



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 November 10, 2011 at 9:00 a.m.

PRESENT: **STEVEN STIENMETZ, COMMISSIONER**
 RAY H. WILLIAMS, JR., COMMISSIONER
 DEAN BULLOCK, COMMISSISONER
 BRIAN GARNER, COMMISSIONER
 DAVID MASON, COMMISSIONER
 SADIE SULLIVAN, COUNTY CLERK
 JAMES BARNES, DEPUTY DISTRICT ATTORNEY
 GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
 SOVIEDA ROBINSON, HUMAN RESOURCES
 ROGENE HILL, FINANCE DIRECTOR
 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 Mason 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 Notice of Posting as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

October 13, 2011 Regular Session

Commissioner Garner moved to accept the minutes of the October 13, 200 Regular Session. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

October 27, 2011 Regular Session

The minutes for October 27, 2011 were not ready for review.

November 7, 2011 Special Session

*Lander County Board Of Commissioners
Meeting of November 10, 2011*



The minutes for November 7, 2011 were not ready for review.

COMMISSIONER REPORTS

Commissioner Williams said he attended the Legislative Study Committee on the Public Lands in Elko. He said that Austin is still facing housing issues. Commissioner Williams asked why the door to the Recorder's and Treasurer's Office has not been fixed, and said it should have been fixed by the following day. Commissioner Williams said the LEDA representative attended the Housing Gap Meeting to study the housing gap, but Austin and Kingston areas weren't mentioned and he thinks LEDA is Lander County not Battle Mountain. He feels Austin is being ignored. He brought up the issue on High Speed Internet and the Community Connect Grants.

Commissioner Mason said he attended the November 8th Planning Commission Meeting and said they talked about issues with a permit for gentleman in Crescent Valley and on the un-kept properties out on Hilltop and the hazards they pose.

Commissioner Garner said the chukar dinner was a success.

Commissioner Stienmetz said he attended the LEPC meeting and there was a presentation by DuPont and Limb Corporation in Carlin, NV about the International Cyanide Management Code.

STAFF REPORTS

Executive Director, Gene Etcheverry, said he attended the Legislative Committee on Public Lands Meeting. He said there was also a meeting with the National Flood Insurance Program on the Community Rating System. Mr. Etcheverry said this issue would be on the agenda for the November 17, 2011 meeting.

PAYMENT OF THE BILLS

Commissioner Garner moved to approve the submitted expenditures in the amount of \$657,582.29 from check #38602 thru #38692. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

DELBERT L. CORNELLA

Commissioner Garner moved to ratify check #38579 to Delbert L. Cornella in the amount of \$1,586.79. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

LEGACY CONSTRUCTION



Commissioner Garner moved to ratify check #38563 in the amount of \$187,154.94 to Legacy Construction. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

ETCHEVERRY'S FOOD TOWN

Commissioner Garner moved to ratify check #38557 in the amount of \$80.84 to Etcheverry's Food Town. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

PAYROLL CHANGE REQUESTS

- 1) Employee change request for employee number 1150, New Hire, Maintainer II, \$14.31 per hour, effective November 8, 2011.
- 2) Employee change request for employee number 1292, Promotion, Part-time driver/dishwasher, \$10.48 per hour, effective October 18, 2011.
- 3) Employee change request for employee number 1208, New Hire, Relief Driver, \$9.64 per hour, effective November 1, 2011.
- 4) Employee change request for employee number 1266, New Hire, Relief Driver/Dishwasher, \$9.64 per hour, effective November 1, 2011.

Commissioner Garner moved to approve employee #1150, #1292, #1208, and #1266. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

PUBLIC COMMENT

Idonna Trevino, Lander County Recorder, and Grace Powrie, Treasurer, shared their concerns about the broken door to their office and the safety concerns of the public having to enter through Ms. Powrie's office.

FINANCE

9:31 A.M.

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts & Financial Update & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said all contracts are either on this agenda or the agenda for the next meeting. He said then they would be up to date on all the general contract. He said the financial report for the month of October is steady for a typical year. Mr. Etcheverry said the actual audit report has been received in the office, and he and Ms. Hill will review them before they come before the Commission.



COMMISSIONERS

9:32 A.M.

