



The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on October 27, 2011 at 9:00 a.m.

PRESENT: **STEVEN STIENMETZ, COMMISSIONER**
 RAY H. WILLIAMS, JR., COMMISSIONER
 DEAN BULLOCK, COMMISSISONER
 BRIAN GARNER, COMMISSIONER
 DAVIS MASON, COMMISSIONER
 SADIE SULLIVAN, COUNTY CLERK
 ANGIE ELQUIST, DISTRICT ATTORNEY
 GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
 SOVIEDA ROBINSON, HUMAN RESOURCES
 CATHY MYERS, DEPUTY CLERK

9:00 A.M.

Chairman, Steven Stienmetz, called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Bullock led the Pledge of Allegiance.

Let the record reflect the presence of Austin and Kingston via telephone conference.

APPROVAL OF AGENDA NOTICE

Commissioner Bullock moved to approve the agenda notice. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

October 13, 2011 Regular Session

The minutes for the meeting of October 13, 2011 were not ready for review at this time.

COMMISSIONER REPORTS

Commissioner Williams commented on the telephone services going out on October 25, 2011 and causing havoc for people and businesses. He said he had spent a lot of time going through



the draft personnel plan and doing some comparison with the old plan, as well as the Ordinances. He said the travel and training issues are in a different Ordinance, but the plan says they have to go by IRS rates and it needs some close scrutiny. He said he did attend the NACO Public Lands Meeting by teleconference. He said the meetings are held the fourth Monday of every month. Commissioner Williams said in this last meeting there was a selection of Attorneys to file a suit against the BLM over the Wild Horse Management and Non-Management process, if the NACO Board approves it. He said he will be attending a retreat with POOL/PACT in Eureka on the 4th and 5th of December. He also said he does receive the quarterly reports on accident, injuries and cost and he feels the Safety Committee needs to be looking at those statistics for Lander County.

Commissioner Mason said he attended the Hospital meeting but left the report for Commissioner Stienmetz.

Commissioner Garner said with LEPC the pod went well at the Hospital. Convention and Tourism has the annual chukar tournament the first week in November.

Commissioner Stienmetz said he attended the Humboldt River Water Basin Authority meeting on Friday October 21, 2011 in Winnemucca. He said it was basically to review the water right applications and changes. He also said he attended the Hospital Board meeting and said the Hospital wanted to have a joint meeting with the Commissioners on December 1, 2011 to discuss the MOU.

STAFF REPORTS

Executive Director, Gene Etcheverry, said he has had several meetings regarding housing development and land issues in Battle Mountain. He said some of those meetings, especially those with Nevada Rural Housing Authority have included Austin in their plans. He said November 4, 2011 there are several concurrent meetings, but for the County the most important one is in Elko where he, as well as Commissioner Williams, have been invited to speak on behalf of the County on Public Lands. He said the Stakeholders meeting is also that day for the Austin Loneliest Highway Visitors Center Project, however they are trying to change the date.

PAYMENT OF THE BILLS

HUNEWILL CONSTRUCTION



Commissioner Garner moved to ratify check #34382 in the amount of \$22,686.07 to Hunewill Construction. Seconded by Commissioner Bullock, the motion was voted and carried.

APPROVED

RODNEY L. DAVIS

Commissioner Garner moved to ratify check #38440 in the amount of \$1,788.96 to Rodney L. Davis. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

WELLS FARGO REMITTANCE

Commissioner Garner moved to ratify check #38426 in the amount of \$334.68 to Wells Fargo Remittance. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

SHAW ENGINEERING

Commissioner Garner moved to ratify check #38418 in the amount of \$19,957.95 to Shaw Engineering. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

LEGACY CONSTRUCTION

Commissioner Garner moved to ratify check #38410 in the amount of \$47,766.23 to Legacy Construction. Seconded by Commissioner Bullock, the motion was voted and carried.

APPROVED

ADVANCED DATA SYSTEMS INC

Commissioner Garner moved to ratify check #38403 in the amount of \$1,560.00 to Advanced Data System Inc. Seconded by Commissioner Bullock, the motion was voted and carried.

APPROVED

Commissioner Garner moved to ratify Fund 001 in the amount of \$1,476.30 to Unclaimed Property outstanding check for \$1,476.30. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

Commissioner Garner moved to approve submitted expenditures in the amount of \$196,085.73 from check #38441 thru check #38554. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

PAYROLL CHANGE REQUESTS

- 1) Employee Change Request for employee number 1109, Promotion, Maintainer III, \$16.10 per hour, effective October 24, 2011.



Commissioner Bullock moved to ratify promotion of employee #1109 to Maintainer III for \$16.10 per hour. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

PUBLIC COMMENT

There was no public comment at this time.

