

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 26, 2012 at 9:00 a.m.

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

ABSENT: BRIAN GARNER, COMMISSIONER

9:00 A.M.

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of four 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 Williams moved to approve the Notice of Posting. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

APPROVAL OF MINUTES

July 12, 2012 – Regular Session

Commissioner Williams moved to approve the minutes of July 12, 2012 regular session as presented. Seconded by Commissioner Stienmetz, the motion was voted and carried.

APPROVED

COMMISSIONER REPORTS

Commissioner Williams reported on Austin not having an ambulance service or a fire department. He said they did borrow a fire truck from Battle Mountain, but the water pump went out on Austin's big pumper. He said the Austin Clinic used to have three or four days of service, but they have cut down to Thursday and Friday mornings. Commissioner Williams said the NACO Public Lands meeting would be held on July 27, 2012 at 8:00 am in Ely and the regular NACO meeting is at 10:00 am. He reported on the Eureka Commissioner's appeal to the water rights ruling to the Supreme Court. He said he thinks Lander County should get involved in this appeal. Commissioner Williams also reported the State Office of Veteran's Affairs Outreach Program was in Austin on July 25, 2012. He said there was a dilemma on a place, in Battle Mountain, for them to meet to counsel any needy veterans and asked about them using the civic center. Commissioner Williams also reported on the Austin Fly In on August 25, 2012.

Commissioner Stienmetz reported there would be a meeting with the Humboldt River Water Basin Authority in Winnemucca on July 27, 2012 at 10:00 am.

Commissioner Bullock reported on the Public Meeting he attended on July 18, 2012. He said it was put on by the State Water Engineer, and he will be talking with the head engineer of FEMA to look at the options for the Levee.

STAFF REPORTS

Executive Director, Gene Etcheverry, reported on several meeting with CMAR candidates. He reported on the NACO meeting in Ely on July 27, 2012. He also said the flood plain meeting was not well attended. He said the version of the software, to determine what a flood event would look like, was very different from what FEMA uses. He also said there will be a change in the head engineer for the Levee project from Summit Engineering. He also reminded the Board of the NACO Public Lands Meeting in Ely at 8:00 am and the regular NACO meeting at 10:00 am on July 27, 2012. He also reminded them of the Humboldt River Water Basin Authority meeting in Winnemucca on July 27, 2012 at 10:00 am.

Commissioner Williams said, on August 3, 2012, the preconstruction meeting for the Austin Loneliest Highway Visitor's Center will be held at the Austin Town Hall. Executive Director, Gene Etcheverry, said he thought that meeting had been set up but it has not, and stated he would get that done. He also said the project will be going out to bid August 15, 2012.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with bills to be ratified.

WELLS FARGO REMITTANCE

Commissioner Stienmetz moved to ratify check #041296 in the amount of \$3,502.06 to Wells Fargo Remittance. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

STATE OF NEVADA

Commissioner Stienmetz moved to ratify check #041288 in the amount of \$6,114.02 to the State of Nevada. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

RINEHART, LTD

Commissioner Stienmetz moved to ratify check #041285 in the amount of \$1,615.00 to Rinehart, LTD. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

SUMMIT AIR AMBULANCE LLC

Commissioner Stienmetz moved to ratify check #041290 in the amount of \$25,432.00 to Summit Air Ambulance LLC. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

DAVID J. CORMANY

Commissioner Stienmetz moved to ratify check #041262 in the amount of \$67,381.81 to David J. Cormany for building and planning reviews. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

HUMBOLDT GENERAL HOSPITAL

Commissioner Stienmetz moved to ratify check #041266 in the amount of \$2,154.00 to Humboldt General Hospital. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

BUSINESS CARD

Commissioner Stienmetz moved to ratify check #041260 in the amount of \$10,937.03 to Business Card. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

Commissioner Stienmetz moved to approve submitted expenditures in the amount of \$308,765.96 from check #41321 thru #41450. Seconded by Commissioner Mason, the motion

was voted and carried with Commissioner Bullock abstaining from the vote on check #41342 and #42343. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Payroll change request for employee number 1309, 1.5% Salary Increase, Patrol Deputy, \$23.55 per hour, effective July 9, 2012.

Commissioner Stienmetz moved to approve the employee change request for employee number 1309. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

PUBLIC COMMENT

No Public Comment.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto:** Finance Director, Rogene Hill, updated the Board that she has been working on the yearly Debt Management Policy, the audit and has been working with Sovieda on the pay increases and Insurance adjustments.

Executive Director, Gene Etcheverry asked when the Debt Management Commission meeting would be. Ms. Hill said in August after the policy is in place. She said she has been in contact with the Clerk, Sadie Sullivan. **UPDATE ONLY**

- 2) **Discussion For Possible Action Regarding Write-Off Of Uncollectible Lander County Ambulance Billings & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this billing was left out of some litigation and the insurance company did not pay what was charged for this run.

