



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 July 14, 2011 at 9:00 A.M.

PRESENT: **STEVEN STIENMETZ, COMMISSIONER**
 RAY H. WILLIAMS, JR., COMMISSIONER
 DEAN BULLOCK, COMMISSISONER
 DAVID MASON, COMMISSIONER
 SADIE SULLIVAN, COUNTY CLERK
 JAMES BARNES, DEPUTY DISTRICT ATTORNEY
 GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
 SOVEIDA 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 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 Williams, the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

Regular Session Of June 23, 2011

Commissioner Garner moved to approve the minutes of the regular session of June 23, 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Special Session Of June 28, 2011

*Lander County Board of Commissioners
Meeting of July 14, 2011*



Commissioner Garner moved to approve the minutes of the special session of June 28, 2011, as presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

CORRESPONDENCE

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

1. W. TODD SUESSMITH, JR., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Glenn King, Newmont Mining Corporation, letter regarding BMRR approval of Phoenix Project Section 5 Haul Road Plan of Operations Modification dated April 14, 2011 with revised pages dated June 16, 2011 and Issuance of Revised Reclamation Permit 0223; BLM Case Number NVN-067930.
2. MATHEW A. DEBURLE, PE, Nevada Division of Environmental Protection to Aaron Lewis, PE, Ormat Nevada, Inc., letter regarding Permit to Construct authorization for McGinness Hills Geothermal Project.
3. DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Proposed Action on application for renewal of Water Pollution Control Permit for Newmont Mining Corporation, Trenton Canyon Project.
4. DOUG FURTADO, BUREAU OF LAND MANAGEMENT, Battle Mountain District manager, to Interested Party, letter regarding BLM's process to revise its Recourse Management Plans (RMPs).

COMMISSIONER REPORTS

Commissioner Williams reported on the Austin Fourth of July. He also reported on a meeting he had with Rex Massey in regards to Yucca Mountain. Commissioner Williams also reported on a meeting he had with Steve Brigman on the draft plans of the Administrative Complex.

Commissioner Mason reported on a meeting he attended on July 6th with the Battle Mountain General Hospital. He also reported on the Planning Commission Meeting he attended where it was discussed that the WATT Group had their zoning changed to commercial zoning to create forty acres of solar panels. This will be coming before the Board of Commissioners for approval in August. Commissioner Mason also reported the wind turbines project for the schools is on



hold until Joe Lindsey finishes formalizing the ordinance for the wind turbines. Commissioner Mason said he spoke with Mr. Harris about why the wind turbines couldn't be put out on the thirty acres by Lemaire School, and Mr. Harris said because Nevada PUC has a policy that says the generators have to be on the property, however Lander County could address the PUC to try to change that policy.

Commissioner Bullock asked that the members of the Advisory Boards be sure to let their alternates know if they will not be able to attend a meeting so the alternate may attend. He said we need our County to be represented.

Commissioner Garner said he received many calls about the Flag not being flown on the Fourth of July and shared his concerns on this issue. Mr. Etcheverry said the reason was Jake's crew didn't have the proper safety equipment to put the flags up. Commissioner Garner said he feels the mosquito problem is out of control and something else needs to be done. He said he has received many phone calls on the mosquito problem. Mr. Etcheverry said Lander County is under contract, however he could have the Contractor come back in to speak with the Board.

Commissioner Stienmetz reported on a LEPC meeting he attended on July 12th and stated they would be offering NIMS Training, and on Saturday, October 15th from 8:00 a.m. to 12:00 p.m. they will be doing a mass vaccination drill. Commissioner Garner said there was also a HAM Radio class on August 27th.

STAFF REPORTS

Executive Director, Gene Etcheverry, reported on Austin Loneliest Highway Visitor Center Project. Mr. Etcheverry also reported on the Legislative Fiscal impacts and said different contracts from Health and Human Services will be coming our way. He said payment for programmatic costs for Parole and Probation has already been handed down. PACT/POOL will provide Board Training August 3rd of 4th and it is about six hours. The Board voted for August 4th and Mr. Etcheverry said he would get it scheduled. Mr. Etcheverry stated there has not been a tentative agreement reached for the Lander County Employee General Bargaining Unit, and the next Bargaining session will be August 3, 2011. There will also be training on combating unlawful harassment available to all employees on August 17th session one at 1:30 p.m. session two at 3:30 p.m. or 18th general employee session at 8:00 a.m. and the manager/supervisor session at 10:00 a.m. Mr. Etcheverry also reported on the PILT Formula (Payment in Lieu of Taxes). He also shared his concerns about the Rail Road Crossing at Beowawe and the danger it poses. Mr. Etcheverry said a letter had been received from Mr. David Wilson, from Las Vegas



who is the owner and driver for Wilson Off Road, commenting on a good experience at the Shoshone OHV Trail.