FINANCE

9:20 A.M.

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts & Financial Update & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the review of last month, from the September 30, 2011 financial report, shows everything at or above the projections. Mr. Etcheverry reviewed the list of contracts and said he would have to review the contract that was returned by Bank of America because it was the contract from March 11, 2010. He also said, at the request of Commissioner Bullock, they are looking into what can be done about the ATM. Commissioner Garner requested Legal to send a letter to Bank of America. Mr. Etcheverry said the J&J Management Co. contract was going out for advertisement for selection. **UPDATE ONLY**

COMMISSIONERS

9:24 A.M.

- 2) **Discussion For Possible Action Regarding Resolution No. 2011-19, A Resolution Amending The Lander County Safety Committee; Defining The Authority & Duties Of The Committee; Specifying The Responsibilities Of The County's Employees & Officials Relating to Safety; & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the this proposed Resolution amends the Safety Committee, updates what is already on the Safety Committee, defines authority and the duties of the Committee, and specifies the responsibilities of Department Heads and Elected Officials in regard to employee and general safety. He said this is mainly updating the former Resolution and meets the criteria set forth by PACT/POOL and to the current State Statute and agrees with OSHA and MSHA standards. Commissioner Williams said he did quite a bit of research, with the help of the Clerk's Office, and said he was bothered by the fact that this is not done in Ordinance form. He said the County has a Health and Safety section in the Ordinance Book, but there is nothing there on the Safety Committee. Commissioner Williams said this Statute was passed in 1991 as a



result of large explosion that happened by Sparks when the Sierra Chemical Plant blew up and employees were injured and had not been properly trained. He said the first couple of sentences in N.R.S. 618.383 talks about Companies that have more than twenty-five employees must have a policy, and this Statute says that the Safety Committee provided training or insures that the employees are trained. Commissioner Williams said in Lander County's process the first document came out in June of 2001 the next one in April of 2004 and he can't find anything since that. He said the document he has said the Public Works Director is in charge of the Safety Committee. He said the there is some level of coordination in the current proposed document that is missing. He said he understands the makeup of the Board, but he thinks it need to go back to legal and then come back with a recommendation and it should be put in Ordinance form. Commissioner Garner said each department is so different and the Safety Books for each department are very vague. He said each department needs very direct Safety Manuals. Commissioner Garner said if they were to sign this proposed Resolution they would be holding someone responsible, but questioned if that person would have the right tools to make sure they can do the job. Marla Sam, Safety Committee Chair, said they have sent out a memo asking the Department Heads what they may need for their Department but only two responded. Ms. Sam said the Safety Committee can't go to every department to see what they need, and they can't know unless the Department Heads or Supervisors tell them. Ms. Sam said she does realize things need to be updated and there is going to be a cost to provide what the Departments need. Commissioner Williams asked Ms. Sam what document she started out with that told her about the responsibilities. Ms. Sam said the Lander County Resolution from 1992. Ms. Sam said POOL/PACT has offered to come in and walk the Safety Committee through the different Departments and show them what to look for, what they need to have and what needs to be fixed with the safety aspects. Commissioner Garner said the County needs to go to a consulting firm to set these bases and then look for the Safety Personnel to implement what has been set. Commissioner Williams said the document he had was the Lander County Safety Program and he said it defined everyone's responsibility and the new one does not. Commissioner Williams read some of the responsibilities that where stated in the document, and recommended the other Commissioners and the Legal Department take a look at this document. Bert Ramos said his problem with the Safety Committee is if they want the Department Heads involved then they need to put the Department Heads in there. He said right now they are asked to not attend the meetings because they have employees on the Board and they are afraid to speak up with the Department Heads there. Mr. Ramos said he would like to be a part of the committee. Commissioner Mason asked Mr. Ramos if he had a County Safety Manual that told him structurally



what he is supposed to do with safety. Mr. Ramos said he did not. Commissioner Garner said the County does not have a Safety packet to give to new hires that they can read over and sign off on that tells them what the safety procedures are. Jake Edgar, Public Works Foreman, asked if the Safety Committee is even qualified to be giving the proper information to the Department Heads need for their employees. Donnie Negro, Road and Bridge Foreman, said the problem he has is when something happens he will be the one held responsible if the signs aren't right, someone has an accident, or someone gets seriously hurt. He asked if the Safety Committee would have the proper documentation to go to POOL/PACT or the Insurance Company. He said it isn't the safety of just one person; it is the safety of the whole town and the whole County. Ms. Sam said they are attending a class in December and they are trying to get the Countys name out there so we are invited to classes and they are trying to do the best they can with their work schedules to get to every meeting that they can. Ms. Sam said the meetings are the third Thursday of every month and every time there is an accident they have asked the Department Head come and explain what happened, what the result was and how they fixed the problem. Ms. Sam said there are people on the Board that work with safety issues and can say if there are certificates needed in certain areas or not.