Commissioner Williams moved for the Commission to approve the write-off of the ambulance billing for Ambulance Run #2007175, due to litigation and non-inclusion of this claim in the settlement of litigation, in the total amount of \$670.00. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

ROAD & BRIDGE SOUTH

- 3) **Discussion & Update On Road & Bridge South Projects & Other Matters Properly Relating Thereto:** Burt Ramos, Road and Bridge Foreman South, provided an update the

Board that they are done paving in Kingston and Gillman. They will be finished paving in Austin today (July 26, 2012) and curbing the following day. He said they were able to get two more streets done and he will come back with his five year paving plan to show the Board what roads they got done with the extra money. He also said both blade rebuilds should be back by the middle of August.

Commissioner Williams said he had heard there had been some complaints about the maintenance on Grass Valley Road. Mr. Ramos said he told them he would just close it down if they couldn't get some maintenance for it. He said the road has been maintained since. UPDATE ONLY

- 4) Discussion For Possible Action Regarding Award Of Bid For A Used Vibratory Double Drum Compactor, In An Amount Not To Exceed \$50,000.00, & Other Matters Properly Related Thereto: Burt Ramos, Road and Bridge Foreman South, said there were thirteen bids. He said he put his specs at forty to sixty inch drum. He said the biggest one is fifty-one inches and most of them are used. He said most of the used ones are already sold. He said the one he would like to get is a new CAT. He said this one is cheaper and better as far as mechanic friendly. Donnie Negro, Road and Bridge North, said this is a new machine not used. He said the used machines are selling faster. Mr. Negro also said it would be a better move to go for the new CAT then a used BOMAG and the new CAT was a little cheaper. He said the cost of the new CAT is \$47,000.00. Mr. Ramos said the cheapest one that is used was \$22,000.00 and has about 7,000 hours on it and is a forty inch. He said there is another one that is a forty inch that was \$30,000.00 but both of them are already sold.

Commissioner Williams moved for the Commission to accept the recommendation of Road and Bridge Foremen for the Cashman Equipment CB34 Vibratory Asphalt Compactor of \$47,635.00. Seconded by Commissioner Stienmetz, the motion was voted and carried. APPROVED

ROAD & BRIDGE NORTH

- 5) Discussion & Update On Road & Bridge North Projects & Other Matters Properly Related Thereto: Donnie Negro, Road and Bridge Foreman North, provided an update the Board that Gold Creek would start being paved on July 26, 2012 and should be done by the following Tuesday. He said the other street projects will begin the first of August and things are moving along well. Commissioner Williams asked why a portion of Chukkar Lane had never been paved. Mr. Negro said because water and sewer needs to go down it. Mr. Negro said some problems they ran into doing the roads were artesian wells, that made big mud holes. He also said there had been a drainage system at one time in Battle Mountain, and now when they are doing the street they are putting the

valley gutters back in. He also said the material they are taking off the roads is being recycled. UPDATE ONLY

- 6) **Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain 2012 Road Paving Projects & Other Matters Properly Relating Thereto:** Steve Brigman, Shaw Engineering, said a piece of Round Mountain Road is going to be paved this go around where the utility work has been completed. Mr. Brigman provided a map showing the paving projects that are subject to this award. Donnie Negro, Road and Bridge Foreman North, said this is the second phase of the paving. He said they bid it in two phases because of the CTB and the overlays. He said they wanted to get the in town stuff done early. Mr. Brigman said there were five bids and they were very competitive. He said Hunewill Construction was the low bidder. He also said the paving costs are under \$2.00 a square foot for three inch and two inch pavement. Mr. Brigman recommended the bid be awarded to Hunewill Construction in the amount of \$2,209,926.48. Mr. Negro the price came in at \$0.5 a square foot cheaper.

Commissioner Stienmetz moved for the Commission to go with the recommendation of Donald Negro (Donnie) and Steve Brigman for the award of bid for the Battle Mountain 2012 Road Paving Project to Hunewill Construction at the cost of \$2,209,926.48. Seconded by Commissioner Mason, the motion was voted and carried. APPROVED

COMMISSIONERS

- 7) **Discussion For Possible Action Regarding Presentation & Approval/Disapproval Of The Draft FY 2013-2022 Annual Work Program (AWP) Containing Proposed Betterment Projects From The Nevada Department Of Transportation (NDOT) & Other Matters Properly Relating Thereto:** Jason Van Havel, Assistant Chief of Transportation Multimodal Planning with NDOT, addressed the Board and introduced the members of NDOT that were in attendance. Mr. Van Havel said they will have a new DOT Director in early September, Rudy Malfabon. He said Congress passed the MAP-21 which is the next transportation authorization bill for the County. Mr. Van Havel said this bill will go into effect October 1, 2012 and run through September 30, 2014. He said this bill will change the number of funding categories into fewer categories. He said the good news and the bad news is the States have more flexibility. Mr. Van Havel said an initiative that is very important to NDOT is the safety issues that the DOT was trying to impose around the State. He said in 2006 there were 434 fatalities. In 2011 the number had dropped to 245. He said this initiative is called the Zero Fatalities Program. The goal is zero fatalities in the State.

