



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 August 11, 2011 at 9:00 A.M.

**PRESENT:**     **STEVEN STIENMETZ, COMMISSIONER**  
                  **RAY H. WILLIAMS, JR., COMMISSIONER**  
                  **DAVID MASON, COMMISSIONER**  
                  **SADIE SULIVAN, COUNTY CLERK**  
                  **JAMES BARNES, DEPUTY DISTRICT ATTORNEY**  
                  **GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR**  
                  **SOVEIDA ROBINSON, HUMAN RESOURCES**  
                  **CATHY MYERS, DEPUTY CLERK**

**ABSENT:**     **DEAN BULLOCK, COMMISSIONER**

**9:00 A.M.**

Chairman, Steven Stienmetz, called the meeting to order.  
Let the record reflect the presence of a quorum of four Commissioners  
Commissioner Williams 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 Agenda Notice, as posted. Seconded by Commissioner Mason, the motion was voted and carried.

**APPROVAL & ACCEPTANCE OF MINUTES**

**Regular Session Of July 28, 2011**

The minutes of the July 28, 2011 regular session were not ready for review at this time.

**CORRESPONDENCE**



- 1) MITSUYO MASER, NEVADA DEPARTMENT OF TAXATION, to WWW Construction, Inc., letter regarding Application Filing Number: 10-100006G; Project Name: Ormat McGinness Hills Project.
- 2) DECISION NOTICE FINDING OF SIGNIFICANT IMPACT, McGinness Hills Geothermal Development Project, EA DOI-BLM-NV-B010-2011-0015-EA, July 2011.
- 3) W. TODD SUESSMITH, JR., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Glenn King, Newmont Mining Corporation, letter regarding BMRR Approval of Phoenix Project Mill Expansion Plan of Operations Modification dated June 30, 2011, Reclamation Permit 0223, BLM Case #NVN-067930.
- 4) US NUCLEAR WASTE TECHNICAL REVIEW BOARD, News Release, NWTRB to Discuss DOE Plans for Research and Development Related to Used-Fuel Disposition at September Meeting.
- 5) PHILIP W. MARSHALL, RPM HOLDINGS, LLC, to Sheriff Ron Unger, letter regarding Austin 4<sup>th</sup> of July celebration.
- 6) JAINIE O. HARTLEY, P.E., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Steven Stienmetz, Dyno Nobel, Inc., letter regarding draft permit NEV90031, Dyno Nobel Inc., Battle Mountain Plant, Battle Mountain, Lander County, NV.
- 7) W. TODD SUESSMITH, JR., DIVISION OF ENVIRONMENTAL PROTECTION, to Kimberly Wolf, Barrick Cortez Inc., letter regarding BMRR Approval of Revised 2010 Amendment for Barrick Cortez Inc.'s Pipeline/Cortez Hills Expansion Project Plan of Operation dated June 2011.

Commissioner Garner asked about Correspondence #3 and if that was part of where the road needed to be changed. Executive Director, Gene Etcheverry, said it was part of that project and they are getting ready to move ahead.

Commissioner Mason asked about Correspondence #4 and if it was in regards to Yucca Mountains. Mr. Etcheverry said yes, it was the Technical Review Board and stated that Yucca Mountain is reopening. Mr. Etcheverry said it was not a Supreme Court decision because they



didn't feel it was ready for one. However, the order was given that the process cannot be stopped by the President of the United States by Executive order or stopped by Congress. Commissioner Williams said a meeting was going to be held in Salt Lake City, Utah in September.

Executive Director, Gene Etcheverry, commented on correspondence #5. Mr. Etcheverry said Mr. Marshal was the key individual for that celebration and was very impressed with the performance of the Sheriff's Department over the course of the three day celebration.