Commissioner Bullock moved to defer until the Board, the Safety Committee and Legal has a chance to look at what the policy is right now under this documentation and see what can be adapted. Seconded by Commissioner Garner, the motion was voted and carried unanimously. DEFERRED

9:53 A.M.

- 3) Discussion For Possible Action Regarding Contract Between Lander County & Aggregate Industries – SWR, Inc. For The Battle Mountain Airport Apron Reconstruction Phase One Project, FAA AIP Project No. 3-32-0001-21, & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, said the contract between Lander County and Aggregate Industries-SWR was before the Board. He noted that this contract does have the amount in it. He said the bid for this contract was awarded on August 11, 2011 and the total amount of the award is \$1,275,555.00 and is the amount of the contract. He said when the award was made it was contingent upon FAA funding and that fund has been received. The FAA funds 9% and Lander County has budgeted their 5% match. Commissioner Garner asked when the project would be started. Mr. Etcheverry said they probably would not start any pavement operations until next Spring but they plan to have it done prior to the end of the Fiscal Year which is June 30th.



Commissioner Garner moved to approve the contract between Lander County and Aggregate Industries – SWR, Inc. for the Battle Mountain Airport Apron Reconstruction Phase One Project, FAA AIP Project No. 3-32-0004-21, in the total amount of \$1,275,555.00, and authorize the Chairman to sign the contract documents. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

9:57 A.M.

- 4) **Discussion For Possible Action Regarding Notice Of Collateral Assignment Of Road Maintenance Agreement From ORNI 39 LLC To Wilmington Trust Company, As It Relates To The Road Maintenance Agreement Between Lander County and ORNI 39 LLC dated September 19, 2011, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said in the event ORNI 39's funding is put together they can assign the rights under that agreement. He said what they are doing is serving the Commission the notice of intent for collateral assignment of those rights under the Road Maintenance Agreement to the trustee for the funding of the McGinness Hills Power Plant. Mr. Etcheverry said they have 30 days to give the County that notice under the agreement and so 30 days after this day (October 27, 2011) the Commission can look for the actual assignment of those rights to Wilmington Trust Company.

Commissioner Garner moved to accept the Notice of Collateral Assignment of Road Maintenance Agreement from ORNI 39 LLC to Wilmington Trust Company, as it relates to the Road Maintenance Agreement, specifically Section 11 of the Agreement, between Lander County and ORNI 39 LLC, dated September 19, 2011. Seconded by Commissioner Bullock.

Commissioner Williams asked Bert Ramos, Road and Bridge Forman South, if he understood how this worked. Mr. Ramos said in the packet he saw it said there would be some clarification from the District Attorney. Angie Elquist, Lander County District Attorney, said basically she add a sheet with the notices of the new contact information and this would be the entity that is paying the bills.

The motion was voted and carried unanimously. **APPROVED**

10:10 A.M.

- 5) **Discussion For Possible Action Regarding The Battle Mountain Livestock Events Center Advisory Board's: 1) New Rules & Regulations; 2) Licensing Agreement; & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said there is



still revision ongoing with the licensing agreement. He said no one from the Livestock Events Center Board was present.

Commissioner Garner moved to defer. Seconded by Commissioner Bullock, the motion was voted and carried. **DEFERRED**

10:11 A.M.

- 6) **Discussion For Possible Action Regarding Update On Status Of New Administration Building & Other Matters Properly Relating Thereto:** Judge Max Bunch said he has talked a little with people individually and once he was able to get with the Architect they worked back and forth together. He said there is a potential for a Community Room for all Community Meetings that would not have access into the whole entire Courthouse. He said this room has its own restroom and its own area to get in. He said it is a conceptual design and is not final. Judge Bunch said it was his understanding the Commission has given him direction to put this together and then they would have a Round Table Meeting with all the Elected Officials and Department Heads so they could share their input. He said the Highway Patrol had come to him and asked if they could have a space, so the County would be able to rent a space to them at \$775.00 a month. Commission Mason said he felt they should look at it as a 50 or 60 year effort. Judge Bunch said it is and if they looked at the size of the offices there is room for the next 50 to 75 years. He also said they wanted to have a full basement to provide storage, vaults, and maybe emergency shelter or an emergency dispatch center. He also said he talked with the Clerk and the lobby would provide adequate room for elections. He talked about the DOE and the Public Information areas, the Records Office and the Map Room. Commissioner Garner said the IT Room would be in the basement so it could stay cool and explained how the whole floor would be easy to assess for any IT technical cables. Commissioner Garner said the Round Table Meeting will allow the Elected Officials and Department Heads to discuss how they want their offices set up. Commissioner Garner said Judge Bunch has done most of the work with Anthony Smith Architecture and everything has a hallway behind the front lines for safety. Judge Bunch discussed other offices and potential offices for future use. Judge Bunch said he asked that the hallways be six feet wide so two wheel chairs could pass at one time. Judge Bunch said he would get with Mr. Etcheverry to set up a meeting for the Round Table Meeting. **NO ACTION - DISCUSSION ONLY**