In reviewing some of the planning studies NDOT has going on around the State, Mr. Van Havel said an I-11 Corridor study has been launched to identify an Interstate between

Phoenix and Las Vegas. He said this has been designated Interstate 11. He said the study is to look at the corridor, not only between Phoenix and Las Vegas but between the Mexico border to the Canadian border. He said they don't know where the best alignment may be, but it is possible it could have implications on Lander County. He said there is a Connecting Nevada Project which is redefining the long range planning processes across the entire State and to most efficiently optimize the resources they have to have the best impact on the State. Mr. Van Havel said there is another corridor study on I-80 that goes from San Francisco, California to Cheyenne, Wyoming. He said a few years ago they launched the 511 traveler information system, which has been a great success with over one million calls. He said another thing they are looking into is adding QR Codes onto Nevada maps. These are the digital squares seen on various products that smartphone can take a picture of to get information. He said these QR Codes would provide various types like points of interest, historical information and local accommodations. He said NDOW is doing their best to coordinate closely with the Department of Tourism and Economic Development across the State. He said there are precious resources at the State level NDOW is doing their best to coordinate their activities with other areas of the State to maximize the impact that those resources can handle.

Mr. Van Havel reviewed the projects NDOW will be working on in Lander County on I-80, US-50, SR-376, SR 305, SR-304, 306 and SR-722 for FY 2013. The FY 2014-2016 Projects would be on US-50, SR-376, SR-305 and SR-306.

Commissioner Bullock talked to NDOT about their cooperation on our levee project. Commissioner Williams talked about the bicyclist on HWY-50. He said the rumble strips cause issues for the bicyclists ability to move over and asked where NDOT was going with the Statewide Bicycle Plans. Mr. Van Havel said at this point the Statewide Bicycle Plan is not promoting that idea, but it has been identified and it is trying to promote and protect US-50 as a significant bicycle route. Commissioner Williams asked if the rumble strip was contributed to the decline in fatalities. Mr. Van Havel said that was part of it, and said one of the significant causes of fatalities in Nevada was running off the road. He said National research suggests that the rumble strip is helping to get the drivers attention in crossovers.

Donnie Negro, Road and Bridge North, suggested putting a walk across from Broyles Ranch Road over to Carson Road or 17th Street, due to safety issues for the school kids and asked if NDOT could possibly help Lander County with or check into this project. Mr. Van Havel said he could look into that and would have Tim Muller follow up. There was discussion of the lights being out along Broyles Ranch Road and at the overpass on 305. There was also discussion of putting a stop light on at the intersection of Broyles Ranch and Broad Street/305 due to the high traffic of the school kids.

Commissioner Williams moved for the Commission accept the presentation of the draft Fiscal Year 2012-2022 Annual Work Program (AWP), containing proposed Betterment Projects, and approve the draft FY 2013 to 2022 Transportation System Projects (TSP) document and other item as expressed during the meeting. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

PUBLIC WORKS

- 8) **Discussion & Update On Public Works Projects & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, provided an update to the Board said there are three green are opened up at the golf course (9, 8 & 6) and they are starting to put drainage in on #8. He said August 23rd they will get the first delivery of sod and once they get the four holes sodded they will have another round. Mr. Edgar said sometime at the end of September he hopes they will be completely finished. He said the park in Austin is almost finished. Mr. Edgar said they have ordered toddler swings, swing matts and the tables. He said he is just waiting for the other water and sewer projects to come out so they can start on those. There was some discussion on the issue with the water pressure. Mr. Edgar said until all the pipes can be fixed it is what it is. He said he will try to get it in the budget for next year to get them all done at once. Steve Brigman, Shaw Engineering, said they may be able to turn the PSI up a little more. Mr. Edgar said they he could just turn up the pressure until something breaks. He said this is the only way they will know how high they can go. **UPDATE ONLY.**
- 9) **Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Racetrack Fencing Project & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said they are not totally prepared for this item, but he said it needs to keep coming back until they are. Mr. Etcheverry said it needs to be settled, resolved and the project needs to begin. He asked if there is a commitment from Motocross and the Battle Mountain Raceway Association to make up the difference in funds. Steve Brigman, Shaw Engineering, said he didn't think they had. Mr. Brigman said Rod Smith said they would like to award the lighting project with the full amount and scale back the fencing project to match the remaining funds. Commissioner Bullock said they came before them last year to do the fencing. He also asked why the BLM wasn't paying for the greens. Commissioner Bullock said he was told, because the County allows the Raceway to use the property, the County is responsible for it. He asked why the BLM doesn't pay for the maintenance of the golf course when they own it. Mr. Etcheverry said there is a RP&P Lease with BLM that is long term. He said the lease on the racetrack is short term. Commissioner Bullock then asked if they created a lease with the racetrack for fifty years if the County could get out of paying for the project. Mr. Etcheverry said no because it was built with public funds over \$100,000.00.

Commissioner Bullock said it would have been nice to know this ahead of time and not until it was bid. He said someone should have said something in budgets that this was a Davis Bacon Project. Mr. Etcheverry asked why they would tell them. Mr. Brigman said this is not a Davis Bacon Project it is a State Prevailing Wage Project. Commissioner Bullock said they should not be debating between the two projects. It was stated that the Raceway, Motocross and Mud Bog groups needed to come before the Board to discuss the projects.

Commissioner Stienmetz moved to defer item #9.

