



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 June 23, 2011 at 9:00 A.M.

**PRESENT:**     **STEVEN STIENMETZ, COMMISSIONER**  
                  **RAY H. WILLIAMS, JR., COMMISSIONER**  
                  **DEAN BULLOCK, COMMISSIONER**  
                  **BRIAN GARNER, COMMISSIONER**  
                  **DAVID MASON, COMMISSIONER**  
                  **SADIE SULLIVAN, COUNTY CLERK**  
                  **JAMES BARNES, DEPUTY DISTRICT ATTORNEY**  
                  **GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR**  
                  **ROGENE HILL, FINANCE DIRECTOR**  
                  **SOVIEDA ROBINSON, HUMAN RESOURCE DIRECTOR**  
                  **CATHY MYERS, DEPUTY CLERK**

**9:00 A.M.**

Chairman Steve Stienmetz called the meeting to order  
Let the record reflect the presence of a quorum of five Commissioners.  
Jane Bianchi led the Pledge of Allegiance.  
Let the record reflect the presence of Austin via telephone conference.

**APPROVAL OF AGENDA NOTICE**

The Notice of Posting was reviewed and found to be in order. Commissioner Bullock moved to approve the Agenda Notice, as posted. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

**APPROVAL & ACCEPTANCE OF MINUTES**

**Regular Session of June 9, 2011**

Commissioner Bullock moved to approve the minutes of the regular session of June 9, 2011, as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**



## CORRESPONDENCE

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

1. SHANE MARTIN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to P. Bryan Johnson, Newmont Mining Corporation, letter regarding review of Reclamation Cost Estimate Update and Permit Modification Application for Antler Peak Exploration Project, NDEP Reclamation Permit #0010, dated April 21, 2011.
2. W. TODD SUESSMITH, JR., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Glenn King, Newmont Mining Corporation, letter regarding BMRR approval of Phoenix North Option Use Area, Phoenix Pit Expansion Plan of Operation Modifications dated April 2011 and issuance of Revised Reclamation Permit 0233, BLM Case #NVN-067930.
3. MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Taxpayer, Caribou Construction, letter regarding Application Filing Number 10-10006G, Project Name – Ormat McGinness Hills Project.
4. MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Taxpayer, CG Power Solutions USA, Inc., letter regarding Application Filing number 10-10006G, Project Name – Ormat McGinness Hills Project.
5. MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to Taxpayer, Hammond Homes and Construction LLC, letter regarding Application Filing Number 10-10006G, Project Name – Ormat McGinness Hills, Project.

Executive Director, Gene Etcheverry, commented on Correspondence 3, 4 and 5. Mr. Etcheverry stated those were the granting of tax abatements from sales tax for certain item of construction for the Ormat McGinness Hills, Project. Mr. Etcheverry also stated that the purpose of the letters were to inform the County that the sales tax abatement and does not require County Commission approval, that is approved by the Department of Taxation.

## REPORTS

Nothing to Report.



## **COMMISSIONER REPORTS**

Commissioner Williams reported on the Central Nevada Water Authority meeting held in Austin on June 10, 2011. Mr. Williams also reported that he attended the SOCIO Economic Workshop on June 14, 2011, to step along the RNP Plan. It was requesting that Lander County be a cooperative agency. Commissioner Williams feels the Commission should send comments in regards to the RNP Plan. Executive Director, Gene Etcheverry, stated he could resend the answer to their request for a cooperative agency status, but stated they have not answered Lander County's request, formally. Commissioner William reported on his attendance of the Grand Opening of the Shoshone OHV Trail on June 17, 2011. Commissioner William also informed the Board on a meeting with Nevada Association of Counties, call-in, to be held at 9:00 on June 24, 2011. Part of the purpose of the meeting with NACO is to see if they want to be part of the lawsuit with the State and to establish the District Attorney's status. Commissioner Williams said at the Rural Nevada Water meeting there was information on Assembly Bill 416, the alternative energy bill, and they put Geothermal Energy in as a renewable energy so tax would go to the State instead of the County. The Governor vetoed this bill.