10:27 A.M.

- 7) **Discussion For Possible Action Regarding High Speed Internet For Lander County Facilities & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this issue was brought up at the last meeting by Commissioner Williams. He said it looks like there is some movement in the Arizona Nevada Power Program for South County which will provide High Speed Internet to Smoky Valley including Kingston, Austin and the Upper Reese Area. Mr. Etcheverry said that still doesn't help us in the North end of the County. He said the funding mechanism for the Arizona Nevada Tower Project is through the USDA and was through a program called Broadband for Rural Communities. He said that was a very rural community program and we could not get funding out of the program for Battle Mountain. Mr. Etcheverry said the population had to be 1275 or below. He did say there are other programs that they could look into either through the USDA or through some other partnering agencies to explore High Speed Internet in Battle Mountain. Commissioner Williams said there was also a concern on the cost of providing internet service. He also said Hughes and Verizon don't provide very good service to Austin. Lura Duvall, Assessor, said there was one provider that provided wireless in the Hilltop area that was great but it is gone now because of the wind turbines and the interference they cause and nothing can be done. Ms. Duvall said it was her understanding that there was some program that the Federal Government said they wanted internet provided to all the rural areas in the Country, particularly in Nevada. Commissioner Garner said he uses boosters and they bump his cell phone signal to five bars and they work for the internet if you are using an air card. He said they are expensive but they do work very well even in Austin. Commissioner Garner said they can be purchased from Verizon. Phil Hanna, Battle Mountain Hospital, said from the prospective of the Hospital there is a Broadband initiative going on through the Nevada Hospital Association that piggybacks on the fiber optics that they have already running down I-80 and they are looking at the last mile of connection. Mr. Etcheverry said he would continue to work on this issue. **NO ACTION**
DISCUSSION ONLY

10:40 A.M.

- 8) **Discussion For Possible Action Regarding Lease Agreement Between Lander County & Battle Mountain General Hospital For The Dome Building Located At 150 Palmer Avenue, To Provide Community Health Services In Battle Mountain, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the agreement is being worked to change some of the terms such as the early out or reasons for the out. He recommended the Commission to defer this because it wasn't ready to be signed.



Commissioner Garner moved to defer the lease agreement between Lander County and the Battle Mountain General Hospital. Seconded by Commissioner Bullock.

Commissioner Mason asked Phil Hanna, Battle Mountain Hospital, if he had any comment on this issue. Mr. Hanna said he had discussed this with Mr. Etcheverry and Ms. Elquist, District Attorney, and this is just a collaborative effort that the community nurse is occupying the space and will continue to do so. Commissioner Mason said he had been informed that there is a leak in the Dome and that the County is responsible for that. Mr. Etcheverry said this is aside the agenda and there are several issues that are being addressed. Commissioner Garner and Commissioner Stienmetz said the County doesn't own the building they are renting it from the Hospital.

The motion was voted and carried unanimously. **DEFERRED**

10:42 A.M.

- 9) **Discussion For Possible Action Regarding Plan Of Action For The Battle Mountain Levee Project & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the ball is firmly in the court of the County. Ben Veach said the Corps of Engineers has informed him that they have no funding in their 205 Project Budget. He said according to the Project manager at the Corps they were reduced down to 30 million dollars for the entire United States. He said the next news to be received on the 205 monies will be that they have finalized the program and there won't be any more funding available. Tom Gallagher said he talked last time about doing some lobbying work in Washington that would possibly enhance the County's abilities. He said the 205 Funding not being available is definitely true. He told his lobbyist in Washington to look for some alternates and he thinks they came up with a good one. He said there is funding called 'Continuing Authorization Funding' and it is section 206 funding. Mr. Gallagher said it will fund up to \$5 million on a 60-40 split and it's fast. He said they would cover everything up to the commencement of construction. Mr. Gallagher said the County would have to move ahead with a lobbyist to get this done, and they aren't cheap. Mr. Gallagher said he uses is the 'Ferman Group' and they specialize in water. Commissioner Garner asked for a ballpark figure on the cost to use the 'Ferman Group'. Mr. Gallagher said it is \$7,500.00 up front and \$7,500.00 a month guaranteed for the year. Mr. Gallagher said the Nevada Rural Water Fund can fund sewer, water, storm drain, and those types of things. Commissioner Garner asked what was budgeted for the Levee Project. Mr. Etcheverry said \$2.5 million. Commissioner Garner asked if the professional services can come out of that budget. Mr. Etcheverry said it could be absorbed through his professional services. Commissioner Bullock asked if the Army



Corps would still be involved. Mr. Gallagher said yes but this would become a request by one of our Senators and be pushed by them.