There was more discussion of the representatives from the Racecar Association, Mud Bog and Motocross coming before the Board to discuss the projects and the costs associated.

Seconded by Commissioner Williams, the motion was voted and carried. **DEFERRED**

- 10) **Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Racetrack Lighting Project & Other Matters Properly Related Thereto:** Commissioner Mason asked if the money had been granted or financed. Rogene Hill, Finance Director, said it was a grant but she sent a letter and the money has been returned.

Commissioner Stienmetz moved to defer #10 until the parties are before the Board to talk about it. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

- 11) **Discussion For Possible Action Regarding Reduction Or Elimination Of The Mountain View Golf Course Use Fees For The Remainder Of The 2012 Golf Season & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said the Emergency Green Replacement Project is in process now. He said it has been a hassle for the operator of the Golf Course to charge green fees for greens that are not in a condition to charge fees. Mr. Etcheverry suggested eliminating the green fees all together or reduce them by half or more. He said later they would need to consider how to compensate season pass holders. Commissioner Mason asked how many of the nine greens are useable. Commissioner Bullock said none.

Commissioner Mason moved for the Commission to eliminate the green fees for the rest of the season of 2012. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

PLANNING COMMISSION

- 12) Discussion For Possible Action Regarding Acceptance/Non-Acceptance Of Round Mountain Road (From Chukkar To 18th Street/600 Feet) Into The Lander County Rural Road System & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge Foreman North, said they went through and this was on the books to accept these roads into the County's Road Maintenance Program. He said on Round Mountain Drive Randy Clark paid to have it brought up to Lander County Standard. Larry Stallard did the same on Sheep Creek and Mulligan Way. Mr. Negro said Steve had an engineer come in and they are built to Lander County Road Standard to accept. He said they will pave these roads this year up to the development.

Commissioner Mason moved for the Commission to uphold the recommendation of the Planning Commission and certifications/approvals of the Lander County Engineer, Road and Bridge Foreman (North) and the Lander County Planning Commission Chairman and approve the acceptance of Round Mountain Road (from Chukkar to 18th Street-600 feet) into the Lander County Rural Road System. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 13) Discussion For Possible Action Regarding Acceptance Of The End Of Sheep Creek Road & Mulligan Way (South Side Of The Mountain View Golf Course Approximately 3/10 Mile) Into Lander County Rural System & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said this is the same issue just a different street as the previous item. This is the proposed acceptance of the end of Sheep Creek Road and Mulligan Way. He said it was recommended for approval by the Planning Commission and has been signed off by the County Engineer, Road and Bridge Foreman and the Planning Commission Chairman.

Commissioner Stienmetz moved for the Commission to uphold the recommendation of the Planning Commission and the certifications/approvals of the Lander County Engineer, Road and Bridge Foreman (North) and the Lander County Planning Commission Chairman and approve the acceptance of the end of Sheep Creek Road and Mulligan Way (south side of the Mountain View Golf Course approximately 3/10 mile) into Lander County Rural Road System. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

YUCCA MOUNTAIN OVERSIGHT PROGRAM

- 14) Discussion For Possible Action Regarding Amendment To Agreement Between Lander County & Keith Westengard To Perform An Evaluation Of The Effectiveness & Compliance Of Lander County's Emergency Medical Services (EMS), Public Safety Procedures & Radiological Response Capabilities & Provide A Plan For The Optimization Of These Services, In An Amount Not To Exceed \$2,000.00 & Other**

Matters Properly Related Thereto: Executive Director, Gene Etcheverry, said on February 9, 2012 the Board approved an agreement under the Yucca Mountain Oversight Program, between the County and Mr. Westengard, to do and Emergency Evaluation on the County's emergency response capabilities, emergency response system and EMS system. He said there have been some changes in personnel and in other agencies and organizations that are part of the emergency response system. Mr. Westengard is asking for a three month extension and \$2,000.00. The adjustment in the contract price would go from \$34,078.40 to \$36,078.40.

Commissioner Stienmetz moved for the Commission to approve and amend the agreement between Lander County and Keith Westengard to perform an evaluation of the effectiveness and compliance of Lander County's emergency medical service (EMS), public safety procedures and radiological response capabilities and provide a plan for the optimization of these services, in an amount not to exceed \$2,000.00, for an adjusted total amount contract cost of \$36,078.40. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMISSIONERS

15) Discussion For Possible Action Regarding Funding For Sage Grouse Conservation

Activities In Lander County & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, on May 24, 2012 the Board approved the "Policies and Recommendations of the Lander County Public Lands Use Advisory Planning Commission (PLUAPC) for Sage Grouse Conservation. He said this Policy sets forth and delineates certain measures that can or should take place within the County to stabilize and increase the sage grouse population. Mr. Etcheverry said the proposed is to provide \$50,000.00 in funding for utilization by the Lander County Conservation District. He said some of those activities would be as follows:

1. Pinion and Juniper removal on public and private lands;
2. Expansion of the Bootstraps Program;
3. Protection of water resources, particularly riparian areas;
4. Provide matching funds for other state and federal resources;
5. Other activities recommended and sponsored by the County.