Commissioner Garner reported on several calls he has received from people opposed to having the windmills placed in town at the schools. Executive Director, Gene Etcheverry, stated they were in the process of drafting a wind machine ordinance and stated they wanted to put two windmills at Lemaire School, two at the Austin School and one at the High School. Mr. Etcheverry also stated they are looking into where the windmill would be placed at the High School. Commissioner Garner expressed the dangers of the wind turbines if they were to come apart. Commissioner Mason stated he felt there should be some County land, outside of the City limits, that the Schools could use for their wind turbines and still get the credit for the Schools.

Commissioner Stienmetz reported on the OHV Trail, and stated the interior trails are designed for 48 inch wide vehicles, and the outside trails are for bigger vehicles. Commissioner Stienmetz stated the trails were graded to not create erosion.

## **STAFF REPORTS**

Executive Director, Gene Etcheverry, reported on Austin Loneliest Highway Visitor Center Major reimbursement on this project for Engineering, environmental and design will be mailed to NDOT. The sixty percent design is in to NDOT. Mr. Etcheverry also stated he would be



distributing the programmatic costs, from the Legislative Fiscal impacts on Health and Human Services. Mr. Etcheverry said he needed to get dates from Mr. Carlson for Board Training with PACT POOL. On July 6, 2011 is the Lander County General Employees Bargaining Session. Mr. Etcheverry transmitted the Battle Mountain Fourth of July Parade Permit to Winnemucca's NDOT office. It is now noted on all parade permits that the Nevada Highway Patrol will not provide traffic control. So appropriate signage needs to be in place and the Lander County Sheriff's Department need to provide that traffic control for the parade. Mr. Etcheverry said he is still working with the group on the Electrical Vehicle Charging Station, and stated the Battle Mountain is a prime location for that but it would be experimental and could convert to permanent. Mr. Etcheverry said it was a quick charge, fifteen to thirty minutes, but it pulls down the grid somewhat severely. Commissioner Mason asked where the location was going to be, to which Mr. Etcheverry stated we are not that far yet. Mr. Etcheverry also stated there was a problem with the Rail Road Crossing at Beowawe, and even though it isn't in Lander County, our largest single County workforce is transported over that crossing daily. There is minimal to no response from NDOT and Union Pacific Rail Road on this issue but, Mr. Etcheverry said he had made some contacts to try to get something done to fix that Rail Road Crossing because it is dangerous. The paperwork is in the process for the Ambulance Service licenses and needs to be postmarked no later than June 30, 2011.

#### **PAYMENT OF THE BILLS**

Commissioner Williams had a question about one expenditure, for Battle Mountain Water, and wanted to know which department the alternator went to. It was stated it went to a track loader at the landfill.

Commissioner Garner moved to approve the submitted expenditures in the amount of \$311,273.61 from check #37025 thru #37025. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

#### **WELLS FARGO REMITTANCE**

Commissioner Garner moved to ratify check #37023 in the amount of \$357.85 to Wells Fargo Remittance. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**



## PAYROLL CHANGE REQUESTS

1. Approval of Employee Change Request for employee number 1112, Level 2, Patrol Deputy, \$21.73 per hour, effective June 27, 2011.
2. Approval of Employee Change Request for employee number 1490, New Hire, Maintainer II, \$14.31 per hour, effective June 27, 2011.

Commissioner Bullock moved to approve the payroll change request. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

## PUBLIC COMMENT

No one was present for comment.

## FINANCE

### 9:09 A.M.

- 1) Discuss & Approve/Disapprove Resolution No. 2011-13, A Resolution Of The Lander County Board Of Commissioners To Designate Ad Valorem (Property) Tax Receipts As The Dedicated Revenue Source To The 'Lander County Landfill Fund' & Designate The Fund Balance As "Committed Fund Balance" As Required By Governmental Accounting Standards Board (GASB) Statement Number 54 & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, addressed the Board and explained this was a re-adoption of Resolution 2011-10 adopted in the June 9, 2011 meeting. Mr. Etcheverry stated there was some conflict with Resolution numbers.

Commissioner Bullock moved to re-adopt Resolution No. 2011-13, as a re-numbered replacement for Resolution No. 2011-10, a Resolution of the Lander County Board of Commissioners to designate Ad Valorem (property) tax receipts as the dedicated revenue source to the Lander County Landfill Fund and designate the fund balance as "committed fund balance" as required by Governmental Accounting Standards Board (GASB) Statement Number 54. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

### 9:11 A.M.

- 2) Discuss & Approve/Disapprove Resolution No. 2011-14, A Resolution Of The Lander County Board Of Commissioners To Designate Balance Of 'Retiree Insurance Fund' As



**"Committed Fund Balance" Within The Lander County General Fund As Required By Governmental Accounting Standards Board (GASB) Statement Number 54 & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry addressed the Board and explained this was a re-adoption of Resolution No. 2011-09 adopted in the June 9, 2011 meeting.