### **COMMISSIONER REPORTS**

Commissioner Williams said he finds it hard to give reports after what transpired in the Open Meeting Law Training. He said he could probably be accused of polling because he sends out a lot of emails to the other Commissioners, to Mr. Etcheverry and James Barnes. Especially emails from NACO and the NACO Land Board because they pass a lot of Resolutions. Commissioner Williams said the only other way he can think to handle this is to write a written report and apply attachments and have it submitted to be added to the agenda. Commissioner Garner and Executive Director, Gene Etcheverry, said it was recommended that the email be forwarded to Mr. Etcheverry and he could distribute them accordingly. Commissioner Williams reported on a book he received called "Around the World in Eighty Years". He also reported that they pulled the drill rig in to drill the test well in Austin, and that he attended the Public Lands Advisory Board Meeting. Commissioner Williams also said there would be the Alviso Roadsters Car Show in Austin on August 13<sup>th</sup> and 14<sup>th</sup>. He reported that he attended a NACO Board meeting, via teleconference, on August 5<sup>th</sup> and he planned to attend the NACO Conference in September.

Commissioner Mason reported that he attended the Planning Commission Meeting on August 10<sup>th</sup> and updated that the Stallard split was approved by the Planning Commission, that Jay Wintle wanted to do a four way split on his land, and Maverick is ready to start building. It was stated the Maverick would be built south of Torgerson's.

### **STAFF REPORTS**

Executive Director, Gene Etcheverry, said the update on the Open Meeting Law will change how they proceed with the Agendas and the Commissioner and Staff Reports from here forward. Mr. Etcheverry said mandatory Harassment Training was August 17<sup>th</sup> and 18<sup>th</sup> at the Civic Center. He also said correspondences have been received on the Levee Project and will be addressed next Commission Meeting. Commissioner Mason asked Mr. Etcheverry how the Open Meeting Law changes would affect the Agenda to which Mr. Etcheverry said Public



Comment would be different and Report must be agenized for discussion. Mr. Etcheverry said he, along with his staff, are trying to figure out a way to handle issues that may need to be discussed and can't be agenized without violating the Open Meeting Law.

**PAYMENT OF BILLS**

**LAWRENCE B. ENGLISH**

Commissioner Garner moved to ratify check number 37703 in the amount of \$320.00 to Lawrence B. English. Seconded by Commissioner Williams, the motion was voted and carried.

**APPROVED**

**BANK OF AMERICA**

Commissioner Garner moved to ratify check number 37596 in the amount of \$3,441.15 to Bank of America. Seconded by Commissioner Williams, the motion was voted and carried.

**APPROVED**

**WELLS FARGO**

Commissioner Garner moved to ratify check number 37594 in the amount of \$1,500.00 to Wells Fargo, Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**BOUND TREE MEDICAL**

Commissioner Garner move to ratify check number 37576 in the amount of \$4,464.50 to Bound Tree Medical. Seconded by Commissioner Williams the motion was voted and carried.

**APPROVED**

Commissioner Garner moved to approve the submitted expenditures in the amount of \$247,765.11, from check numbers 37604 thru 37699. Seconded by Commissioner Mason, the motion was voted and carried with Commissioner Williams abstaining from the vote on check number 37697 and Commissioner Garner abstaining from the vote on check number 37608.

**APPROVED**

**PAYROLL CHANGE REQUESTS**

1. Employee Change Request for employee number 1140, New Hire, Assistant Pool Manager, \$11.65 per hour, effective August 1, 2011
2. Employee Change Request for employee number 1482, New Hire, Accounting Specialist, \$14.89 per hour, effective August 1, 2011.



3. Employee Change Request for employee number 0911, Promotion, Corporal, \$25.52 per hour, effective August 8, 2011.

Commissioner Williams questioned if \$14.89 was the starting wage for the Accounting Specialist.

Commissioner Garner questioned if the Deputy Corporal was the position was added in the budget. Soveida Robinson, Human Resource Director, said yes she was just added.

Commissioner Williams moved to approve the new hire requests one thru three. Seconded by Commissioner Garner.

Grace Powrie introduced Jusdivia Johnson to the Board.

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

#### **PUBLIC COMMENT**

There was no Public Comment.

#### **FINANCE**

##### **9:25 A.M.**

- 1) **Budget Review & Update:** Executive Director, Gene Etcheverry, reviewed the items up for discussion with the Board.