Rod Davis, Cooperative Extension, said Jerry Annis is the Chairman of the Lander County Conservation District. Mr. Davis said there needs to be an appointed committee or group to come up with a procedure to access that money then bring it back before the Commission. He said once they have the money they will need to know how it will be dispersed and what kind of accountability will be attached to it. He said some projects may be more efficient than others.

The Commissioners questioned where the \$50,000.00 would come from since it was not budgeted. Mr. Etcheverry said there are two places it could come from. One being Budgeted Contingency, which he doesn't recommend, or the Executive Director's Professional Services Fund. There was more discussion on where the funds could come from. There was also discussion on if they would accept less money. Commissioner Bullock asked how much was in Mr. Etcheverry's Professional Budget. Mr. Etcheverry said this would be less than 10%. Commissioner Williams said he would like for the Commission to know what projects are being done and the money spent on them. Rod Davis concurred and said they could do monthly reports.

Commissioner Williams moved for the Commission to accept the proposal presented and provide funding in the amount of \$50,000.00 from the FY 2012-2013 Lander County budget for the utilization by the Lander County Conservation District for Sage Grouse conservation activities within Lander County and further recommend the money be taken from either the Emergency Management Fund or the Executive Director's Professional Services Fund, whichever is more appropriate for staff to make that decision. Seconded by Commissioner Stienmetz, the motion was voted and carried.

APPROVED

EXECUTIVE DIRECTOR

16) Discussion For Possible Action Regarding Execution Of A Quitclaim Deeds To Transfer All Of Lander County's Interest In The Property Located In The N2 SW4, Section 6, T32N, R46E, MDB&M (Portion Of The Blossom Ranch) To The 26 Ranch, Inc., Due To A Discrepancy With A Tax Deed From 1938, & Other Matters Properly Related Thereto:

Lura Duvall, Assessor, said she spoke with the Attorney and asked why this didn't show up in the full title reports that had been in the past. She said a warranty deed had been recorded in 1993. Ms. Duvall said another title search had been done recently in the course of doing some refinancing internal stuff with the 26 Ranch. She said this surfaced that there was a small cloud on the title for 1938 that basically is 3/10% of an interest and it is an error. She said the Board is basically Quitclaiming to clear the cloud on the title. She said the County really doesn't own anything in this, but because of a discrepancy in the tax deed it created a cloud that has now surfaced. Ms. Duvall said they are going to Quite Title the entire property and this is just part of the process. She said the County is not giving away or transferring anything the County ever really had, because they don't. She said it is under the ownership of the 26 Ranch. She recommended the Board sign the Quitclaim Deed to clear the small cloud on the title of this property.

Commissioner Mason moved for the Commission to correct the 1938 tax deed discrepancy by executing a Quitclaim Deed to transfer all of Lander County's interest in

the property, located in the N2 SW4, Section 6, T32N, R46E, M.D.B. &M. (portion of the Blossom Ranch) to the 26 Ranch, Inc. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

LANDER COUNTY ECONOMIC DEVELOPMENT AUTHORITY

17) Discussion For Possible Action Regarding The Recommendation Made By The Lander County Economic Development Authority (LEDA) July 18, 2012 To Move Forward In Joining Eureka & White Pine Counties As The Central Eastern Nevada Regional Development Authority & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, said on July 18, 2012 there was a LEDA meeting where this was one of the primary item discussed. He said in the 2011 Legislature the Governor's Plan for Economic Prosperity for the State included the regionalization of Economic Development Authorities (EDAs). Mr. Etcheverry said there has been some movement to get different Regional Authorities setup. He said, for Lander County, there are two viable options. One being White Pine, Eureka and Lander County as the Central Eastern Nevada Regional Development Authority or joining Elko. He said Elko has already been deemed a Regional Authority. Mr. Etcheverry said it was a weak recommendation from LEDA but it was the recommendation to move ahead and look to being a member of White Pine, Eureka and Lander as the Central Eastern Nevada Regional Development Authority. Commissioner Bullock said if Lander County was to join Elko there would be nine votes but only Lander Country would get one. If Lander County joined Eureka and White Pine there are nine votes and each County will have three votes.

Rod Davis, Cooperative Extension, said he attended the meeting in Eureka. He said Don Vetter said there are more tips on industry that are not appropriate to Elko so they could be passed off to Lander County.

Commissioner Williams moved for the Commission to concur with the recommendation of the Lander Economic Development Authority (LEDA) during a meeting held July 18, 2012 to move forward in joining Eureka and White Pine Counties as the Central Eastern Nevada Regional Development Authority. Seconded by Commissioner Stienmetz.

Rod Davis said the Memorandum of Understanding is not quite up to standard. He said it needs more to it and at that point representatives from LEDA, Eureka and White Pine Counties would meet with Representatives from the Governor's Committee to hash out the details and draft the Memorandum of Understanding. Mr. Davis said then LEDA would bring it back to the Commissioners for approval and that would finalize the Regionalization Effort.