Commissioner Garner moved to re-adopt Resolution No. 2011-14, as a re-numbered replacement for Resolution No. 2011-09, a Resolution of the Lander County Board of Commissioners to designate the balance of the Retiree Insurance Fund as "committed fund balances" within the Lander County General Fund as required by Governmental Accounting Standards Board (GASB) Statement Number 54. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

**9:21 A.M.**

- 3) **Discuss & Approve/Disapprove Resolution No. 2011-10, A Resolution Augmenting the FY 2010-2011 Budget & Other Matters Properly Relating Thereto:** Rogene Hill, Finance Director, addressed the Board and stated this Resolution was published in the paper so the County could have its Budget Augmentation. This is a Resolution to Augment the FY 2010-11 Budget for the General Fund (001), Road and Bridge Fund (002), Agriculture Extension Fund (005), Department for Energy Fund (016), Public Safety Debt Fund (043), Genetic Marker Testing Fund (088), Battle Mountain Water Fund (226) and the Battle Mountain Sewer Fund (236).

*Commissioner Bullock moved to go into public hearing. Seconded by Commissioner Garner.*

Ms. Hill addressed the board and explained this was the time to augment the budget before year end. Ms. Hill had hoped the distribution from net proceeds had been received so it could have been included, but there has been no word as to the revenues thereof. This goes over the distribution of the Net Proceeds and the different funds and the amounts going them that was approved March 28<sup>th</sup>. In the General Fund there was an additional \$150,000.00 for the Intergovernmental General Expense Department (050) for the additional expenditure on the Austin Loneliest Highway Project, and Road and Bridge (002, 065) additional revenues in case we don't get reimbursed from NDOT, and road work done by Road and Bridge for Austin Water and Sewer #2 that was a billable grant money project. The Ag Fund (005) there is a desire to find an additional \$11,000.00 for the Employee Retirement that was voted on by Commission for the retirement from the State for Mrs. Chapin. The DOE (016)) Fund wanted to augment the



budget for an additional \$75,000.00 for unanticipated professional services. Public Safety Fund (043) the amount budgeted was only for the interest and principal payment to pay off that loan. The Genetic Marker Testing Fund (088) is a revenue in, revenue out fund, but it was under budget so additional revenue and expenditures went to that fund.

Executive Director, Gene Etcheverry, added that this augment was appropriately noticed, and the County is holding the Public Hearing as required per NRS 354.598005 and the requirements of the Nevada Administrative Code 354400 – 354490.

*Commissioner Garner moved to close the public hearing. Seconded by Commissioner Mason, the motion was voted and carried unanimously.*

Commissioner Bullock moved for the Commission to approve and adopt Resolution 2011-10, a Resolution augmenting the Fiscal Year 2010-2011 Lander County Budget, providing for augmentation of the Lander County General Fund (001), Road and Bridge Fund (002), Agricultural Extension Fund (005), Department of Energy Fund (016), Public Safety Debt Fund (043), Genetic Marker Testing Fund (088), Battle Mountain Water Fund (226) and the Battle Mountain Sewer Fund (236). Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

**9:40 A.M.**

- 4) **Budget Review & Update:** Rogene Hill, Finance Director, addressed the Board to update on Labor Negotiations, Budget Review for FY 2010-11 Audit and that she is working on Resolutions for the Budget Augment and the GASB 54 Commitments. Ms. Hill stated she attended the Net Proceeds Workshop in Elko, and the meeting went over the Senate Bill and the changes to the Net Proceeds. Ms. Hill also stated the Department of Taxation had a draft to put the changes into the NACs, and the Mines along with their Attorneys, were present for this meeting, to receive clarification on part of the draft and changes made. Ms. Hill stated the required Annual Fiscal report for FY 2010-11 was published in the June 22, 2011 newspaper. **UPDATED ONLY**
  