##### **Revenues for the month of July:**

1. Golf Course – Green Fees - \$5,898, up \$709 from prior year  
Trail Fees - \$60 down, \$130 from prior year
2. Swimming Pools – B.M. Pool - \$5,971, up \$835 from prior year  
Austin Pool - \$323, up \$323 from prior year

##### **Accounts receivables for the month of July:**

3. Landfill - \$17,662
  4. Misc. W&S - \$0
- Ambulance and regular W&S are not available at this time.

Commissioner Mason asked if the Pool rates had increased. Mr. Etcheverry said no they had not, but last year in the month of June the weather was not good for swimming.



## COMMISSIONERS

9:28 A.M.

- 2) Discussion For Possible Action Regarding Interlocal Contract Between The Division Of Health Care Financing & Policy (DHCFP), The Division Of Welfare & Supportive Services (DWSS), & Lander County For Implementation Of The Medical Assistance Program & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, said this is the contract that was looked at in draft form in the last Commission Meeting. He said it has been standardized for Lander County as well as sixteen other Counties and is in the final form. He said it will be implemented for the Medical Assistance Program for the biennium which began July 1, 2011 and will end June 30, 2013. Mr. Etcheverry said the Social Security Income Federal Benefit for Medicated recipients had been lowered, and certain administrative and transaction cost were passed on. Sandi Smith said this was a 50/50 match program, where if you have a client that is eligible for Medicaid service and are above the Medicaid rates but below self-pay, the States and Counties pay 50% of that. Ms. Smith said because of the shifting of funding, they lowered the rates so the County will be paying for more patients at the 50% rate. Ms. Smith said last year there was an eight cent cap. If the County paid eight cents of the allocated dollars then the County would be held harmless, and it is not in the new contract.

Commissioner Garner moved to approve the Interlocal Contract between the Division of Health Care Financing and Policy (DHCFP), the Division of Welfare and Supportive Services (DWSS), and Lander County for implementation of the medical assistance program and authorize the Chairman to sign the Contract documents. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

9:33 A.M.

- 3) Discussion For Possible Action Regarding Humboldt River Basin Water Authority (HRBWA) FY 2011-2012 Membership Assessment In The Amount Of \$7,500.00 & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, said the invoice for the 2011-12 Membership in the Humboldt River Basin Water Authority was before the Board. Mr. Etcheverry said the Counties included in this Water Authority were Elko, Eureka, Humboldt, Lander, and Pershing Counties. The purpose of this Organization was to address water and water right issues pertaining to the Humboldt River, its tributaries, and the surface and ground water in that basin. The representatives for Lander County are Louis Lani, Commissioner Chairman Steve Stienmetz, Gene Etcheverry and Commissioner Dean Bullock as the designated alternate. The Humboldt River is under the Humboldt Decree. The Humboldt River Water basin can be affected by the building of pit lakes, stock water rights, agricultural



water rights, and changing agricultural water rights to mining water rights. Since it has been established there is a clear relationship between surface water and ground water. Mr. Etcheverry said what happens in the underground water basins all along the Humboldt River actually impact the river and visa versa.

Commissioner Garner moved to approve membership of Lander County in the Humboldt River Basin Water Authority (HRBWA) for Fiscal Year 2011 -2012 and authorize payment of the membership assessment, in the amount of \$7,500.00, out of Fiscal Year 2011-2012 budgeted resources. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

**9:43 A.M.**

- 4) **Discussion For Possible Action Regarding Secretary Of The Interior Ken Salazar's Desire To Work With Members Of Congress, States, Tribes & Local Communities To Identify Public Lands Managed By The Bureau Of Land Management (BLM) For Permanent Wilderness Protection Under The Wilderness Act & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said a letter had been received, July 25, 2011, regarding the Secretary of Interiors desire to work with Members of Congress, States, Tribes and local communities to identify public lands that are currently managed by the Bureau of Land Management (BLM) for permanent Wilderness protection under the Wilderness Act. Mr. Etcheverry said this is Lander County's opportunity to send a letter to the Secretary and ask him to include lands, that Lander County may feel needs to be protected permanently as wilderness, in his October Report to Congress. Mr. Etcheverry said his recommendation is not to designate any lands at this time.