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

EXECUTIVE DIRECTOR

18) Discussion For Possible Action Regarding Lot Line Adjustment On Block 12, Main Street, Austin; Request For County Surveyor To Prepare Lot Line Adjustments; & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, said a request from Mr. Phil Marshall who owns a majority of lots on block 12 on Main Street in Austin. He has asked to proceed ahead with lot line adjustments necessary to bring the lot lines in conformance with the maps for Austin. Mr. Etcheverry reviewed some of the lot line issues. Mr. Etcheverry said the County is on a Court Order from 1989 to do everything feasibly possible, on behalf of the Town of Austin to clean this up. He said this is the next step and this block is prepared and fairly easy to get the lot lines adjusted. He said he is requesting the Commission's approval to approach Mr. Bob Morley, the County Surveyor, and have him begin the process.

Commissioner Stienmetz moved for the Commission to authorize the Executive Director to request the County Surveyor to prepare the lot line adjustments for the individual and several lots on Block 12, Main Street, Austin, Nevada, and direct staff to proceed with the process of correcting the inaccurate lot lines within this block. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

19) Discussion For Possible Action Regarding Preparation & Execution Of A Quitclaim Deed To Phillip Williams For A Portion Of South Street in Austin, Nevada That Was Vacated By The Lander County Commission On July 20, 1987, With Said Quitclaim Deed Approved For Execution During The Regular Commission Meeting Of May 13, 2010 & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, said a motion was made and passed over two years ago and there is still no Quitclaim Deed on that lot for Mr. Phillip Williams. Mr. Etcheverry said there is an improvement on that lot, which is Mr. Williams' garage. He said this reaffirms the May 13, 2010 action of the Commission and authorizes the District Attorney's Office to prepare the Quitclaim Deed for execution.

Commissioner Williams declared, for the record, that Phillip Williams is his brother. However, he has no interest in this property what so ever. He also said in 2010 they did the whole block and this was the last piece that was not included. He said the only correction he would make it that he doesn't think it needs to go back before the Water and Sewer Department, just to the County Assessor so it could be included in one of the parcels that already exists. He said they could do a Deed of Dedication or a Quitclaim, either would suffice.

Commissioner Mason moved for the Commission to request the preparation and execution of a Quitclaim Deed to Mr. Phillip Williams for a portion (Lot 1, Block 1) of South Street in Austin, Nevada that was vacated by the Lander County Commission on July 20, 1987, and approved by the Commission on May 13, 2010, subject to review by the Lander County Assessor and the District Attorney's Office prior to recordation. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

COMMISSIONERS

20) Discussion For Possible Action Regarding Options Developed To Extend Access To The Battle Mountain Sewer System To Areas South Of I-80 Along State Route (SR) 305 & South Of Round Mountain Drive; Authorization For Payment To Shaw Engineering In The Amount Of \$8,128.50; & Other Matters Properly Related Thereto: Executive Director, Gene Etcheverry, said in an earlier meeting in June, there had been some discussion on how to take the Battle Mountain Sewer System and extend it to areas eligible for development. He said at that meeting a request was made to the County Engineer, Steve Brigman, to develop options.

Commissioner Mason said the idea of this is to break out of our current predicament and our sewer system. Commissioner Mason presented a map, prepared by Mr. Brigman, to show three options of extending the sewer from downtown. He reviewed the different options and said they could expand into, possibly, 1,500 homes. He said he wants to budget this in the FY 2013-2014. He said this would make it easier for investors by upgrading the sewer system south. Commissioner Mason said he is proposing the Commission accept this map, for the FY 2013-2014 budget, at put \$5,000,000.00 aside for one of the three options. He said they may be able to talk with the mines to discuss their participation. He also said he talked with Jake Edgar, Public Works Foreman, about the bill for the map, and Jake said it was very appropriate for the time and effort put into it. There was some discussion on where the funds would come from to pay for the map Mr. Brigman created.

Commissioner Williams moved for the Commission to authorize payment in the amount of \$8,128.50 to Shaw Engineering for work done to develop the options presented and for the money to come out of the Executive Director's Special Projects Fund. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

Commissioner Bullock told Steve Brigman to keep in mind and not do projects without the approval of the Commission.

Commissioner Mason moved for the Commission to adopt the Engineered Map for the advancement of the sewer system for the Fiscal Year 2013-14. Seconded by Commissioner Williams.

Donnie Negro, Road and Bridge North, asked what happens if someone wants to develop by the airport. He said he doesn't think they should adopt this map. He said the developer should pay for the sewer as part of their deal as the developer. He said he thinks Commissioner Mason is getting ahead of himself. Commissioners Mason said he isn't ahead of it he is behind it.

The motion was voted with Commissioners Williams and Mason voting "AYE" and Commissioners Bullock and Stienmetz voting "NAY". **NO MOTION**

- 21) Discussion For Possible Action Regarding Approval/Disapproval Of The Central Nevada Regional Water Authority (CNRWA) FY 2013 Member Assessment In The Amount Of \$7,500.00 & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said this is the annual membership dues for the Central Nevada Regional Water Authority. He said this is comprised of eight member Counties within the Central Hydrographic Region and serves all eight Counties well. He said they had three or four bill draft request for the 2013 Legislature.