- 5) **Discussion & Possible Action Regarding Write-Offs Of Uncollectible Lander County Ambulance Billings & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, addressed the Board and stated the Ms. Hill had only one proposed billing that is deemed uncollectable:



1. Run #2008716 – DOS 11/14/2010 - \$450.00 – Rejected by Medicaid, (not billable, over six month time limit)

Commissioner Garner moved to approve the write-off of the billing for Ambulance Run #2008716, date of service November 14, 2010, as uncollectable in the total amount of \$450.00. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

## COMMISSIONERS

### 9:43 A.M.

- 6) Discussion & Acceptance/Non-Acceptance Of Renewal Proposal From Nevada Public Agency Insurance Pool (POOL/PACT) & Approval For Payment From FY 2011-2012 Funds & Other Matters Properly Relating Thereto: Anne Wiswell, from the Nevada Public Agency Insurance Pool, addressed the Board and reviewed the coverage the County currently has. Ms. Wiswell also discussed the ways to prevent the claim and losses from happening. Ms. Wiswell reviewed some of the services PACT POOL provides, and gave recommendations in services that would make properties safer or preventing work place injuries. Ms. Wiswell reviewed the coverage summary with the Board. Commissioner Mason asked if there would be a change in the in the premium once the levee is built. Ms. Wiswell there could be some impact but it may be minimal, because most of the premium is built into the fire premium.

Commissioner Garner moved to accept and approve the proposal for renewal from Nevada Public Agency Insurance Pool (POOL/PACT) and approval for payment from Fiscal Year 2011-20112 funds in the amount of \$308,293.37. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

### 9:58 A.M.

- 7) Discussion & Acceptance/Non-Acceptance Of Renewal Of Airport Liability Insurance Policies For Austin, Battle Mountain & Kingston Airports For Period Of July 1, 2011-2012; Approval For Payment From FY 2011-2012 Fund; & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, informed the Board that this was the renewal of the liability insurance for both of the County Airports and for the Air Strip in Kingston. Mr. Etcheverry stated the premium is \$4,350.00 annually, and explained briefly the coverage. Mr. Etcheverry also stated there would be a slight increase in the premium once there is fuel at the Austin Airport.





Commissioner Bullock moved to accept the proposal for renewal of airport liability insurance policies for Austin, Battle Mountain Airports and Kingston Air Strip for the period of July 1, 2011 through June 30, 2012 and authorize payment from the Fiscal Year 2011-2012 funds. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

**10:01 A.M.**

- 8) **Discussion & Possible Action Regarding Franklin B. Whitman's Request Regarding The Safe School Title II Finding Appropriated For Lander County & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, addressed the Board and explained the current allocation of Secure Rural Schools (SRS) funds, and how the funds could be spent. Mr. Etcheverry suggested to no longer fund in Title III and put this year's election, which would be 20% of the estimated \$48,000 payment, into Title II to be administered by RAC for projects in Lander County.

Frank Whitman, White Pine, Nye County RAC Board also recommends to allocate 20% of the fund into Title II.

Commissioner Bullock moved to direct staff to revise the current allocation of Secure Rural Schools (SRS) funding to direct the maximum amount (20%) to Title II funding and to forward the proper documentation to the U.S. Forest Service to change the allocation. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

**10:09 A.M.**

- 9) **Discuss & Approve/Disapprove Agreement Between Lander County & Bank Of America For Automated Teller Machine & Night Depository License/Use & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, informed the Board on the terms of this Agreement. Commissioner Williams asked if this building, were the Bank of America ATM is, was being used. It was stated that, yes it was, by Court Order of Judge Wagner of the Sixth Judicial Court, as an Alternative School. There was discussion if Bank of America had contacted Mr. Etcheverry and if they continue to pay their rent each month. Commissioner Garner suggested raising the rent to Bank of America from \$350.00 per month to \$500.00 per month.



Commissioner Garner moved to raise the rent to \$500.00 per month, make contact and renegotiate the license agreement. Seconded by Commissioners Williams, the motion was voted and carried unanimously. **APPROVED**

**10:19 A.M.**

- 10) **Discuss & Approve/Disapprove Tentative Agreement Between Lander County & The Lander County Law Enforcement Employee's Association From July 1, 2011 through June 30, 2013:** Executive Director, Gene Etcheverry, addressed the Board and explained this was a two year contract, and an agreement needed to be reached with just one other bargaining unit, however, this would sew up both of the Law Enforcement agreements with the two bargaining units. Commissioner Williams questioned if the Sheriff's Department had a different Drug Policy than Lander County. Mr. Etcheverry stated yes, because they are Law Enforcement.