Commissioner Williams added there was an email he forwarded on the sage grouse becoming and endangered species. Mr. Etcheverry said Mr. Ken Brown would be at the next Land Board meeting to speak on that issue.

PAYMENT OF BILLS

Commissioner Bullock questioned the payment to Hunewill Construction, and if they were being paid before the work was done. Commissioner Williams moved to defer payment to Hunewill until the project was completed. Donnie Negro, Road and Bridge Foreman explained the payment was from monies left over from last year and were a "use it or lose it" so the payment was put on the 2010-11 budget instead of the 2011-12 budget. Some of the funds in the payment is for the infiltrator project that is almost done. Rogene Hill, Finance Director, said the check had already gone out, but Hunewill can be contacted to credit Lander County until the project is complete.

Rex Edgar

Commissioner Garner moved to ratify check #037204 in the amount of \$350.00 to Rex Edgar. Seconded by Commissioner Bullock, the motion was voted and carried unanimously.

APPROVED

Hunewill Construction

Commissioner Garner moved to ratify check #037205 in the amount of \$36,410.22 to Hunewill Construction. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Jukebox Party Express

Commissioner Garner moved to ratify check #037207 for Jukebox Party Express in the amount of \$4,550.00. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Administrative Office of the Courts

Commissioner Garner moved to ratify check #037217 in the amount of \$7,500.00 to Administrative Office of the Courts Accounting Unit. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**



Valley TV & Communication

Commissioner Garner moved to ratify check #037252 in the amount of \$2,500.00 to Valley TV & Communication. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Hunewill Construction

Commissioner Garner moved to ratify check #037231 in the amount of \$77,235.00 to Hunewill Construction. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioners Stienmetz, Bullock, Garner and Mason voting "AYE" and Commissioner Williams voting "NAY". **APPROVED**

Nevada Public Agency Insurance Pool

Commissioner Garner moved to ratify check #037240 in the amount of \$29,732.00 for the Nevada Public Agency Insurance Pool. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

Charles D. Cassell

Commissioner Garner moved to ratify check #037201 in the amount of \$400.00 to Charles D. Cassell. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

Commissioner Garner moved to approve the submitted expenditures in the amount of \$371,123.13 from check #37273 thru #37384. Seconded by Commissioner Bullock, the motion was voted and carried with Commissioner Garner abstaining from the vote on check #37278. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Employee number 1347, 1.5% Salary Increase, Executive Director, \$3,833.91 bi-weekly, effective July 11, 2011.
2. Employee number 2026, 1.5% Salary Increase, Finance Director, \$3,012.28 bi-weekly, effective July 11, 2011.
3. Employee number 0801, 1.5% Salary Increase, Human Resource Director, \$2,043.41 bi-weekly, effective July 11, 2011.
4. Employee number 0430. 1.5% Salary Increase, Community Services Officer, \$1,717.69 bi-weekly, effective July 11, 2011.
5. Employee number 1014, 1.5% Salary Increase, Building Official, \$2,365.84 bi-weekly, effective July 11, 2011.



