrative report monthly and, on a quarterly basis, fill out the spreadsheet containing the numbers and balances. **Jared made a motion to require both reports of the Grants Administrator, one on a monthly basis that includes activities of the Grant's Office (meetings attended, grants applied for, help given to other entities that are applying, etc.) and the other on a quarterly basis that contains financials for the three-month period depicting what came in, what was reimbursed, and what went out; seconded by Bevan.** One of the earlier issues is that Grants' balances weren't matching those in the Auditor's office. There were some issues with regards to how funds roll over at the end of the year with accounting; Dan was going to make the adjustments there with how things were being accounted for. At the very least, on a quarterly basis, she should be able to say this is the amount of money that came in and this is the amount of money that went out. Amy advised the opening and ending fund balances are what don't agree; it's due to how the adjustments are made at the end of the year by Dan's office. Amy will continue to work with Dan's office to resolve this issue. There are still remaining issues with Caselle; Amy can't pull the reports needed and she doesn't have faith in the numbers coming up. Elaine can't pull her own reports in spite of

numerous updates to the software. In order for her to get reports, she has to come down and ask Amy for the reports. Bevan commented Elaine should be carrying all of the information on her own spreadsheets; those should be compared to what the Auditor's office has and they should match. If this was being done, sending a quarterly report to the Board would be easy. Phyllis Robistow, former Grants Administrator, advised she used to run her own program using Excel; she could produce the information the Board wanted at any given time. Bevan commented the spreadsheet set up by Dan McArthur is Excel. **All voted in favor.**

#### **#19-WHITE HOUSE INTERGOVERNMENTAL AFFAIRS INVITATION**

This item was discussed at the previous meeting. Varlin and Jared will already be there for ECA conference. No action was taken on this item.

#### **#20-COMMISSION CORRESPONDENCE**

Bevan had this item put on. In other boards he's been on, there is a correspondence agenda item. An item will be included on the agenda to discuss correspondence. No action was taken.

#### **#21-LC COURTHOUSE UPGRADES**

This item concerned the upgrade and installation of service counters, desks, and/or fixtures for the Recorder/Auditor's office and the Clerk's office. Cory addressed the Board. The service table in the Recorder's office needs to be addressed. We're basically trying to squeeze more into small spaces. Service counters/barriers are becoming more important to protect technology we use. Jerry Klein is coming tomorrow to look at these offices to give us a ballpark cost on upgrades. Amy needs a complete service counter as well as a different desk for one of her deputies. Lisa needs the ability to remove her counter/barrier to accommodate ADA voters who come during early voting. Cory has suggested we modernize it and make it fit our needs. Jared asked that we quote from Jerry and put it on the agenda to address. Cory will get sketches and an estimate for the Board. This item will be on the next agenda. No action was taken.

#### **#22-SILVER STATE TRAILBLAZERS**

**Bevan made a motion to approve the Silver State Trailblazers AMA National Hare and Hound motorcycle race on August 24, 2019; seconded by Jared. All voted in favor.**

#### **#23-SILVER STATE TRAILBLAZERS POST EVEN**

**Jared made a motion to ratify the Silver State Trailblazers motorcycle night race which took place on August 3, 2019; seconded by Bevan. All voted in favor.**

#### **#24-PIOCHE MILL**

This item was a continuation from the previous meeting regarding the donation of the Pioche Mill and surrounding property from Ely-Valley Mines, Inc. Cory advised he has had a good many calls and questions about it. He believes this could be turned into a valuable asset and could be turned into a valuable asset that brings in revenue. Cory believes a portion of the land could be sold and boundaries could be reconfigured. Trails and kiosks could be included. We can approach the Brownsfield Coalition for an assessment on the asbestos, etc., but the positives on this outweigh the negatives. The only negative Cory has heard is essentially the question why do we need another old building. Jared worries about contamination; it is a landmark, but he doesn't want it to be the devastation of the County due to contamination. Cory said there will be trace hazards on the land; we don't want to allow the public in. We can fence it off, install physical barriers and signage that cover us. Anything we sell will have an as is clause. We simply refuse to sell the land where we know where there are contaminants, including the tailings pond. Some remediation and cleanup has been done but there are trace contaminants. Every owner past and present will have liability for the property; nobody has come in and forced cleanup, Dylan advised. When Brownsfields come available, we can utilize the funds to do some cleanup. Selling portions of the property can be used to offset cleanup costs or anything else that arises. Glenn Zelch checked with the Treasurer; the County would only lose \$825.95 in property taxes. Assessor Mark Holt discussed the old round house in Caliente; he can't imagine what a draw that would have been for Caliente had it been left in place. **Bevan made a motion to accept the donation of Pioche Mill and surrounding properties; seconded by Jared. All voted in favor.**

**#25-QUARTERLY JAIL TOUR**

This item was tabled.