Commissioner Garner moved to approve and ratify the tentative agreement between Lander County and the Lander County Law Enforcement Employee's Association, effective from July 1, 2011 through June 30, 2013. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

**10:22 A.M.**

- 11) **Discuss & Approve/Disapprove Contract Between Lander County & Love Cleaning For Janitorial Services For The Senior Center, Lander County Courthouse/Annex, 825 North 2<sup>nd</sup> Street Annex/Cooperative Extension Office & Road & Bridge (North) Department & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, explained to the Board the terms of this agreement. Commissioner Williams shared concerns about the cost and asked when the last time this service went out for bid. Mr. Etcheverry stated he thought it had gone out to bid two years ago. Gina Little stated that Ms. Love has not raised her rates since 1998. It was questioned if there had been any complaints, to which it was stated that any complaints that had been brought forth had been addressed and Ms. Love said she asks every few weeks to make sure there are no issues that need to be addressed.

Commissioner Garner moved to approve the Contract between Lander County and Love Cleaning for janitorial services for the Senior Center, Lander County Courthouse/Annex, 825 North 2<sup>nd</sup> Street Annex/Cooperative Extension Office and Road and Bridge (North) Department for an initial term of twenty-four (24) months beginning July 15, 2011. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**



## EXECUTIVE DIRECTOR

10:28 A.M.

- 12) Discussion & Possible Action Regarding Revision Of The Lander County Drug & Alcohol Policy & Other Matters Properly Relating Thereto: Gene Etcheverry addressed the Board and stated that it would be a simple change to implement, as much as they have the authority to, a new Standard Practice requiring random Drug and Alcohol testing to all Lander County Employees. On page four under section nine of Lander County Standard Practice No. 2001-01.2, the words "Safety Sensitive" would come out of the policy and be replaced by the word "All". Mr. Etcheverry also stated it was important to note that the U.S. Ninth Circuit Court of Appeals has issued a ruling that extension of pre-employment drug and alcohol testing to other than "Safety Sensitive" positions, as defined by 49 CFR Part 382, is unconstitutional. Mr. Etcheverry said the way around this is to add to each job descriptions that they must possess a valid driver's license and possess the skills to operate a County vehicle. Mr. Etcheverry recommended waiting to finish negotiations and to put this forward as a draft policy and have PACT/POOL, and the District Attorney sign off on it and to find out from certain Lander County Department Heads if it will be applicable in their departments.

Commissioner Garner moved to approve the concept of adopting a revised Lander County Standard Practice No. 2001-01.2 with the words "Safety Sensitive" being replaced by the word "all" in the first sentence of Section IX – RANDOM DRUG AND ALOCHOL TESTING, page 4, and direct staff to forward the revised policy to NPAIP/PACT staff for assistance and comments prior to consideration of the revised policy for adoption by the Commission. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

## PLANNING COMMISSION

10:34 A.M.

- 13) Discuss & Approve/Disapprove Zone Change For John Wood, 19 Wine Glass Road, Lot 3, Block P, Unit No. 5, Kingston, Nevada, APN 003-221-03, From Commercial District (C-1) To Single Family Residential District (R-1) & Other Matters Properly Relating Thereto: Gina Little, Community Servicers Officer, addressed the Board and stated this has been recommended by the Planning Commission to be brought before the Board. Commissioner Williams shared concerns that this was not brought before the Kingston Town Board or before the Kingston Homeowners Association. Commissioner Mason



stated he attended the Planning Commission Meeting and it is inconvenient for Mr. Wood to be in a C-1 zoning when he is trying to make a residential property out of it and causes issues with Lenders not wanting to loan on it. Commissioner Williams concurred with Commissioner Mason, but felt as a courtesy, it should have been brought before the Town Board and the Homeowners Association of Kingston.