6. Employee number 0856, 1.5% Salary Increase, Social Services/Senior Center Director \$2,452.60 bi-weekly effective July 11, 2011.
7. Employee number 1337, 1.5% Salary Increase, Road & Bridge Foreman North, \$2,400.87 bi-weekly, effective July 11, 2011.
8. Employee number 1137. 1.5% Salary Increase, Road & Bridge South, \$2,315.96 bi-weekly, effective July 11, 2011.
9. Employee number 1416, 1.5% Salary Increase, Public Works Foreman, \$2,240.82 bi-weekly, effective July 11, 2011.
10. Employee number 1205, 1.5% Salary Increase, Deputy District Attorney, \$2,342.31 bi-weekly, effective July 11, 2011.
11. Employee number 1368. 1.5% Salary Increase, Justice Court Clerk I/II, \$12.69 per hour, effective July 11, 2011.
12. Employee number 789, 1.5% Salary Increase, Traffic Court Clerk III, \$17.95 per hour, effective July 11, 2011.
13. Employee number 1331, 1.5% Salary Increase, Traffic Court Clerk. \$16.12 per hour, effective July 11, 2011.
14. Employee number 2057, 1.5% Salary Increase, Court Clerk/Office Manager, \$14.03 per hour, effective July 11, 2011.
15. Employee number 0916, 1.5% Salary Increase, Office manager, \$1718.02 bi-weekly, effective July 11, 2011.
16. Employee number 161, 1.5% Salary Increase, Assistant to Public Works Director, \$1,694.34 bi-weekly, effective July 11, 2011.
17. Employee number 0391, 1.5% Salary Increase, Accountant, \$1,617.43 bi-weekly, effective, July 11, 2011.
18. Employee number 0698, 1.5% Salary Increase, Accountant, \$1,756.73 bi-weekly, effective July 11, 2011.
19. Employee number 0278, 1.5% Salary Increase, Secretary to the Sheriff, \$19.37 per hour, effective July 11, 2011.
20. Employee number 0181, 1.5% Salary Increase, Bailiff, \$18.09 per hour, effective July 11, 2011.
21. Employee number 1046, 1.5% Salary Increase, Dispatch Supervisor, Level 1, \$20.20 per hour, effective July 1, 2011.
22. Employee number 1362, 1.5% Salary Increase, Communications Officer, Level 2, \$16.26 per hour, effective July 11, 2011.
23. Employee number 1142. 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.
24. Employee number 0535, 1.5% Salary Increase, Communications Officer, Level 3, \$17.54 per hour, effective July 11, 2011.



25. Employee number 1250. 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.
26. Employee number 1296, 1.5% Salary Increase, Relief Animal Control Officer, \$15.12 per hour, effective July 11, 2011.
27. Employee number 1192, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.
28. Employee number 1449, 1.5% Salary Increase, Communications Officer, Level I, \$15.48 per hour, effective July 11, 2011.
29. Employee number 1415. 1.5% Salary Increase, CAT I, \$22.06 per hour, effective July 11, 2011.
30. Employee number 1414, 1.5% Salary Increase, CAT I, Level I, \$20.92 per hour, effective July 11, 2011.
31. Employee number 0903, 1.5% Salary Increase, Administrative Secretary, \$15.12 per hour, effective July 11, 2011.
32. Employee number 0462, 1.5% Salary Increase, Sergeant, Level 3, \$28.82 per hour, effective July 11, 2011.
33. Employee number 2044, 1.5% Salary increase, Sergeant Level I, \$26.14 per hour, effective July 11, 2011.
34. Employee number 1141, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.
35. Employee number 0593, 1.5% Salary Increase, Corporal, Level I, \$25.52 per jour, effective July 11, 2011.
36. Employee number 0374, 1.5% Salary Increase, Sergeant, Level 3, \$28.82 per hour, effective July 11, 2011.
37. Employee number 0718, 1.5% Salary Increase, Undersheriff, \$3,018.35 bi-weekly, effective July 11, 2011.
38. Employee number 0847, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.
39. Employee number 0913, 1.5% Salary Increase⁴, CAT I, Level I, \$20.92 per hour, effective July 11, 2011.
40. Employee number 0964, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11. 2011.
41. Employee number 1527, 1.5% Salary Increase, Administrative Assistant, \$15.12, per hour, effective July 11, 2011.
42. Employee number 1098, 1.5% Salary Increase, Food Service Director, \$15.12 per hour, effective July 11, 2011.
43. Employee number 1311, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.



44. Employee number 0911, 1.5% Salary increase, CAT III, Level 2, \$20.15 per hour, effective July 11, 2011.
45. Employee number 1112, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 2011.
46. Employee number 2034, 1.5% Salary Increase, CAT I, Level 2, \$22.06 per hour, effective July 11, 2011.
47. Employee number 2029, 1.5% Salary Increase, Animal Control Officer, \$15.12 per hour, effective July 11, 2011.
48. Employee number 1252, 1.5% Salary Increase, Communications Officer, Level 3, \$17.54 per hour, effective July 11, 2011.
49. Employee number 1309, 1.5% Salary Increase, CAT I, Level 3, \$23.20 per hour, effective July 11, 2011.

Commissioner Garner moved to approve the forty-nine payroll change request on consensus. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

PUBLIC COMMENT

Sadie Sullivan, County Clerk, stated that Grace Powrie had concerns on the minutes of the special session of June 28, 2011. Ms. Powrie wanted line 37 on item 6 of page 5 to be reworded. It was stated by James Barnes, Deputy District Attorney, that it would have to be requested on the next agenda.