Commissioner Garner moved to direct staff to draft a letter, for the Chairman's signature, thanking Secretary of the Interior Salazar for his inclusion of Lander County in this effort to conserve America's lands but identifying no lands within Lander County as potential candidates for "wilderness" designation. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**9:42 A.M.**

- 5) **Discussion For Possible Action Regarding Nevada Rural Housing Authority's (NRHA's) Request To Transfer Lander County's 2011 Private Activity Bond (PAB) Cap Allocation To NRHA & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is an annual request from the Nevada Rural Housing Authority (NRHA) to transfer our allocation of the Private Activity Bond Cap to them. What NRHA does with that is it provides a means of financing the cost of single family residential



housing. In Lander County there have been six "Home At Last" Mortgage Loans totaling \$632,173.00, and NRHA has provided \$18,965.19 in down payment assistance. Mr. Etcheverry said there has been some critical housing need in Lander County in the past year and NRHA is one entity that can help us with that. Nevada Rural Housing Authority has been looking at building a subdivision or partnering to get some rental housing in Battle Mountain. The amount of the 2011 Lander County Private Activity Bond Cap is \$305,490.10. Mr. Etcheverry said Lander County would get that back, not dollar for dollar, but as part of the housing effort. Commissioner Garner asked if this money is transferred, if it would stay in Lander County. Mr. Etcheverry said no it does not but if we don't give it to them, then Lander County needs to put a program in place. Mr. Etcheverry said this Bond Cap has been transferred for the last five years. Commissioner Garner said he had a problem with Lander County's money going to other Counties to provide housing assistance when the residences of Lander County don't even know these programs exist. Mr. Etcheverry said it isn't really money; it is a Capacity for Bonding. Mr. Etcheverry said Lander County is required by Federal Law to have a Fair and Equal Housing Effort, and this demonstrates Lander County's commitment to their Fair and Equal Housing Policy.

Commissioner Mason moved to defer until a Representative of Rural Housing is available to come speak with the Commission. Seconded by Commissioner Garner, the motion was voted and carried. **APPROVED**

**9:54 A.M.**

- 6) **Discussion For Possible Action Regarding Change Of Date For Second Regular County Commission Meeting In September To Clear Conflict With 2011 Nevada Association Of Counties (NACO) Annual Conference & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the NACO Conference this year is in Fallon, Nevada. The Conference is scheduled for Tuesday September 20 through Thursday September 22, 2011. Thursday September 22<sup>nd</sup> would be the second Commissioner's Meeting in September, and Mr. Etcheverry proposed the meeting date be changed to Monday September 19, 2011.

Commissioner Garner moved for the Commission to change the second regular Board of County Commissioners meeting date for the month of September 2011 from Thursday, September 22, 2011 to Monday, September 19, 2011. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**EXECUTIVE DIRECTOR**

*Lander County Board of Commissioners  
Meeting of August 11, 2011*





9:56 A.M.

- 7) Discussion For possible Action Regarding Award Of Bid For The Battle Mountain Airport Apron Reconstruction Project, AIP 3-32-0001-21, Pending FAA Funding, & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, said the bid tab schedule is being presented and there were six bids received. The bids range from \$1,275,555.00 to \$1,765,631.15. The low bidder for the Battle Mountain Airport Apron Reconstruction (Phase I) Project, FAA Project 3-32-0001-21, was submitted by Aggregate Industries SWR, Inc. in the amount of \$1,275,555.00. Mr. Etcheverry said the bid was reviewed and found to be complete and error free. The contractor has committed to meet the 10.90% Disadvantage Business Enterprise (DBE) goal. Commissioner Mason asked if this bid is higher then what was budgeted or if it was what was budgeted. Mr. Etcheverry said it was slightly higher then what the engineer estimated. He said an application can be submitted to the FAA to revamp the cost of the project for approval.