Commissioner Garner moved to defer until a letter of recommendation is received from the Kingston Town Board and Homeowners Association with their comments. Seconded by Commissioner Williams, the motion was voted with Commissioners Stienmetz, Garner, Bullock and Williams voting "AYE", and Commissioner Mason voting "NAY".  
**DEFERRED**

### **SENIOR CENTER**

#### **10:38 A.M.**

- 14) **Ratify & Acceptance Of Grant Award No. 09-000-57-NX-11, Nevada Aging & Disability Services Division, for Nutrition Services Incentive Program In The Amount Of \$2,344.00:** Executive Director, Gene Etcheverry, informed the Board that this Grant Award is a revised Grant Funding Award increasing funding for this program for the Senior Center in the amount of \$2344.00. The Grant has been accepted.

Commissioner Garner moved to accept and ratify Grant Award No. 09-000-57-NX-11, Nevada Aging and Disability Services Division, for Nutrition Services Incentive Program in the amount of \$2,344.00. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

### **ASSESSOR**

#### **10:40 A.M.**

- 15) **Discuss & Approve/Disapprove Contract Between Lander County & Sidwell Company, In The Amount Of \$16,985.00, For GIS Website Services:** Lura Duvall addressed the Board and explained this is a very user friendly GIS system that would integrate well with the existing website. Ms. Duvall stated this system would be extremely beneficial to the Community Services Officer, the Building Department and the Assessor's Office. Ms. Duvall stated the original quote for this program was over \$70,000.00, but Summit Engineering offered to convert the CAD Shape files, free of charge, in exchange for information they needed from her office. This contract is for a period of three (3) years



for the amount of \$16, 985.00 and is paid out of the Technology fund. Ms. Duvall stated this program should be up and running by the end of July. There was some discussion on the charges and services, and Ms. Duvall explained some of features of this program and the benefits to the offices that will use it.

Commissioner Bullock moved to approve the Contract between Lander County and Sidwell Company, in the amount of \$16,985.00, for GIS website services and authorize the Chair to sign. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

*Let the Record reflect the absence of Commissioner Garner for the remainder of this meeting.*

### **PUBLIC WORKS**

#### **1:00 P.M.**

- 16) **Discussion, Update & Possible Action Regarding The Battle Mountain Arsenic Project & Other Matters Properly Relating Thereto:** Steve Brigman, Project Engineer, updated the Board on the status of the new water tanks project. Mr. Brigman stated the tanks are ready to be turned on automatic mode, but they are waiting for the water quality test results. The test results are expected to be back on June 29, 2011. Mr. Brigman said there are a few minor monitoring issues that need to be worked out, and training for the staff will be provided. Mr. Brigman suggested waiting until after the Fourth of July weekend to start the tanks. Commissioner Bullock suggested letting the public know when the tanks would be turned on so they could help watch for any problems. Mr. Brigman said that would be a good idea and also suggested possibly opening the well buildings to the public for an afternoon to check things out. Mr. Brigman also update the Board that the BLM and the Archeological issue is still holding up the looping main project. They are waiting for SHPO to give the ok to move ahead. **NO ACTION - UPDATE ONLY**

#### **1:11 P.M.**

- 17) **Discussion & Possible Action Regarding May 28, 2011 Letter From Larry Stallard Concerning The Water Line Easement For The Battle Mountain Arsenic Looping Main Project & Other Matters Properly Relating Thereto:** Larry Stallard addressed the Board in regards to a letter he submitted to Mr. Etcheverry on May 28, 2011. Mr. Stallard stated he attended a meeting on May 12, 2011 where he had shared concerns about the water loop. Mr. Stallard said he offered an easement across his property, which was



never brought to the attention of the Commission, and would have saved the County approximately \$75,000.00 to \$100,000.00. Commissioner Stienmetz stated the reason for the route chosen is to put it closer to the tank. Commissioner Mason said with the waterline the way it is would be more beneficial for future developments. Mr. Stallard said he had made this offer when this project was first being discussed about two years ago. Mr. Stalled stated he extended the water main 400 feet as his own expense. Commissioner Mason asked Mr. Stallard if there was anything in writing in regards to his offer of the easement, to which, Mr. Stallard said, "no, just a verbal." Commissioner Mason said the County cannot operate on a verbal, and Mr. Stallard said he was out of the Country when the decision for the looping main was made. Steve Brigman commented that the waterline is put as far south as feasible, and felt it is simpler to negotiate with one property owner instead of two or more. Mr. Brigman also said they looked at future developments. Mr. Brigman said they put an "T", a valve, a doved outlet, and a fire hydrant, at no cost to Mr. Stallard, on his development. Jake Edgar and Steve Brigman stated that Lander County is under Contract with Legacy Construction, and two months into a process with the BLM to get cultural resource clearances for the right-of-way we have now. Mr. Brigman also stated that any changes now would cost more money to the County not save any. Mr. Stallard argued that the County didn't look at the "cheapest route", to which Mr. Brigman explained all the factors that were looked at when developing the plan for the looping main.