FINANCE

9:43 A.M

- 1) **Budget Review & Update:** Finance Director, Rogene Hill, updated the Board on the account receivable as follows:

Landfill: \$11, 386.00

Water & Sewer: \$6,564.00

Ambulance: \$34,450.00

For a Total of: \$52,400.00

Ms. Hill also added just a note; \$19,930.05 was transferred to the tax roll for delinquent.

9:45 A.M.

- 2) **Discussion & Possible Action Regarding Reimbursement To Executive Director Gene Etcheverry & Lander County Undersheriff Robert Quick For Lost Annual Leave Accruals & Other Matter Properly Relating Thereto:** Executive Director, Gene Etcheverry,



addressed the Board to explain this has affected Undersheriff Quick for the past six or seven years, but was willing to accept compensation for the past two years and the current year. Mr. Etcheverry said he would accept repayment of what he lost last year and the current year. Mr. Etcheverry said there had been a plan in place for him to use some of his accrued time, but due to several circumstances he had not been able to take that time. Mr. Etcheverry did state that this problem for those in the bargaining unit will be corrected when an agreement can be met, and that will be when you hit 240 hour you will have a month to use it or it will be paid off in the next pay period.

Rogene Hill stated that in year one Gene Etcheverry had 22 hour lost for an amount of \$1,013.54 and for year two he had 72 hours for an amount of \$3,399.84 for a total reimbursement of \$4,413.38. Ms. Hill then stated for Robert Quick, in year one, had 119.29 hours lost for an amount of \$4,326.65, and in year two he had 149.80 hours lost for an amount of \$5,569.57 for a total of \$9,896.22.

There was discussion about why employees aren't taking their accrued vacation time, how they are notified when they are over and what is being discussed with the bargaining units on this matter. Ms. Hill also explained that some employees wanted carry that 240 hours so when they quit they could get that big pay, however when they are paid for the vacation time it does not pay into PERS.

Commissioner Garner moved to approve the reimbursement to Lander County Executive Director, Gene Etcheverry, and Lander County Undersheriff, Robert Quick, for lost annual leave accruals in the amounts presented. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

9:59 A.M.

- 3) **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, explained to the Board that the modified agreement agreed to in the June 23, 2011 Commission Meeting is being presented. The rental fee was being increased from \$350.00 a month to \$500.00 a month.



Judge Max Bunch said Bank of America has a notice on the night depository that as of August 1st the night depository will be closed. Commissioner Williams said to move forward.

Commissioner Bullock moved to approve the Agreement between Lander County and Bank of America for an automated teller machine and night depository license/use located at the Lander County Learning Center, (formerly the Bank of America Building) on Front Street in Battle Mountain at a monthly rental fee in the amount of \$500.00 paid to Lander County throughout the term of the Agreement. Seconded by Commissioner Garner the motion was voted and carried unanimously. **APPROVED**

- 4) **Discuss & Approve/Disapprove Lease Agreement Between Lander County & New Frontier Treatment Center For Lease Of Building Located At 145 West Third Street, Battle Mountain, Nevada, For Drug & Alcohol Counseling Services:** Executive Director, Gene Etcheverry, explained this building was previously rented to Vitality Center who moved out two month ago. Drug and alcohol counseling services are conducted in this building. This agreement is the same standard lease agreement for most of the Lander County Buildings with a \$10.00 annual rent for one year with automatic renewal for each subsequent year after the expiration of the initial term. There was discussion of who was responsible for maintenance and utilities. It was stated that New Frontier was responsible for the interior maintenance and the utilities and the County is responsible for the exterior maintenance.

Judge Max Bunch explained this contract can be terminated by either party with 30 days written notice at any time.

Commissioner William moved to approve the Agreement between Lander County and New Frontier Treatment Center for lease of the building located at 145 West Third Street, Battle Mountain, Nevada, for drug and alcohol counseling services at an annual rental fee in the amount of \$10.00 paid to Lander County for each year the Agreement is in place. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

10:08 A.M.

- 5) **Discuss & Approve/Disapprove Lease Agreement Between Lander County & Battle Mountain, Parent Cooperative Preschool, Inc. For Lease Of Building Located At 370 South Mountain Street, Battle Mountain, Nevada:** Executive Director, Gene Etcheverry, reviewed the contract with the Board. It was stated that in this contract Lander County



would be responsible to pay all utilities, but it had been agreed that the Cooperative would pay the utilities. It was stated that the agreement could be approved with a change to article 5D to reflect that the Cooperative shall pay all utilities.