**#26-COMMISSIONER REPORTS**

COMMISSIONER JARED BRACKENBURY attended a Room Tax meeting. Funds from the Alamo Inn are coming in. The LC Fair takes place this week. COMMISSIONER BEVAN LISTER met with Charles Navarro and Mike Reese on 7-24-19. Bevan met with the Governor's Office of Energy on 7-25-19. In January we received a request from the Governor's office to submit potential board members for the NV Clean Energy Fund. Rural representation is still needed. The greenhouse gas assessment has been moved to every year; the parameters are stringent. A bill was introduced by Gossar, rules for renewable energy on federal land, that may have an impact on PILT levels based on how the bill went in. Varlin advised an op-ed was written and he was asked by Gossar's staff to sign it. It appears to be a good thing and Varlin doesn't believe it will impact PILT. If you have renewable energy on your land, it will better your PILT position. Varlin is going to sign the op-ed. Bevan advised we are being encouraged to adopt the International Energy Code. Performance contracting audit was discussed. There is an assessment for green energy on homes that creates a discount. There isn't anyone in our area who qualifies for it. Bevan took part in the NACO teleconference on 7-26-19. They're encouraging formation of complete count committees within local jurisdictions. Cory asked if we're supposed to initiate something. There is a set of instructions; we can reach out to Kimberly Vargas for more information. 7-25-19 Bevan went to the Nellis Complex Joint Use Study. It was mostly to show how much money military and Nellis bring into Clark County. There's a survey that needs to be completed by 8-12-19. Bevan encouraged as many people as are able to go to Stantech/Matrix/Nellis' website and fill out the survey. There are places for comments/questions. Not very many people knew about the meeting; Bevan only knew because Dagny of NACO let him know. This is a spinoff of the NTTR expansion. There is a task force committee that Emilia Cargill sits on; she didn't know about the meeting. Only two people from the County were there. Ron Vincent ended up being LC's representative at that meeting. Stantech/Matrix's report shows him as our representative. Bevan will follow up with F&W expressing displeasure with Ron Vincent being identified as our representative. A letter was received from several folks at Beaver Dam Estates concerning the stop sign and speed limit signs; these individuals are unhappy about it. The signage goes back to the SUP for Mr. and Mrs. Roberts. Notices went out. Mr. and Mrs. Roberts want to put in a part-time events center that met with some resistance from some of the residents. Letters were sent from the Planning Department. One of the items brought up at the public hearing was that they need speed signs for the people going to the event. Signs were installed and the residents are now upset about it. Denice advised we just received a bill from Parole & Probation for PSIs. The County owes an additional \$7,000 for last year; this item will be on the next agenda. COMMISSIONER VARLIN HIGBEE advised that Kevin is in Alaska getting a new grandbaby. Varlin attended the NACO meeting as well. There is \$2,000 per person that comes back to NV from federal funds. The Governor has grant money for the Census. Broadband investment to rural counties, HR2, was discussed. 9-1-1 funding expansion was discussed. Every time someone calls 9-1-1 there is a fee attached to it. Varlin met with Mr. Lyles concerning our Extension agent; 5 individuals were selected and none of them live in LC. There will be changes to PILT. Mental health, roads and bridges were discussed. Grant funding for roads/bridges will be coming available. Varlin met at the base with the Wing Commander, Commissioner Kirkpatrick, and the NTTR representatives concerning Storm Area 51. They're working to get ahead of the event. Varlin met on Thursday concerning this same topic; there were representatives from many different entities and counties trying to work through some of the potential issues that could arise.

**#27-PUBLIC COMMENT**

Varlin called for public comment. Tom Brown thanked the Commissioners and Cory Lytle for their efforts to save the Pioche Mill.

**#28-ADJOURN**

There being no further business for the Board to attend to, the meeting was adjourned at 2:02 p.m.

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