Commissioner Williams moved to stay on course and proceed with the plans as previously approved. Seconded by Commissioner Mason the motion was voted and carried. **APPROVED**

**1:37 P.M.**

- 18) **Discussion & Possible Action Regarding Second Installment Of Rate Increase For Water Billing & Other Matters Properly Relating Thereto:** Tammy Dimitroff, addressed the Board to review the new five year rate increase for water billing. This new billing will be effective July 1, 2011 but will not show up until the August billing. For the Fiscal Year 2011-12 there is a 4% increase. Ms. Dimitroff proposed a Resolution for the Fiscal Year 2011-2012 increased billing rates to be presented July 14, 2011.

Commissioner Bullock moved to direct staff to present a resolution to implement the second year of the five-year billing rate schedule for the Battle Mountain Water System for Fiscal Year 2011-2012 at the July 14, 2011 regular Commission Meeting. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**



## BOARD APPOINTMENTS

1:44 P.M.

- 19) Discuss & Approve/Disapprove Appointments to the 2011-2012 Advisory Board, Categories 1,2,3, & 4 & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, updated the Board on the letters of intent for re-appointment to Lander County Advisory Boards.

### **LANDER COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

Jon Sherve  
Nancy Pickett  
Sarah Hinton  
Shar Peterson

### **LANDER COUNTY EVENTS CENTER BOARD**

Jodi Moore  
Rita Rogers  
Shirley Shepard  
Bobby W. Hooper

Commissioner Bullock moved to re-appoint Jon Sherv, Nancy Pickett, Sarah Hinton and Shar Peterson to the Lander County Economic Development Authority and re-appoint Jodi Moore, Rita Rogers, Shirley Shepard and Bobby W. Hooper to the Lander County Events Center Board. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

## FINANCE

1:46 A.M.

- 20) Discuss & Approve/Disapprove Resolution No. 2011-15, A Resolution To Commit Ending Fund Balances & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, informed the Board o the purpose of this Resolution, and explained the Board is committing ending fund balances for specific purposes.

Commissioner Bullock moved to approve and adopt Resolution No. 2011-15, a Resolution to commit ending fund balances in the Building and Equipment Fund (029), Emergency Fund (056), Lander County Airports Capital Improvements Fund (380) and the Court Facilities Capital Fund (385). Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**



## COMMISSIONERS

### 1:49 A.M.

- 21) Discussion & Possible Action Regarding Summary Of The 2011 Legislative Session & Impacts To Lander County & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, updated the Board on the summary of the 2011 Legislative Session. Mr. Etcheverry stated there was no pay increase granted for Elected Officials in this session. Mr. Etcheverry distributed a packet that provided information of the Budgetary Legislative actions approved by the 2011 Legislature to transfer specific Health and Human Services to the Counties. SJR15, the proposal to change the Nevada Constitution will go to the next Legislative Session.

Commissioner Williams updated the Board that the bills the Governor does not sign or approve by Friday (June 24, 2011) will become law. **UPDATE ONLY**

Executive Director, Gene Etcheverry, stated the Legislature did pass a bill regarding what the Assessors Tech Fund can be utilized for. The pagers currently used by some of the emergency crews will not work with the new radios, so new pagers need to be ordered as soon as possible. **UPDATE ONLY**

### 1:57 P.M.

- 22) Update On The Following Departments/Services:

**Airports:** Executive Director, Gene Etcheverry, updated the Board that three invoices have been received from J-U-B. Now the Airport Project can move forward and starting July 1, 2011 the apron and fuel projects can go out to bid. Mr. Etcheverry also stated the re-imbusement grants may be signed mid-July. Commissioner Williams said someone needs to call in regards to maintenance on the port-a-potty at the Austin Airport.