- 2) **Discussion For Possible Action Regarding Newmont Mining Corporation's Presentation Of The Copper Leach Project Environmental Impact Statement (EIS) & Other Matters Properly Relating Thereto:** Shar Petersen, Newmont External Relations, along with Adam House, Copper Leach Project Manager, and Jerry Farr, Regional Environmental Permitting Director addressed the Board. Ms. Petersen said they were now in the 45 day comment period of the draft Environmental Impact Statement (EIS). She said it began October 28, 2011 and will close December 12, 2011. Mr. House explained the basis for this project is to recover copper from materials that have already being mined and would not be recovered otherwise. He said this would create about 50 full-time jobs, 150 to 250 construction jobs, and there would be an increase in the tax base for the local community. Commissioner Mason asked what the difference was between leaching gold and leaching copper. Mr. House explained that it is the same process just a different chemical is used.

Commissioner Garner moved for the commission to direct staff to compose a letter of support to Phoenix Mining and their Copper Leach Project. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

Philip Williams, Chairman of PLUAPC, in Austin said this issue was on their agenda Monday night and they have sent a letter to the Commission in favor of this project and to advise the project to move forward.

9:40 A.M.

- 3) **Discussion For Possible Action Regarding The Battle Mountain Livestock Events Center Advisory Board's: 1) New Rules & Regulations; 2) Licensing Agreement; 3) Contract Between Lander County Board Of Commissioners & The Battle Mountain Livestock Events Center Advisory Board; & Other Matters Properly Relating Thereto:** Commissioner Garner asked James Barnes, Deputy District Attorney, if he had reviewed this. Mr. Etcheverry said he did want to indicate there was no need for a contract between the Livestock Events Center Board and the Lander County Board of Commissioners. By the Lander County Code that arrangement is set forth because they are an Advisory Board to the Board of Commissioners. There was some discussion about people taking their camp trailers or motorhomes and camping at the Events Center.

Commissioner Garner moved for the Commission to approve the updated rules and regulations of the Livestock Events Center; without the agreement between the Livestock Events Center and the users Advisory Board and the contract between the Lander County Commission which is not needed. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**



9:45 A.M.

- 4) **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 Health Services In Battle Mountain, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the contract in the packet is the revised contract. James Barnes, Deputy District Attorney, said the Hospital needs to review the revised contract and after they approve it is when the Commission would need to approve it. Mr. Barnes said the purpose for having this contract on the agenda now was so the Commissions could look it to see if there were any other changes that needed to be made before the Hospital Board looks at it so it could be approved at the next Commission meeting. Mr. Etcheverry said they would defer action until after the Hospital Board has approved or acted on it. **DEFERRED**

9:48 A.M.

- 5) **Discussion For Possible Action Regarding The Battle Mountain Levee Project, Plan Of Action, Timeline & Budget For The Overall Project & Acceptance Of Proposal For Project Design & Engineering & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry said Ben Veach, Tom Gallagher, and Steve Brigman were present and between all of them they have spent a lot of time over the past two weeks on this project. Mr. Gallagher said, in general, the Commission has the opportunity to move ahead where they haven't in the recent past. He said Mr. Etcheverry has talked with the Lobbyist in Washington and thought Mr. Etcheverry was happy with him. Mr. Gallagher said he met with his design team and there is still some question on the EA and what will still be required of the Corps. He said if everything goes well, it is possible to go out to contract in August of 2012. He also said he could not give an estimate of a cost at this time. Mr. Etcheverry said in working with the Ferman Group they would be working with a group that thinks on their feet, moves quickly and has alternatives on different issues to consider right-of-way. He said talking to them they have already considered some different funding sources and some of the possible road blocks and how they could be addressed. Commissioner Garner asked if the mines have been approached on helping with this project as far as the by product, the crushed rock and things like that might be obtainable. Mr. Gallagher said he has talked to several people about things like that, because this has to have a concrete cut off in the bottom of it.

Commissioner Garner moved for the Commission to accept the information and the scope of the project with Summit Engineering for the Battle Mountain Levee Project. Seconded by Commissioner Bullock, the motion was voted and carried unanimously.

APPROVED

Commissioner Williams said it was mentioned in the motion there was a scope of work, but there was also another document, the consultant agreement, that needed to be approved.



Commissioner Garner amended his motion to include the agreement and authorize the Chairman to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

9:58 A.M.