Commissioner Garner moved for the Commission to accept the plan of action from Tom Gallagher of Summit Engineering with a down payment of \$7,500.00 with remaining of \$7,500.00 a month to come from Executive Director, Gene Etcheverry's, budget for the Battle Mountain Levee Project to further develop.

Ben Veach, JBR Environmental, added that they need to come back with a design budget within two weeks to start on the design process. He requested to come back in two weeks to be able to put a budget before the Board to review. Mr. Veach said it would probably be a half a million dollar budget to get the plans up for construction for the whole project. Mr. Etcheverry said they may not want to limit the funds but put it at a reasonable amount near what was stated.

Commissioner Garner rejected his motion and reentered a motion to move forward with the plan of action through Tom Gallagher with the approximate figure of around \$90,000.00 but upon a two week budgetary proposal. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

10:57 A.M.

10) Discussion For Possible Action Regarding Acceptance Of Qualifications & Proposal Of Mosquito & Black Fly Abatement Services For Battle Mountain & Other Matters Properly Relating Thereto:

Executive Director, Gene Etcheverry, said they had received two responses from the request for qualifications of the proposal that they published. Mr. Etcheverry said there were many differences between the two proposals as well as the cost. He said one of the proposals was from Vector Disease Control International, from Blackfoot, Idaho and their proposal is about \$50,995.00 more than what is budgeted a year for mosquito control out of the Battle Mountain town fund. Mr. Etcheverry said this last year the County spent about \$165,000.00. Commissioner Bullock asked what the cost of a spray is. Mr. Etcheverry said depending on the acreage it is usually about \$22,000.00 to \$26,000.00. Commissioner Bullock said if they do without these guys the County could do six or seven more sprays that could be done on a regular schedule. Mr. Etcheverry said the problem would be with the new NPDES the County would have to be licensed and have the qualifications to direct the sprays to be done. Commissioner Bullock said Robin Gray failed this year and now he wants more money. Commissioner Bullock said he is working for so many other Counties that he doesn't have time to be in ours, and how can he know when it is time to spray when he



isn't here. Mr. Etcheverry said both proposers have the same approach but the Vector Disease Control International (VDCI) would be more technical and more advanced. He said they would do the surveillance and based on what they find in their traps would dictate the spray. Mr. Etcheverry said the VDCI stated in their proposal that if there was an outbreak they could be here fairly immediately, and said he thinks they are going to station equipment here. He said they are a ground force as well as aerial sprays. Commissioner Garner said the County would be at around \$170,900.00 when this year is over, but said they needed to include that the County pays for the truck, the insurance on the truck and all the fuel for the truck that Mr. Gray drives around all summer long. Commissioner Mason said he thinks Mr. Gray has the County's best needs at heart and asked if there really was a better option. Mr. Etcheverry said he based his recommendation on two things, one being Mr. Gray has done this for so many years and two that he knows this area. He said the last two years were very wet years and they had people that were unhappy. There was discussion about changing the terms of a contract with Mr. Gray to do more sprays. Commissioner Bullock expressed concerns that Mr. Gray was only here two days a week and questioned how he can do an effective job when he isn't here more often and that he has six other jobs he does. Commissioner Bullock asked what Elko County is doing. Mr. Etcheverry said they don't use Robin Gray and are considering a Vector Control District. Commissioner Garner said there had been discussion about buying a truck to do fogging and if the size of Battle Mountain is too big for just one fogger then buy two. Commissioner Bullock said he has a problem paying someone \$165,000.00 when they are only going to be here one maybe two days a week. He said they could hire someone in the County that is certified as a permanent job for less than \$100,000.00 a year and they would be here the whole time. Sadie Sullivan, Lander County Clerk, asked if they could change Mr. Gray's contract to state he would be required to spray once a week or once every two weeks. Mr. Etcheverry said yes they could do that but they would have to remove the portion of the contract that states they will not interfere with his decisions on when to spray.

Commissioner Garner moved to defer for now and to invite both proposers to come talk to the Board. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **DEFERRED**

11:19 A.M.