**Ambulance Service:** Bobbi Sullivan updated the Board on the New Program Manager, Pat Irwin. Ms. Sullivan also stated she is still offering any assistance to Lander County with its Ambulance issues. Mr. Etcheverry said he has people calling about the Lander County Licensure and he needs to get signatures to get Lander County re-licensed. Tammy Dimitroff updated the Board on her reports for the Battle Mountain/Austin Volunteer Ambulance Calls. Mr. Negro said five people from the Ambulance service (including himself) has taken a HAZCAT class so they can identify hazardous materials.





**Economic Development:** Executive Director, Gene Etcheverry, stated that LEDA did contribute to the Shoshone OHV Trail Grand Opening.

**Public Lands:** Commissioner Williams updated the Board that there are now three members on the Public Lands Board. Commissioner Bullock said that Mark Bennett from Newmont was interest on joining that Board.

**Road & Bridge Departments:** Donnie Negro, Road & Bridge North updated the Board on the town cleanup and said it went very well. Mr. Negro stated they had thought about having another town cleanup in the Fall. Mr. Negro said they have just come out with the Battle Mountain Paving Project and School sealing, this is the paving on Hilltop and seal coating the School parking lot. It was put out June 16<sup>th</sup>, goes out to bid July 12<sup>th</sup>, it will be brought before the Commissioners July 28<sup>th</sup>, and the Notice to proceed will go out August 1<sup>st</sup>. Mr. Negro said within the next week they would be coming out with the CTB projects on the roads. Instead of waiting for Gold Creek to get done they will do Wilson Street and the other main projects and North Second. Mr. Negro said he doesn't want to push the Gold Creek Project too much because they want a quality job done. Mr. Negro also stated Willow Creek Road and the Cortez Road are being relocated.

**Water & Sewer Departments:** Jake Edgar, Public Works Foreman, updated on Wilson Street Project and stated they had one main sewer lateral tie in, six residential tie ins and one more water tie in, as of the morning of June 23<sup>rd</sup>, and the project will be complete. Mr. Edgar also said they have four water boxes that have big leaks on them that they are repairing. Mr. Negro also stated the new Cashman Lift Station is up and running.

**Culture & Recreation:** Jake Edgar, Public Works Foreman, updated on the pump at the Golf Course and stated they had to clean the screen on the pump to run the sprinklers. The swimming pool will be closed July 8, 9 and 10<sup>th</sup> for repairs and free swim day is on July 4<sup>th</sup>.

**Contracts:** The Board reviewed upcoming and past due contracts. Mr. Etcheverry stated some have already been approved.

**Past Due:**

- |   |            |
|---|------------|
| 1. Bank of America/ATM Rental Agreement | 11/30/2010 |
|---|------------|



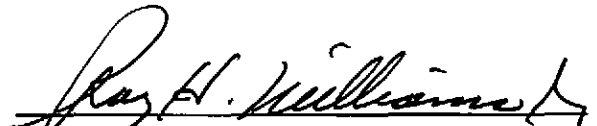
**Up Coming:**

- |   |            |
|---|------------|
| 1. B.M General Hospital/Health Nurse Facility | 06/30/2011 |
| 2. Ted Herrera/Public Defender                | 06/30/2011 |
| 3. Love Cleaning                              | 06/30/2011 |
| 4. Vaisala/AWOS Maintenance for B.M. Airport  | 06/30/2011 |
| 5. Dr. John Peters – Inmate Medical           | 06/30/2011 |
| 6. Preschool/Kids in Motion                   | 06/30/2011 |
| 7. Armstrong Teasdale/DOE                     | 06/30/2011 |
| 8. Campbell's Appliance/Shop Rental           | 07/07/2011 |
| 9. Valley TV/Austin T.V. Maintenance          | 07/13/2011 |
| 10. Gnomon                                    | 07/31/2011 |
| 11. Telesto Nevada, Inc.                      | 09/14/2011 |
| 12. Robin Gray – Mosquito Abatement           | 10/31/2011 |

*Executive Director, Gene Etcheverry, asked to reopen Legislative Agenda Item #21.*

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of June 23, 2011. Seconded by Commissioner Mason the motion was voted and carried. **APPROVED**

  
RAY H. WILLIAMS  
CHAIRMAN OF THE BOARD OF LANDER  
COUNTY COMMISSIONERS AND THE  
LANDER COUNTY LIQUOR BOARD

ATTEST:   
LANDER COUNTY CLERK

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