Commissioner Williams moved for the Commission to approve the Central Nevada Regional Water Authority (CNRWA) Fiscal Year 2013 member assessment, in the amount of \$7,500.00 for Lander County's membership in the organization. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 22) Discussion For Possible Action Regarding The Battle Mountain & Austin Volunteer Ambulance 2012 Estimated Income/Loss Report Ending June 30, 2012 Presented By Tammy Dimitroff & Other Matters Properly Related Thereto:** Tammy Dimitroff, updated the Board that this will be her last report as the Hospital took over the Ambulance Billing as of July 1, 2012. She said this is from the last six months and she is still collecting payment, but no longer billing. She reviewed her report with the Board. She said there is an amount of \$31,000.00 still on her books and predicts about half of that will be going to collections that are over four to five months old. She said there may be a few that will need to be written off. Commissioner Bullock asked if all the stipends were caught up. Ms. Dimitroff said she has sent the final to Finance at the end of June or first week in July.

- 23) Discussion For Possible Action Regarding Memorandum Of Understanding (MOU) Between Lander County & The Bureau Of Land Management (BLM) For Cooperating Agency Status In The Development Of The Resource Management Plan (RMP)**

Amendments & Environmental Impact Statements (EIS) For The Proposed Greater Sage Grouse National Planning Strategy, Great Basin Region Nevada-Northeast California Subregion & Other Matters Properly Related Thereto:

Executive Director, Gene Etcheverry, said the Memorandum of Understanding, prepared by the Bureau of Land Management, was attached as back up, for Lander County to be recognized and to become a Cooperating Agency in the development of the Resource Management Plan (RMP) and for the EIS to be drafted in the subregion for sage grouse conservation and planning. He said he read through it and it is the standard MOU, no any different from the MOU they entered into to become a Cooperating Agency in the Battle Mountain Field Office Resource Management Plan. Mr. Etcheverry said he feels it's a shame to have to sign this MOU as a Local Government that is directly affected by whatever they are going to do in their RMP and drafting the EIS then eventually implementing their management decisions. He said if the Board doesn't sign it they will have no input. He said he could submit Lander County's Plan and see if it would become an official document to this Resource Management Plan. Mr. Etcheverry said the EIS could say they can curb AUMs, put restrictions on people's grazing allotments or not issue permits to the permittees or condition the permittees where they cannot use their allotment. Commissioner Mason asked who gets hurt if the Commission doesn't sign the MOU. The Ranchers who were present said they do.

Shawn Mariluch said signing it doesn't say they will change the mind of the BLM but they will be on the ground floor and have a little bit of bite when comes down to it.

Eddy Ann Filippini said if the bird goes on the list you can kiss ranching and mining goodbye. So if they are not in on the ground floor to participate and know what the BLM is doing we are pretty much done. She said if the ranchers go the miner will be next and Commissioner Mason could kiss his 1500 homes goodbye.

Commissioner Mason said he is not opposed he is just trying to look at all the options. Shawn Mariluch said it looks like the only option is to sign the MOU.

Commissioner Bullock said the only problem he has with the MOU is Article J, under Dispute Resolution. Which reads: *"In the event of any disagreement the parties regarding their obligations under the MOU that cannot be resolved between the parties in a reasonable time, either party may refer the disagreement to the BLM State Director to timely resolve said issue. The decision of the BLM State Director will be the final decision for purposes of resolving the issue."*

James Barnes, Deputy District Attorney, said they could tell the BLM they don't like that provision, but they will say "tuff".

Rod Davis said they will probably not be able to impact the outcomes and their names will be attached to actions that will be counterproductive for the ranching community. He said it would be good to have a seat at the table to have a say, but they will pay a price being attached to those decisions.

Lynn Tomera talked about the devastating effects the listing of the sage grouse could be. She asked, if the Commission was to sign the MOU, if they would stand behind the industries that depend on the Federal grounds that contribute to the economy of this County. Mr. Etcheverry said he feels they would.

Commissioner Williams said in the NACO new it says *Cooperation Coordination Key to for Managing Public Lands*. He said, unfortunately, the County has to Cooperate and Coordinate with them, but it was pretty obvious from the last meeting (July 26, 2012) that they don't Cooperate and Coordinate with the Ranchers. He asked when the last time the Ranchers were invited out to look at their allotment with the BLM. Hank Filippini said it has been fifteen years ago. Commissioner Williams also said they never got an answer from the last meeting on how the BLM can take off all the cows but leave all the horses. He said the pictures of the springs and the damage to the lands are mostly done by the horses not the cows. Commissioner Williams said there have not been a lot of people attending these meetings. Lynn Tomera said she feels they should publicize the meetings better to give the rural areas an opportunity to attend.

Rod Davis said the bird (sage grouse) is already listed it is just a matter of establishing priority. He said there is an entirely new Advisory Board and they took the maps that were relative to sage grouse habitat and put it out for public comment by the ranchers with a day's notice. Lynn Tomera said she feels those most drastically affected should be notified. Mr. Davis said he would do his best to keep them informed on meetings, but to know he may only find out hours before the meeting.

Hank Filippini said he thinks they should have a permittee meeting for the whole area. Mr. Mariluch said they could talk, not only about the sage grouse situation, but about the drought situation. He said the BLM sent out letters and didn't work with them like Doug Furtado said. He said they are going to start closing allotments.