- 11) **Discussion For Possible Action Regarding FY 2011-2012 Contract Between Lander County & Don Vetter (Younger Agency) For Advertising & Marketing Services For The Lander Economic Development Authority (LEDA) & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is an agreement between Don



Vetter (Younger Agency) for the advertising and marketing services for LEDA. The total amount of the contract is \$52,800.00. Mr. Etcheverry said Don Vetter supplies a lot more than he does in advertising and marketing. He said Mr. Vetter is very effective in getting public notice out, as well, on things like the Levee Project. Mr. Etcheverry said, on behalf of LEDA, it is his recommendation to approve the contract.

Commissioner William moved for the Commission to follow the recommendation of the Lander Economic Development Authority (LEDA) and approve the Fiscal Year 2011-2012 contract between Lander County and Don Vetter (Younger Agency) for advertising and marketing services for the Lander Economic Development Authority (LEDA) in the total amount of \$52,800.00 and authorize the Commission Chairman to sign the contract. Seconded by Commissioner Mason, the motion was voted and carried unanimously.

APPROVED

11:21 A.M.

- 12) **Discussion For Possible action Regarding Agreement Between Lander County Sheriff's Department & John Peters, M.D., To Provide For The Non-Emergency Medical Needs Of the Inmates & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry said this was not right at the current time.

Commissioner Bullock moved to defer. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **DEFERRED**

EXECUTIVE DIRECTOR

11:22 A.M.

- 13) **Discussion For Possible Action Regarding Proposed Nomination Of The Austin Gridley Store As A National Historic Landmark; Review Of Community Survey Results Regarding The Issue; & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this had come before the Board on August 25, 2011. He said a community survey was done and of the twenty-seven responses eight were in favor and nineteen were against. The town of Austin does not want this to occur. Commissioner Williams said his only concern was there would be a cost on nominations and following up on that, and then once it does happen someone has to do something further with the building then it just sitting there vacant.

Commissioner Garner moved for the Commission to reject the proposal to nominate the Gridley Store in Austin as a National Historic Landmark, based upon the non-support reflected in the Austin Community Survey, and direct staff to send a letter to Mr. Ronald



M. James, Nevada State Historic Preservation Officer and Chairman, National Historic Landmark Committee, thanking him for the consideration. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

11:24 A.M.

- 14) **Discussion For Possible Action Regarding Recommendation Of Lander County Safety Committee To Purchase Two (2) Man & Material Lift Booms, In The Amount Of \$48,007.00 Each, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, on October 20, 2011 the Safety Committee met and Mr. Helming from Road and Bridge South submitted his research and his quote into these types of equipment. Mr. Etcheverry said the reason for purchasing two would be so both North and South would have one and they wouldn't have to be transported back and forth. Mr. Etcheverry said it has been said there have been some unsafe use of equipment to perform jobs. There was discussion how these lift booms work. Commissioner Garner shared his concerns with these kinds of booms and said they really need a mobile lift boom on a truck that you could just get in and move. Jake Edgar said he was looking more at a sky track. Mr. Etcheverry asked what that would cost. Commissioner Garner said a nice used sky track is around \$30,000.00. Commissioner Garner said there are a lot of, still certified, 2000 trucks that are 50 to 60 foot boom trucks on a F350 chassis without riggers, in the mid \$20,000.00 range. Commissioner Garner said he would take more information to the next safety meeting. He said they would need two and the one for Austin needs to be a four wheel drive.

Commissioner Bullock moved for the Commission to direct the Lander County Safety Committee to look into boom trucks with man baskets on them as to not have to disconnect each time. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

PUBLIC HEALTH NURSE

11:33 A.M.

- 15) **Discussion For Possible Action Regarding Results Of The Point Of Dispense (P.O.D.) Immunization Exercise Held On October 15, 2011 & Other Matters Properly Relating Thereto:** Brenda Keller, Community Health Nurse along with her Assistant Lander County Employee, Rita Newgard addressed the Board. Ms. Keller said their office is a joint venture with the Nevada State Health Division and the Lander County Community. She said their Point of Dispense activity on October 15, 2011 in conjunction with the Health Fair went very well. She said her command staff and the other volunteers gave a total of 427 immunizations in a four hour period. Ms. Keller said their exercise was the



only one in the State that had the drive-thru. She said the only issue was there where people on inside dispensing the vaccine and they had 160 syringes filled. Because they have to be used within a 48 hours, Ms. Keller along with Ms. Newgard and Vikki Hinton drove around to the local businesses and gave those vaccines so they weren't wasted. Ms. Keller said the total of immunizations done that day was about 500. She said the State has heard nothing but positive comment regarding their P.O.D. Ms. Keller said there were people from other Counties that came and attended the P.O.D. She said the total amount of savings to this Community, because of the exercise, is about \$17,299.00. She said there has been conversation on doing this exercise again next year and finding funding for it. She said there was no ambulance at this exercise, and had this exercise been further away from the hospital they would have had to cancel the it. Ms. Keller gave a special thanks to Donnie Negro and his crew, because they didn't anticipate the cleanup afterwards. She said there were no major incidences and the public responded well. Ms. Keller said year to date the Community Health Office, for vaccines for preventable disease, have given 1,600 doses of vaccines. **UPDATE ONLY -**