- 6) **Discussion For Possible Action Regarding Presentation By David Overcast, Bureau Of Land Management (BLM), As It Pertains To The BLM Tuscarora Field Office & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry said Lander County has lands that are under two different BLM jurisdictions and out of two different field offices. The land in Northern Lander County is out of the Tuscarora Filed Office. David Overcast, Field Manager, Bureau of Land Management, Tuscarora Field Office addressed the Board to update them on a few things going on in the Tuscarora area. He said there are some important things going on throughout the field office and some concerns. One thing he said they are caring for is the sage grouse. He said they are doing some monitoring and they are working hard to keep them from being listed as endangered. Mr. Overcast said they have also done some proper functioning condition on some of the streams in the area. He said, nationally, they are putting together a Programmatic EIS that will analyze sage grouse. He said this will take a very cooperative effort. He said this EIS will update all of their Land Use Plans. Commissioner Mason asked about the sage grouse issue and shared his concerns. Mr. Overcast said there are a handful notices out there where they are looking for barite and gold. He said they have already exceeded this fiscal year the number of notices looking for gold on the Landscape. Mr. Overcast also talked about grazing. Donnie Negro, Road and Bridge Forman North, expressed concerns about the road at Golconda possibly washing out last summer. He said they had approached the people from the BLM about using the Izenhood cutoff as an alternative route for the Newmont District, and asked Mr. Overcast if he could check into that issue. Mr. Overcast said all those roads are useable. He said their concerns with the roads are, if they get a lot of heavy traffic, the maintenance and the issues with RS2477s. There was discussion about the mines doing the maintenance and building up a road. Mr. Overcast said what they would like from all the Counties is an Access Plan. Mr. Overcast said they had responded to 107 fires in 2011, 69 of those were lightning caused and 28 were human caused. He said 97% were caught before they got like the Izenhood, the Indian or Chukar fires. He said when those large fires occur they come in with, what they call, an emergency stabilization and rehab effort. Mr. Overcast said the fuel recess program is herbicide treatments and planting in about 400 acres of the Izenhood Basin to harrow and remove cheat grass. They have planted 600 acres of native and non-native fire resistant species and about 400 acres of areal spray to control the cheat grass. Mr. Overcast said they have also been working hard on the "Let's Move It Outside" program for the youth and youth initiatives. Commissioner Bullock shared his concerns about the BLM not going outside of their districts for services. Mr. Overcast said that is not how they want to do business and said if anyone sees that happening on to let them know. **ACTION – DISCUSSION ONLY**

Lander County Board Of Commissioners

Meeting of November 10, 2011



10:35 A.M.

- 7) **Discussion For Possible Action Regarding Authorization For Additional Services As It Pertains To The Professional Services Agreement Between Lander County & J-U-B Engineers, Inc. Dated July 26, 2011, In An Amount Not To Exceed \$6,900.00, For Additional Field Observation Necessary During October 18-27, 2011 For Completion Of The Austin Airport Pavement Rehabilitation Project, FAA AIP No. 3-32-0026-13: & Other Matters Properly Relating Thereto:** Lew Lott, J-U-B Engineers, Inc. said they had a good window of weather, and they finished the Austin Airport Project. Mr. Lott updated the Board on the work that was done on the project. He said they under ran on the construction side by \$9,500.00. Mr. Lott said even after this amendment for the time, they should still be under by about \$26,000 on this FFA Funded Project.

Commissioner Garner moved for the Commission to approve the Authorization for Additional Services and the amount not to exceed \$6,900.00 for the Austin Airport Rehabilitation Project, FAA AIP No. 3-32-0026-13, increasing the "Professional Services – Building and Construction Services" amount of the agreement from \$11,326.45 to an amount not to exceed \$18,226.45. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

10:40 A.M.

- 8) **Discussion For Possible Action Regarding Authorization For Additional Services As It Pertains To The Professional Services Agreement Between Lander County & J-U-B Engineers, Inc. Dated July 26, 2011, In An Amount Not To Exceed \$8,970.00, For Additional Services From Original July 12, 2011 Bid Opening Through Re-Bidding On August 3, 2011 Necessary To Obtain Contractor For Completion Of The Battle Mountain Airport Apron Reconstruction (Phase 1) Project, FAA AIP No. 3-32-0001-21: & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the rebid on this project was not the decision of Lander County, or of Lew Lott and his firm. The decision to rebid was made by FFA because there were no bids the first time. Lew Lott, J-U-B Engineers, Inc. said the cycle of funding was late this year and that was the reason no bids had come through the first time. He said talking to the potential bidders they didn't see it getting constructed before the cold weather set in, but after discussing it with the County and the FFA, the FFA suggested allowing them to construct it in the spring. He said he is just bringing this up to raise the overall limit that they could "potentially" go to from \$144,034.80 to \$153,004.80.