Commissioner Garner moved for the Commission to approve the bid for the Battle Mountain Airport Apron Reconstruction (Phase I) Project, AIP 332-0001-21, to Aggregate Industries SWR, Inc., of Elko, Nevada, in the amount of \$1,275,555.00, contingent upon receipt of FAA grant funding. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

#### BOARD APPOINTMENTS

10:00 A.M.

- 8) Discussion For Possible Action Regarding Appointments To The 2011-2012 Advisory Board, Categories 1,2,3, & 4 & Other Matters Properly Relating Thereto: Executive Director, Gene Etcheverry, said a letter of intent had been received from Sandy Ayers. Mr. Etcheverry said Ms. Ayers has attended some of the last LEDA meetings and had submitted her letter of intent for appointment to the vacant position on the LEDA Board. This term is for a two-year term and will expire June 30, 2013.

Commissioner Garner moved for the Commission to appoint Ms. Sandy Ayers to the vacant position on the Lander County Economic Development Authority (LEDA) for a two-year term of service, expiring June 30, 2013. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

#### PLANNING COMMISSION

10:02 A.M.



- 9) **Discussion For Possible Action Regarding Parcel Map For Larry & Nancee Stallard, 125 Mulligan Way, Battle Mountain, APN #011-110-07, Splitting One (1) Parcel Into Four (4) Parcels & Other Matter Properly Relating Thereto:** Executive Director, Gene Etcheverry said this went before the Planning Commission and Larry and Nancee Stallard were present. Mr. Etcheverry said the Planning Commission, unanimously, recommended approval by the Commission. Commissioner Williams questioned if the new law affected the water rights. Mr. Etcheverry explained that if they weren't immediately available to the water system, then yes. Commissioner Garner asked if Mulligan Way was projected to go all the way to the end of the parcel. It was stated that it would as it was developed.

Commissioner Garner moved for the Commission to uphold the Planning Commission's recommendation and authorize the Chairman to sign the Mylar Map. Seconded by Commissioner Mason.

Jay Wintle made public comment by stating he held the easement at Sheep Creek Road. He said he felt a lot of development is being created out there and feels the road needs to be brought up to County standards before they continue creating a subdivision.

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

#### **PUBLIC WORKS**

**10:11 A.M.**

- 10) **Discussion For Possible Action Regarding Letter Received From Larry Stallard Dated July 5, 2011 Regarding Reimbursement For Section Of Pipe Used In The Battle Mountain Arsenic Project Looping Main & Other Matters Properly Relating Thereto:** Larry Stallard addressed the Board and asked for reimbursement for the water main extension that he provided two years ago, or for the County to bring in 440 feet of water main down Mulligan Road. Mr. Stallard said, originally, there was no residential main extension written agreement between himself and the County. Mr. Stallard said as part of the County Code, if a written agreement was made, he would be reimbursed by the County, and there should have been a written agreement made. Commissioner Williams asked Mr. Stallard how much money he was talking about. Mr. Stallard said the amount to lay 440 feet of pipe. Commissioner Williams said he needed a dollar amount, to which Mr. Stallard said it was around \$14,000.00. Commissioner Garner said Jake Edgar sent a figure of \$19,099.00 via email. Commissioner Garner said it would be put on the arsenic project and would still be within funding, or they could go back to litigations with the District Attorney's Office because the information given to Mr. Stallard at the time was



not adequate information. Commissioner Williams expressed concern on the difference in the figures. Jake Edgar said the larger figure included Mr. Stallard's labor. Commissioner Stienmetz asked Mr. Edgar if it would be cheaper to pay Mr. Stallard the money or to put in the 440 feet of pipe. Mr. Edgar said he would rather have the pipe put in because in time it will pay for itself, and it is a wash. James Barnes, Deputy District Attorney, said whatever is decided will be put in writing; he is just waiting for direction from the Board.

Commissioner Garner moved to approve the recommendation of the \$19,099.00 through Legacy Construction as a change order request, but through the District Attorney's Office that Mr. Stallard waive the \$2,000.00 a piece hook up charges for those three lots.

Mr. Stallard said the first three lots that are on the map, the pipe won't reach at 440 feet. He said he has a contractor giving him a bid for another 220 feet to make it to the last lot, which it will probably be at his expense. Commissioner Garner said this is a one-time fix for something that happened two years ago.