NO ACTION

PUBLIC WORKS

1:00 P.M.

- 16) **Discussion For Possible Action Regarding Award Of Bid For A Used Combination Sewer Cleaner Truck, In The Amount Of \$122,000.00, & Other Matters Properly Relating Thereto:** Jake Edgar, Public Works Foreman, said he was budgeted for \$100,000.00 and he spoke with Rogene Hill, Finance Director, and he put a special line item in his budget this year for special project in case something came up. He feels he can get through the rest of the year taking the rest of the money out. Mr. Edgar said this was the only company that gave a formal bid and it has 224 hours.

Commissioner Bullock moved for the Commission to award the bid for purchase of a used 1999 Vactor 2112 Fan Combination Sewer Cleaner Truck with 1999 Freightliner FL80 chassis to MetroQuip, Inc., of Meridian, Idaho in the amount of \$121,990.00, F.O.B. Battle Mountain. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

ROAD & BRIDGE SOUTH

1:06 P.M

- 17) **Discussion For Possible Action Regarding Award Of Bid For A Used Service Truck, In The Amount Of \$22,000.00, & Other Matters Properly Relating Thereto:** Bert Ramos, Broad and Bridge Foreman South, said it was hard to find used service truck because



people are buying them and stripping the body off to meet California emissions. Mr. Ramos said this one is in pretty good shape and gave more information about the truck to the Board.

Commissioner Garner moved for the Commission to award the purchase of a service truck to Dakota Diesel in the amount of \$22,000. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

BOARD APPOINTMENTS

1:08 P.M.

- 18) **Discussion For Possible Action Regarding Appointments To The 2011-2012 Advisory Board, Categories 1,2,3, & 4 & Other Matters Properly Relating Thereto:** Angie Elquist made a disclosure that Amy Nelson is her sister and this appointment would not benefit her in any way.

Executive Director, Gene Etcheverry, said a letter of intent had been received from Ms. Amy Nelson of Battle Mountain. He said she is the Administrator for Eleanor Lemaire Elementary and for the Austin School, and she is interested in opportunities to improve and sustain economic growth and prosperity within Lander County.

Commissioner Garner moved for the Commission to appoint Ms. Amy Nelson to the vacant seat on the Lander County Economic Development Authority (LEDA). Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

1:09 P.M

- 19) **Discussion For Possible Action Regarding Interlocal Contract Between Lander County Board Of Commissioners & Lander County Hospital District Board Of Trustees For The Emergency Medical Services Reorganization Project & Other Matters Properly Relating Thereto:** Commissioner Stienmetz said the Hospital Board said they didn't want to vote on this until they had a joint meeting with the Commissioners. Executive Director, Gene Etcheverry said it was up to the Commission's pleasure what they wanted to do. Commissioner Garner said it is about the same as what they have been beating up. Mr. Etcheverry said no it wasn't. Many of the items if not all were addressed and modified including purpose of agreement and time of when an evaluation is made to determine if it stays or goes. Commissioner Garner said the biggest thing is the County is still paying for it and the Hospital still has not shown any plan to the Commission.



Commissioner Mason moved to accept the MOU as written subject to change and specify any revisions, additions or amendments to the Interlocal Agreement between Lander County Board of Commissioners and Lander County Hospital District Board of Trustees for the emergency medical services reorganization project and approve placement of the Agreement effective January 1, 2012. Seconded by Commissioner Williams.

Angie Elquist, District Attorney, said she would be making some legal changes. Mr. Etcheverry said there would certainly be changes that come from the joint meeting as well as from the District Attorney's Office. Commissioner Garner asked if they shouldn't see those changes first. Commissioner Mason said no because the contract is written subject to change.

The motion was voted with Commissioners Mason, Williams, Stienmetz and Bullock voting "AYE" and Commissioner Garner voting "NAY". **APPROVED**

1:13 P.M.