Commissioner Garner moved for the Commission to approve the Authorization for Additional Services as it pertains to the Professional Services Agreement between Lander County and J-U-B Engineers, Inc. dated July 26, 2011, in an amount not to exceed \$8,970.00, for additional services associated with the re-bid of the Battle Mountain Airport Apron Reconstruction (Phase 1) Project, FAA AIP No. 3-32-0001-21, increasing the "Professional Services – Bidding and Construction Services" amount of the



Agreement from \$144,034.80 to an amount not to exceed \$153,004.80 and authorize the Chairman to sign. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

10:45 A.M.

- 9) **Discussion For Possible Action Regarding Contract Between Lander County & Vaisala Inc., To Provide Maintenance Service On The Automated Weather Observation System (AWOS) At The Battle Mountain Airport & Other Matters Properly Relating Thereto:**

Executive Director, Gene Etcheverry, said this contract is currently under review in the District Attorney's Office and Vaisala discovered that they do provide Lander County services at two airports. Vaisala did inform Mr. Etcheverry that the revised contract would include the services for both airports and the amount will double.

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

10:48 A.M.

- 10) **Discussion For Possible Action Regarding Agreement Between Lander County & Bank Of America For Automated Teller Machine & Other Matters Properly Relating Thereto:**

Executive Director, Gene Etcheverry, said Bank of American has signed the agreement, before the Board, over a year late and it expires at the end of November. He said his suggestion is to change the terms and to go ahead with the same rental amount, of \$500.00, that was approved by the Board back in July 2011. James Barnes, Deputy District Attorney, said they are trying to contact some Vice President with the revised contract with the new price and terms. He said they are just waiting for a response so they can move forward.

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

EXECUTIVE DIRECTOR

10:49 A.M.

- 11) **Discussion For Possible Action Regarding Letter Of Resignation From Marla Sam From The Lander County Safety Committee & Other Matters Properly Relating Thereto:**

Executive Director, Gene Etcheverry, said there was a copy of the letter in the packet. He said this resignation of Ms. Sam, the Chairperson of the Safety Committee, was effective October 31, 2011. Mr. Etcheverry said he has received verbal notification that he is to receive letters of resignation form at least two other members of that Committee.

Commissioner Williams moved for the Commission to accept Marla Sam's resignation from her position on the Lander County Safety Committee, effective October 31, 2011,



and direct staff to solicit a replacement Lander County Employee to serve in this position. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

ASSESSOR

10:50 A.M.

- 12) **Discussion For Possible Action Regarding Resolution No. 2011-21, A Resolution Directing The County Assessor To Prepare & Publish A List Of All Taxpayers On The Secured Tax Roll In The County, & The Total Valuation Of Property On Which They Will Severally Pay Taxes Pursuant To NRS 361.300, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is a house keeping issue and NRS directs the Commissions of the individual and several Counties to pass a Resolution directing the Assessor to publish the tax roll every year.

Commissioner Garner moved for the Commission to approve and adopt Resolution No. 2001-21, a Resolution directing the County Assessor to prepare and publish a list of all taxpayers on the secures tax roll in the County, and the total valuation of property on which they will severally pay taxes, pursuant to NRS 361.300. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

10:52 A.M.

- 13) **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 Relating Thereto:** Executive Director, Gene Etcheverry, said the contract has a term from approval until October 31, 2012. He said the minimum monthly retainer is \$750.00 per month and is offset by an hourly billing in the amount of \$65.00 and any excess services over the \$750.00 will be billed at the \$65.00 per hour rate. Commissioner Williams asked what the difference was between emergency and non-emergency. Sheriff Ron Unger said sometime the inmates will say they have a headache or a bellyache and instead of bringing them to the emergency room Dr. Peters will come to the jail to see them. Sheriff Unger said it is a big savings and it saves his Deputies from having to go sit with the inmate at the hospital.

Commissioner Garner moved for the Commission to approve the Agreement between the Lander County Sheriff's Department and John Peters, M.D., to provide for the non-emergency medical need of the inmates, for a term of approval by the Commission until October 31, 2012, at a minimum monthly retainer of \$750.00 per month, offset by an hourly rate billing rate of \$65.00, with excess services billed at \$65.00 per hour. Seconded by Commissioner Bullock, the motion was voted and carried unanimously.