Commissioner Stienmetz moved for the Commission to approve the Memorandum of Understanding (MOU) between Lander County and the Bureau of Land Management (BLM) for cooperating agency status in the development of the Resource Management Plan (RMP) amendments and Environmental Impact Statement (EIS) for the proposed Greater Sage Grouse National Planning Strategy, Great Basin Region Nevada-Northeast California Subregion and authorize the Chairman to sign the Agreement. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

24) Discussion For Possible Action Regarding The Bid Notification/Contract Process & Other Matters Properly Related Thereto:

Commissioner Bullock said they need to evaluate how they are doing the bid processes. He said number one is the Clerk's Office needs to be notified that the bids are coming in. He said there were two last week where the Clerk had no idea the bids were even coming.

Donnie Negro, Road and Bridge Foreman North, said those bids were his and they have it straightened out that there will be definite communication bridge between Road and Bridge and Sadie (Clerk) through Shaw Engineering. He said the bid process is a big deal and they kind of dropped the ball. Commissioner Bullock said he understands that but they need to get it so nobody is surprised and they are prepared for it.

Commissioner Bullock asked why when they approve the bids they have to come back to approve the contract. He asked why they couldn't approve it pending the five days so everything can be in place and doesn't have to be brought up one meeting then two weeks later. Mr. Etcheverry said he thinks they could award the bid and award a contract pursuant to review by Legal and subject to receiving any bid protests and proof of the Bond.

Mr. Negro said one bid he had went out April 30th and the notice to proceed was July 2nd. Time is being burned that could be used to work on the projects. Commissioner Bullock also added it is costing more to pay the Engineer to show up twice to Commission meetings for the award of Bid then the Contract. This is more cost to the County.

Gene Etcheverry said he could draft a guideline Standard Practice for everyone to have a copy of, and those entering into the bid will know it is in place.

Commissioner Bullock asked if the bids needed to be opened to the Clerk or should they do them in the Commission meeting. He said some Counties do. Mr. Etcheverry said it was a possibility.

Sadie Sullivan, Lander County Clerk, said she spoke with Jake and Donnie and said her problem isn't with the departments it is with the Engineer. She said he will call the morning of, or she will get a notification or someone comes in with a bid. Mr. Etcheverry said he thinks they can fix that. Ms. Sullivan said she has been working on it for a year and a half to fix it so if he could it would be great.

Commissioner Mason said two weeks lost on a contract can mean a lot. He said it puts us in second place when we could have been in first place because they take their business elsewhere and then come back because we weren't ready.

Ms. Sullivan said sometimes an addendum has come through and she wasn't notified. She said she has talked with James on that as far as legality. She said there was a time change on one and she would have denied bidders from 11:00 to 11:30. She said a bidder had to tell her about the addendum. **DISCUSSION ONLY**

25) Correspondence/Reports/Potential Upcoming Agenda Items:

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

1. MICHAEL TRUDEN, BUREAU OF LAND MANAGEMENT, to Reader, letter regarding Preliminary Environmental Assessment (PEA) for the Adelaide Mine Exploration Project.
2. TERESA J. KNUTSON, BUREAU OF LAND MANAGEMENT, to Reader, letter regarding Decision Record (DR) for the Wild Horse Removal Phase of the Final Environmental Assessment (EA) *Desatoya Mountains Resiliency, Health and Restoration Project DOI-BLM-NV-C010-2011-0513-EA*.
3. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, BUREAU OF AIR QUALITY PLANNING, Notice of Public Comment Period Beginning July 13, 2012 and a Public Hearing on August 15, 2012, if requested.
4. US FISH AND WILDLIFE SERVICE, NEVADA FISH AND WILDLIFE OFFICE, to Lander County Board of Commissioners, postcard regarding Fish and Wildlife Service seeking input on Southwestern Willow Flycatcher Critical Habitat Proposal.
5. JEANNE M. HIGGINS, FOREST SUPERVISOR, US DEPARTMENT OF AGRICULTURE, to Philip Williams, President, Austin Chamber of Commerce, letter regarding camping opportunities in floodplains.
6. US FISH AND WILDLIFE SERVICE, NEVADA FISH AND WILDLIFE OFFICE, to Lander County Board of Commissioners, postcard announcing Endangered Species Act protection not warranted for four species of Nevada sand dune beetles.
7. TERESA J. KNUTSON, BUREAU OF LAND MANAGEMENT, to Reader, letter regarding Decision Record (DR) for the Habitat Restoration Phase of the Final Environmental

Assessment (EA) *Desatoya Mountains Resiliency, Health and Restoration Project*
DOI-BLM-NV-C010-2011-0513-EA.


For upcoming agenda items, Mr. Etcheverry said they would need a Standard Practice generally for bids. He also said those that didn't submit for the CMAR on the Courthouse Project are now asking when the Commission is going to entertain a Project Manager or Project Coordinator and suggested putting that on the next agenda to see if the Commission would like to go that route and when.

PUBLIC COMMENT

No Public Comment

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of July 26, 2012. Seconded by Commissioner Williams, the motion was voted and carried. **ADJOURNMENT**



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.