Commissioner Garner moved to approve the Agreement between Lander County and the Battle Mountain Parent Cooperative Preschool, Inc., at an annual rental fee on the amount of \$10.00 paid to Lander County for each year the Agreement is in place with corrections to paragraph 5 section D to be corrected to Preschool shall pay all utilities. Seconded by Commissioner Williams, the motion was voted and carried unanimously.

APPROVED

DISTRICT ATTORNEY

10:10 A.M.

- 6) **Discuss & Approve/Disapprove Application For Assistance Number: 11-VA-001 In The Amount Of \$1,000.00 In Accordance With The Lander County Aid To Victims Of Sexual Assault Or Abuse Code Chapter 8.24:** Executive Director, Gene Etcheverry, explained this was an application for assistance to provide this victim with \$1,000.00 in counseling services. This was put before the Board by the District Attorney's office for Lander County Abuse Code Chapter 8.24.

Commissioner Williams moved to approve the Application for Assistance Number: 11-VA-001 in the amount of \$1,000.00 in accordance with the Lander County Aid to Victims of Sexual Assault or abuse Code Chapter 8.24. Seconded by Commissioner Garner the motion was voted and carried unanimously. **APPROVED**

EXECUTIVE DIRECTOR

10:11 A.M.

- 7) **Discussion & Possible Action Regarding Allocation of 2012 Net Proceeds Of Mines Receipt, Including Specific Allocation For A Grant To Lander County Sewer & Water District #2 In The Amount Of \$5,500,000.00, To Complete The Water Abatement Project & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said they were seeking approval for \$5,500,000.00 to be allocated to the Lander County Sewer and Water #2 to complete the arsenic litigation project. Ms. Hill stated this was an estimate for the cost of the project so it wouldn't have to go for loans. Dean Day, Day Engineering, addressed the Board and explained the Federal Mandate for arsenic has lowered the standard from 50 parts per billion to 10 parts per



billion. Austin currently has three water sources, two springs and a well in the Reese River Valley. The spring is marginal for arsenic but doesn't make it for uranium so the current water quality plan has been blending the water. The arsenic level in the well is 14 parts per billion. Mr. Day presented a map of all the wells in the Valley that were looked at and their arsenic levels. Mr. Day said they found a spot in the Valley South of Highway 722 with an arsenic level of about 3 parts per billion. Mr. Day informed the Board on some of the plans for this project. This deadline for completion of this project is 2013.

Commissioner Bullock moved to approve the allocation of 2012 Net Proceeds of Mines receipts, including specific allocation for a grant to Lander County Sewer and Water District #2 in the amount of \$5,500,000.00, to complete the Water Arsenic Abatement Project. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

10:24 A.M.

- 8) **Discuss & Approve/Disapprove Award Of Bid For The Battle Mountain Airport Apron Reconstruction Project, AIP 3-32-0001-21. Pending FAA Funding, & Other Matters Properly Relating & Other Matters Properly Relating Thereto:** There were no bids received for this job. It is going back out to bid again. **DEFERRED**

10:27 A.M.

- 9) **Discuss & Approve/Disapprove Award Of Bid For The Austin Airport Pavement Rehabilitation Project, AIP 3-32-0026-13, Pending FAA Funding, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, explained there had been two bids received on this project, however the lowest bid was submitted seven minutes to late and cannot be considered. The bid to be considered is from Maxwell Asphalt Inc. for \$89,326.00. The FAA will have to look at the bid, but have tentatively accepted the bid telephonically. It did come under the Engineer's estimate of \$94,000.00. Mr. Etcheverry recommended accepting the bid of Maxwell Asphalt Inc.

Commissioner Williams moved to award the bid to Maxwell Asphalt Inc. in the amount of \$89,326.00 for the Austin Airport Pavement Rehabilitation project, AIP 3-3222-0026-13. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**



10:29 A.M.

- 10) **Discussion & Possible Action Regarding Youth Coordinator Position Within Cooperative Extension Department & Other Matters Properly Relating Thereto:** Rod Davis, Cooperative Extension, addressed the Board to update them that the State will continue to fund the position of the Youth Coordinator for another two years. Mr. Davis also informed the Board that the State Legislature had granted them more money than they had anticipated and with the additional funds that were received had covered the County's share of the early Retirement buy-out of Barbra Chapin. **NO ACTION – UPDATE ONLY**

PLANNING COMMISSION

10:33 A.M.