- 20) **Discussion For Possible Action Regarding Resolution No. 2011-2, A Revision & Update To Lander County Resolution No. 98-21 'A Resolution To Request The Nevada Congressional Delegation To Sponsor Legislation Releasing All BLM Wilderness Study Areas In Lander County Back To Multiple Use & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this was an update and a revision to that Resolution passed by this Board in 1998, Resolution No.98-21. He said the title states it is a Resolution for the Board to request the Nevada Congressional Delegation to sponsor Legislation releasing all BLM Wilderness Study Areas in Lander County back to multiple use. Mr. Etcheverry said a letter had been sent about seven months ago to the Board, by the Secretary of the Interior asking them to name areas in Lander County that could be put before Congress to discuss including those as Wilderness Study Areas. Mr. Etcheverry said this is basically the same Resolution with some language change to clarify what the County wants to do and brings us somewhere closer to where we are today on the issue.

Commissioner Williams moved for the Commission to update Lander County Resolution No. 98-21 A Resolution To Request The Nevada Congressional Delegation To Sponsor Legislation Releasing All BLM Wilderness Study Areas In Lander County Back To Multiple Use and pass and adopt Lander County Resolution No. 2011-20 A Resolution To Request The Nevada Congressional Delegation To Sponsor Legislation Releasing All BLM



Wilderness Study Areas In Lander County Back To Multiple Use. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

1:19 P.M.

- 21) **Discussion For Possible Action Regarding Sage Grouse Issues & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said Mr. Chris Worthington was not available to present the information. However, he has requested to be on the December 15, 2011 agenda. Commissioner Mason said he wanted to know more about it because of what happened with the Spotted Owl in California and Oregon which led to a shutdown of huge amount of industry. He said this issue will go before the Courts in 2015

Commissioner Garner moved to defer. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **DEFERRED**

1:21 P.M.

- 22) **Discussion For Possible Action Regarding Current State Of Nevada Plan For Reappointment; Decision On Whether Or Not To Contract With Daniel Stewart In This Matter; & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said with the new census this is the time the voting districts get reapportioned. He said the current plan has Lander County, Humboldt County, and Pershing County lumped in with Washoe County. He said Washoe County has over eight times the population of the other three Counties so the urban interests would outweighs the rural interests. Mr. Etcheverry said there is some concern.

Commissioner Garner moved for the Commission to direct staff to become actively involved in the reapportionment process and to contact Mr. Daniel Stewart to represent the interests of Lander County in regard to this issue. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

1:25 P.M.

- 23) **Correspondence/Reports/Potential Upcoming Agenda Items:** Executive Director, Gene Etcheverry, for upcoming agenda items they have Resolution 2011-19 on the Safety Committee, Battle Mountain Livestock Event Center Advisory Boards Rules and Regulations and Licensing Agreement, the Battle Mountain General Dome Agreement, and the Battle Mountain Levee Project with cost proposals. He said he would check on getting representatives from the two Vector Control companies. He also said they would



need to address the contract with Dr. Peter's and the Sheriff's Department and the man and material lift issue would not be able to be entertained until the second meeting in November. The sage grouse issue would be addressed December 15, 2011.

Commissioner Williams said the Austin Chamber of Commerce had a request to be put on the agenda for a request to use fifth wheel travel trailers on private property in Austin, and asked if it was going to the Planning Commission. Mr. Etcheverry said yes for the November meeting. Commissioner Williams also said the crack sealing and slurry sealing in Austin was completed and they should be painting soon. On the Austin sewer and Water project they have realigned the proposed right-of-way for the well to the town.

The Board reviewed the following Correspondences that are retained in the Clerk's Office:

- 1) MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Thermasource Cementing, regarding Application Filing Number: 10:10006G; Project Name: Ormat McGinness Hills Project.
- 2) MIKE AND BARB STREMLER, to Lander County Commissioners, Letter regarding the Augusta Horse Management area (HMA) and in particular the Hole in the Wall. Jersey Valley and Home Station Gap allotments.
- 3) LEDA Report to Commissioners – October 2011

PUBLIC COMMENT

Joy Brandt in Austin said she has had lots of complaints about the Austin Clinic. She said people are wondering what is happening with the Clinic and on the Ambulance Service. Commissioner Garner said the Convention and Tourism have decided to abate the asbestos and they will give a report when that is done as to what will be happening.

ADJOURNMENT

There being no further business before the Board at this time Commissioner Bullock moved to adjourn the meeting of October 27, 2011. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**





**CHAIRMAN OF THE BOARD OF LANDER
COUNTY COMMISSIONERS AND THE
LANDER COUNTY LIQUOR BOARD**

ATTEST: Sadie Sullivan
LANDER COUNTY CLERK

***NOTE:** The Board of Lander County Commissioners serves as the town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.*