APPROVED



COMMISSIONER GARNER MOVED TO RECESS THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS AND CONVENE THE MEETING OF THE LANDER COUNTY LIQUOR BOARD. SECONDED BY COMMISSIONER BULLOCK, THE MOTION WAS VOTED AND CARRIED UNANIMOUSLY. APPROVED

SHERIFF

10:55 A.M.

- 14) **Discussion For Possible Action Regarding Issuance Of Liquor License To Michael Lawrence For The Calico Club, (Formerly Donna's Battle Mountain Ranch), Located At 395 North Second Street, Battle Mountain, NV, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the Sheriff's Department has recommended issuance of the license. Sheriff Unger said Michael Lawrence has been through a complete background check through the Sheriff's Department and there were no disqualifiers.

Commissioner Garner moved for the Lander County Liquor Board to approve the issuance of a Liquor License to Michael Lawrence for the Calico Club, located at 395 North Second Street, Battle Mountain, Nevada. Seconded by Commissioner Williams, the motion was voted and carried unanimously. APPROVED

COMMISSIONER WILLIAMS MOVED TO ADJOURN THE MEETING OF THE LANDER COUNTY LIQUOR BOARD AND RECONVENE THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS. SECONDED BY COMMISSIONER MASON, THE MOTION WAS VOTED AND CARRIED. APPROVED

ROAD & BRIDGE NORTH

10:57 A.M.

- 15) **Discussion For Possible Action Regarding Bid Tabulation & Award Of Bid For The Battle Mountain Gold Creek Road Rehabilitation Project & Other Matters Properly Relating Thereto:** Steve Brigman, Summit Engineering, said this was the third and final 2011-2012 paving project for Battle Mountain. He said this was the Gold Creek Neighborhood Rehab Project. He said there was only one bidder and it was Hunewill Construction in the amount of \$489,169.20. Mr. Brigman said the amount of the bid was within the budget and Hunewill's bid was in order and has a qualified license to do the work. It was Mr. Brigman's recommendation to award the bid to Hunewill Construction. Commissioner Bullock asked if everything was published right, to which Mr. Brigman said yes and explained they have modified their bid documents.

Commissioner Garner moved for the Commission to award the bid for the Battle Mountain Gold Creek Road Rehabilitation Project to H.E. Hunewill Construction, of Winnemucca, Nevada in the amount of \$489,169.20. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. APPROVED



COMMISSIONERS

16) Correspondence/Reports/ Potential Upcoming Agenda Items:

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

- 1) CHRISTOPHER J. COOK, BUREAU OF LAND MANAGEMENT, to William J. Gandolfo, Reese River Valley, letter regarding proposed decision for the Mount Airy Allotment temporary non-renewable use permit.
- 2) NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Decision, Water Pollution Control Permit #NEV0093114, Donald E. Jung, New Pass Mine.

Commissioner Williams said the question came up on changing the scope of work on a project. He said in Kingston the project was moved and a lengthy letter published in the Battle Mountain Bugle because the roads bid weren't paved and wanted to know if it should have been rebid. Steve Brigman said he discussed this with Bert down there and he thinks as long as it is in the scope, the character, and nature of the work it should be fine. Commissioner Bullock said he understands the concern and wants to know at what point a job can be changed without putting it back out to bid. There was further discussion about when a contactor should choose to make changes and when the Commission should be informed on changes.

Executive Director, Gene Etcheverry, said the upcoming agenda has already been set and one of the items is the presentation of the Mosquito Abatement Contractors.


PUBLIC COMMENT

Donnie Negro said there was a concern with the Echo Bay Trailer Park with Newmont, because they are starting to work on next year's budget. Commissioner Garner asked who is responsible for it. Mr. Etcheverry said he is trying to find the information. Commissioner Bullock said Newmont has already accepted responsibility they just need to put it on the agenda so they can move forward.

ADJOURNMENT

There being no further business before the Board at this time Commissioner Garner moved to adjourn the meeting of November 10, 2011. Seconded by Commissioner Bullock, the motion was voted and carried. **ADJOURNED**




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

ATTEST: 
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.

*Lander County Board Of Commissioners
Meeting of November 10, 2011*