- 11) **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:** Executive Director, Gene Etcheverry, stated that there is no NRS, Lander County Code or Standard Practice that requires the petitioner to present letters of approval from the Town Board of Kingston or the Land Owners Association. Mr. Etcheverry also stated that the Land Owners Association had been notified through the regular notice process but there was no response and they do have a letter from the Kingston Town Board. There was discussion on the reason for the zoning and who may or may not need to be notified for zone changes.

Commissioner Williams moved to uphold the recommendation of the Lander County Planning Commission and approve the zone change request to 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). Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

10:38 A.M.

- 12) **Discuss & Approve/Disapprove Appointment To The 2011-2012 Advisory Board, Categories 1,2,3, & 4 & Other Matters Properly Relating Thereto:** Letters of intent for re-appointment to Lander County Advisory Boards have been received as follows:

LANDER COUNTY ECONOMIC DEVELOPMENT AUTHORITY
Dee Helming

Lander County Board of Commissioners
Meeting of July 14, 2011



AUSTIN AIRPORT ADVISORY BOARD

Joe Dory

LANDER COUNTY PUBLIC LAND USE ADVISORY PLANNING COMMISSION

Mark Bennett

Commissioner Garner moved to re-appoint Dee Helming to the Lander Economic Development Authority and re-appoint Joe Dory to the Austin Airport Advisory Board and appoint Mark Bennett to the Lander County Public Land Use Advisory Planning Commission. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

*Commissioner Williams 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***

10:39 A.M.

- 13) **Discuss & Approve/Disapprove Issuance Of Liquor License To Derek Edward Lyneis For "The Chuck Wagon" Located At 210 Middlegate, Battle Mountain, Nevada & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, informed the Board that the Chuck Wagon will be based at 210 Middlegate, Battle Mountain, Nevada. Sheriff Ron Unger said he sees no issue of issuing the liquor license, but wanted to let it be known that this is a mobile food service and Mr. Lyneis does have his Lander County Business License.

Commissioner Garner moved that the Lander County Liquor Board approve the issuance of a liquor License to Derek Edward Lyneis for the "Chuck Wagon" Located at 210 Middlegate, Battle Mountain, Nevada. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **APPROVED**

*Commissioner Garner moved to adjourn the Lander County Liquor Board and reconvene the meeting of the Lander County Board of Commissioners. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED***

- 14) **Ratify & Acceptance Of Grant Award No. 09-000-10-BX-12, Nevada Aging & Disability Services Division, For The Transportation Program In The Amount Of \$15,000.00, With Required Match Of \$2,647.00, & Acknowledge Confidentiality Addendum:** Executive Director, Gene Etcheverry, explained this was before the Board for ratification. He also



explained that Rogene Hill, Finance Director, knows what the County match needs to be and build that into the budget.

Commissioner Garner moved to accept and ratify Grant Award No. 09-000-10-BX-12, Nevada Aging and Disability Services Division, for the Senior Transportation Program in the amount of \$15,000.000 and requiring matching funds in the amount of \$2,647.00. Seconded by Commissioner Bullock, the motion was voted and carried unanimously.
APPROVED

YUCCA MOUNTAIN REPOSITORY PROGRAM

10:43 A.M.

- 15) **Discuss & Approve/Disapprove Amendment To Agreement Between Lander County & Kolesar & Leatham, Chtd., In An Amount Not To Exceed \$75,000.00, For Legal Services Related To The Yucca Mountain Licensing Proceedings:** Executive Director, Gene Etcheverry, explained this was the outside legal counsel for the Yucca Mountain Oversight Program. Mr. Etcheverry explained that Lander County is immediately adjacent to the County where the Yucca Mountain Waste Depository site is, and therefore terms Lander County as an Affective Unit of Local Government (AULG). It was explained that these funds are from the Department of Energy (DOE).

Commissioner Garner moved to accept and approve the Amendment to the Agreement between Lander County and Kolesar and Leatham, Chtd., in an amount not to exceed \$75,000.000, for legal services related to the Yucca Mountain Licensing Proceedings. Seconded by Commissioner Williams. Mr. Etcheverry said this was heard before the Supreme Court and had had issued an opinion that it wasn't ready for a decision, and referred it back to the process, but did say that the President nor the DOE has the authority to yank this project and it has to go through the licensing proceedings. The motion was voted and carried unanimously. **APPROVED**

PUBLIC WORKS

10:46 A.M.