Commissioner Mason asked Commissioner Garner to restate his motion.

Commissioner Garner moved to accept the change order through Legacy Construction for \$19,099.00 for the Stallard 440 feet extension repayment, and have Stallard waive the customer connection hookup fee from Lander County and have the Deputy District Attorney draft a legal agreement.

Seconded by Commissioner Mason.

Tyler Bullock, Legacy Construction, addressed the Board and said they dug that line up yesterday and it is perfect to County specification.

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

**LANDER ECONOMIC DEVELOPMENT AUTHORITY**

**10:23 A.M.**

- 11) **Discussion For Possible Action Regarding & Ratification Of FY 2011-2012 Grant From Nevada Commission On Economic Development (NCED) Local Development Grant Program, In The Amount Of \$20,000.00, For Lander Economic Development Authority (LEDA) Operational Funding & Other Matters Properly Relating Thereto:** Executive



Director, Gene Etcheverry, said the County did receive the notice of Grant Award even though it's now called a Notice of Performance Agreement. Mr. Etcheverry said it provides operational funding from NCED to LEDA from July 1 to December 30, 2011. Mr. Etcheverry said the application was for the amount of \$50,000.00 and was not sure if NCED cut the grant to only \$40,000.00 or if the \$50,000.00 would be granted and get the other \$30,000.00 in the next distribution.

Commissioner Garner moved for the Commission to ratify the acceptance of the Fiscal Year 2011-2012 Grant Award from the Nevada Commission of Economic Development (NCED) Local Development Grant Program (LDGP), in the amount of \$20,000.00 for Lander Economic Development Authority (LEDA) operational funding for the period of June 30, 2011 through December 31, 2011. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

#### **COMMISSIONERS**

**10:25 A.M.**

- 12) **Discussion For Possible Action Regarding For Grant Of Right-Of-Way To Be Filed By Baker Hughes On Behalf Of Lander County For Slaven Canyon Access Road & Consideration Of Easement/Access Issues Across Private Lands & Other Matters Properly Relating Thereto:** Chris Hopf, Mine Manager of Baker Hughes, said they are in the process of permitting Slaven Canyon and they need access to the mine site so they can start mining it mid-2012. Mr. Hopf said the issue with the road is they have public land and private land and they are in negotiations to get easement through the private land. One of the private land owners requested they get the easement in Baker Hughes name. The issue with this is there would be a road in the County's name and in Baker Hughes name, but once the mine life is finished then the private land will go back to its current status. Commissioner Mason asked about doing a joint venture. Doug Cannon, Attorney representing Baker Hughes, said they spoke with the BLM and the BLM doesn't have an issue. So if Lander County received the right-of-way across all the public land, and it was in the County's name, and if Baker Hughes had a right-of-way in its name for the private lands, that doesn't cause concern for the BLM and they would go forward granting the right-of-way. Mr. Cannon said the main purpose for addressing the Board is to discuss the long term plan for this road and avoid any future issues. Mr. Hopf said they would be done with the road in three to five years. James Barnes, Deputy District Attorney, said if the County wants to keep the road after Baker Hughes is finished with it, then they should get involved because it will be a County Road and it would be good to take care of it now. However, if the County has no interest in the road then it is a private company issue with private land owners. The road is there right now and needs



improved. Mr. Cannon said there is no deed or Court document that has declared those rights to the County and what they are trying to avoid is having a land owner putting a fence across the property. Mr. Barnes said he agreed with Mr. Cannon's suggestion of Lander County getting the Road and giving Baker Hughes easement and keeping it separate. Mr. Cannon shared some of the different options with the Board on how to obtain access to this road. Commissioner Stienmetz asked why they didn't change the route to move away from the housing development in that area. Mr. Hopf said they are going to cut across and either go to the other side of the gravel pit or just in front of it.