- 16) **Discussion, Update & Possible Action Regarding The Battle Mountain Arsenic Project & Other Matters Properly Relating Thereto:** There was discussion on the sand coming through faucets in homes and what can be done to fix the issue. Steve Brigman and Jake Edgar explained why the sand is in the lines and what they are trying to do to fix the problem. Mr. Brigman said the water system is now on line, the control system is



working well but needs some minor adjustments, there was a big generator load test done and it went great and the generator should be able to run both wells. Mr. Brigman talked about the water pressure and adjustments for that pressure. Mr. Edgar said his department was not set up to handle multiple issues and wanted to put someone on 24 hour emergency notice. Mr. Edgar said he was getting some estimates for cost of having an emergency contact, and there needs to be someone that can do home improvements for the plumbing that may need to be replaced. Commissioner Garner suggested that Gene Etcheverry have the Boards authorization to authorize Mr. Edgar to take care of emergency situations so people aren't without water. Mr. Edgar said the milkiness in the water is air and they are working to fix that problem as well. Mr. Brigman said the wells are pumping about 900 gallons a minute, and said the maximum water day in Battle Mountain was a little over 2 million gallons, averaging about 1388 gallons a minute. Mr. Brigman said our new wells can pump about 1200 a minute and sometime in the near future, within five years, a third well is going to need to be built. Commissioner Garner talked about using the old water tank for water for the fire trucks and for construction. **NO ACTION - UPDATE ONLY**

11:12 A.M.

- 17) **Discuss & Approve/Disapprove Resolution No. 2011-16, A Resolution Modifying The Fee Schedule For The Battle Mountain Water System & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is the Resolution that was proposed in the June 23rd meeting.

Commissioner Bullock moved to approve and adopt Resolution No. 2011-16, a resolution modifying the fee schedule for the Battle Mountain Water System for Fiscal Year 2011-2012. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

- 18) **Discussion & Possible Action Regarding Renewal Of T&M Lawn Care Contract & Other Matters Properly Relating Thereto:** Jake Edgar, Public Works Forman, addressed the Board and stated this contract is up in October and feels that Marilyn Adams is doing a fantastic job. Mr. Edgar is requesting Ms. Adams contract be renewed for two years. Commissioner Williams asked a few questions in regards to the contract and the position of the Public Works Department. Commissioner Garner asked about Lander County being an additional insured, and Ms. Adams said she could provide any copies of her insurance the County would like to have.



Commissioner Mason moved to renew the T&M Lawn Care contract as presented. Seconded by Commissioner Garner, the motion was voted and carried unanimously.
APPROVED

COMMISSIONERS

11:19A.M.

- 19) **Discussion & Possible Action Regarding Summary Of The 2011 Legislative Session & Impact To Lander County & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said a preliminary summary from Wes Henderson of NACO had been received and he has been reviewing it. Mr. Etcheverry also said NRS 354 requires a balanced budget and the budget is approved by the department of taxation and monitored. There is going to be an excess of \$100,000.00 in expenditures, and they need to figure out how to budget that. Mr. Etcheverry said the Parole and Probation issue is a monthly bill the Board can expect to see. Commissioner Mason asked what the Counties that have a lot of debt do. Mr. Etcheverry said they generally have dedicated funds, and these programs generally come out of operating funds. Mr. Etcheverry said he is trying to get some letter written with NACO, Finance Officers Association, Treasurer's Association and Managers Association to ask the State what they plan to do to facilitate the over expenditures that violate NRS 354. Mr. Etcheverry also stated he felt there was very little support from the other agencies on these kinds of issues. Mr. Etcheverry said the warning process for cell phone use while driving had begun. It was noted that citation will start being issued December 1, 2011.

11:20 A.M.

- 20) **Update On The Following Department/Services:**

- ❖ **Airports:** Nothing more to report.

- ❖ **Ambulance Service:** Executive Director, Gene Etcheverry, informed the Board the licenses have not yet been received. Mr. Etcheverry also said he had spent some time at Banner Churchill, and they would still like to continue in their capacity with Lander County's Ambulance Services. There were concerns shared about the Ambulance being late for sporting events and Commissioner Bullock said the volunteers for the Ambulance should receive some compensation for being taken from their families to sit at these events. Commissioner Bullock said a fee could be charged to the spectators, of these events, to compensate the



Ambulance volunteers for their time. Commissioner Garner asked about the status of the Ambulance Service and said it is getting worse not better. Mr. Etcheverry said the Hospital Board had accepted the roster, but wanted Ms. Sullivan to be a voting member and the Ambulance Board needs to be in place so they can get the Memorandum of Understanding (MOU) looked at and back before the Board of Commissioner to be approved or modify. Mr. Etcheverry stated this issue was on the July 28th Agenda.

- ❖ **Economic Development:** Executive Director, Gene Etcheverry, said there was a comment on one of the re-appointment letters of one of the LEDA members stating they needed County direction, but Mr. Etcheverry said he didn't know how to do that, LEDA is an advisory Board and they are supposed to be advising the County. Shar Peterson, LEDA, said she didn't know who that came from but she felt the LEDA Board had a pretty good focus on where they are going and carrying forward with the sustainable development projects. Ms. Peterson said she felt maybe there needed to be better communication between the Board of Commissioners and LEDA.
- ❖ **Public Lands:** Executive Director, Gene Etcheverry, said there are many issues on Access and Waters of the US. Mr. Etcheverry said if the NDEP fully implements the Waters of the US and Clean Waters provisions next year, as he has been told, Lander County will not be able to spray for mosquitoes where it needs to be sprayed without certification and licensure. Stagnant water in a gravel pit can qualify as Waters of the US if the current movement continues.
- ❖ **Road & Bridge Departments:** Donnie Negro, Road and Bridge Foreman, informed the Board the bids for Hilltop came out on July 12th, and Hunewill got the bid. Mr. Negro also informed the Board this bid will be on the agenda for the meeting of July 28, 2011 for approval, and the notice to proceed will be on August 1, 2011. The CTB on Wilson is out to bid right now and opens on July 26th and it will be accepted the same day so these projects can get started. Mr. Negro updated that the Cortez Road is being relocated and Canyon Construction was awarded this bid. Willow Creek Road had been relocated and upon Mr. Negro's inspection he told them the road was not wide enough. Mr. Negro was informed by the Engineer that in 2008 there was a variance given for 18 feet wide instead of 24 feet. Shar Peterson, LEDA, commented that Buffalo Valley is not 24 foot wide, and Mr. Negro informed her it was being widened. Mr. Negro said he was concerned that it is a safety issue. Ms. Peterson said she talked with the Engineer



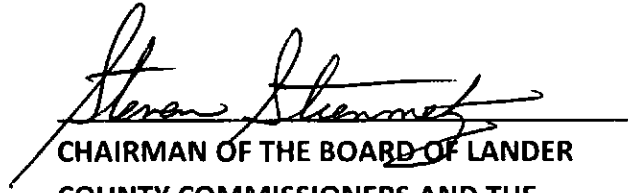
about how much more it would cost to widen the road and he gave her a rough estimate of one million dollars, but she was concerned about further delays on this project and if it would have to be recrowned. Commissioner Garner asked if this road would be a 2477 road when it was finished and Mr. Negro said yes it is a County maintained road and the County gets fuel tax from this road. Mr. Negro also gave a brief update that many of the County employees have or will be attending the First Aid and CPR training class. Shar Peterson said that John Davis was going to be out to mag the first two miles of Mule Canyon Road, but there has been an issue of finding a water pipe that works up at Mule Canyon and requested that John Davis be able to get some County water from one of the hydrants to do the work.

- ❖ **Water & Sewer Department:** Jake Edgar, Public Works Foreman, said there had been quite a bit of overtime for his guys with the water issues and the new project.
- ❖ **Culture & Recreation:** Jake Edgar, Public Works Foreman, said the Rodeo that was held seemed to go well, and the Fourth of July went over good. Commissioner Stienmetz questioned about a hydrant that was turned on and had created a large pool of water, but when he drove by that evening it was off. Mr. Edgar said he would check into it.
- ❖ **Contracts:** Executive Director, Gene Etcheverry, said the contracts were all up and the Mosquito contract is up October 31st. Justice of the Peace, Max Bunch, commented on the agreement the County made to pay \$15,000.00 an Engineer to design plans for the new County Courthouse and Administration Building. Judge Bunch said it was getting close to the \$15,000.00 payment within \$2,000.00. Judge Bunch requested to put on the agenda that the Elected Officials and Department Heads need to meet and the Commissioners need to design a team to handle design plans. Judge Bunch felt he and Commissioner Garner were the team but other people are calling Mr. Brigman and asking for different things, and when Mr. Brigman comes back with his plans he doesn't have what was discussed between Judge Bunch and Commissioner Garner. Commissioner Bullock said he saw the prints and feels Mr. Brigman is not listening to what is being asked. Judge Bunch suggested that if Mr. Brigman isn't going to listen to what is being requested for the plans, then the County needs to look elsewhere.



ADJOURNMENT

There being no further business before the Board at this time, Commissioner Garner moved to adjourn the meeting of July 14, 2011. Seconded by Commissioner Bullock, the motion was voted and carried unanimously. **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.