Commissioner Garner moved for the Commission to accept the proposal and support of an application filed by Baker Hughes, on behalf of Lander County, for the grant of right-of-way for the sections of land provided under the map across Slaven Canyon access road, and request the assistance of the District Attorney's Office if further needed. Commissioner Mason added subject to Lander County getting copies of Baker Hughes agreements. Seconded by Commissioner Mason, the motion was voted and carried.

**APPROVED**

**10:50 A.M.**

- 13) **Discussion For Possible Action Regarding Summary Of The 2011 Legislative Session & Impacts To Lander County & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said as they are getting invoices in finance, he is going back and checking what was passed and making sure they are getting billed right. He did say, however, he doesn't have the summary prepared yet. Mr. Etcheverry said there is still some things that haven't been released by the Legislative Council.

**ROAD & BRIDGE SOUTH**

**10:51 A.M.**

- 14) **Discussion For Possible Action Regarding Road Maintenance Agreement Between Lander County & ORNI 39, LLC For Maintenance Of A Portion Of Grass Valley Road & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said he attended a meeting, the week of August 1st, with Bert Ramos, Commissioner Williams and Mr. Kessler of ORNI 39 (also known as ORMAT), LLC. Mr. Etcheverry said what they are requiring is for Lander County to enter into a road maintenance agreement for portions of the Grass Valley Road that access the McGinness Hills Geothermal site. Mr. Ramos said in that meeting there was a contract that was to be taken back and reworded. He said it had been reworded, and he spoke with Scott Kessler of ORNI 39, because in the present contract there is some wording that is not going to work for the



County. Mr. Kessler agreed the wording was not correct and there were some things that needed to be changed. Mr. Kessler said he had left direction for someone else to deal with the contract, and they did not deal with it in the way that was agreed upon or in the way he thinks is appropriate. Mr. Kessler said on number "A" he needs to come to an agreement with the County that says ORMAT will maintain the road from Highway 50 all the way to the Grass Valley ranch during construction and drilling programs, and once they are through the County will take over maintenances and ORMAT will reverse the County 110% of the cost attributable to ORMAT from Highway 50 to the plant. Mr. Ramos said if ORMAT decides to build another plant later, Lander County would like for them to take over maintenance of the road again while that plant is being built as well. Mr. Kessler said the problem is ORMAT is ready to start construction and BLM will not allow them to start construction until the County agrees. Mr. Kessler is requesting for the County to agree that those conditions are acceptable and conditionally approve the contract until it is corrected and can be formally approved. Mr. Ramos said another section of the contract that needs to be corrected is the independent parties in section 9, and to be clearer on the maintenance. Mr. Etcheverry suggested the board making a bridge agreement to where until the permanent agreement is in place ORMAT can go ahead and use that road. Mr. Ramos said he was all for getting the ball rolling for ORAMT but there are a lot of legal issues involved and if it has to be another two weeks to give the County that security and protection then ORMAT will have to wait those two weeks.

Commissioner Garner moved to accept, in concept and principle, the draft Road Maintenance Agreement between Lander County and ORNI 39, LLC for maintenance of a portion of Grass Valley Road from US Highway 50 to Grass Valley Ranch. Subject to the final agreement reviewed by the District Attorney's Office and placed on the Lander County Board of Commissioners Regular Meeting Agenda of August 25, 2011, and direct staff to write to Bureau of Land Management. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**11:15 A.M.**

- 15) **Discussion For Possible Action Regarding Grant Of Easement From Lander County To ORNI 39, LLC For Placement Of Portions Of McGinness Hills Project Pipeline Within Lander County Roadway Easement & Other Matters Properly Relating Thereto:** Scott Kessler, of ORNI 39, said they have well fields and a plant, and they need to move fluid between them. Mr. Kessler said the area has so much cultural significance that if they go cross country it will take years before clearance will be given. Mr. Kessler proposed to run the pipe along the back slope of the roads. Mr. Kessler showed the pipes are



generally about 3 feet high pipes, but said they can change height with the terrain. He said they sit on a "T" shape structure and kind of float. He said they are made out of schedule 40 pipe, and they are very durable. Commissioner Mason said there is a pipeline similar, to what is being proposed, out at Nightingale. Commissioner Garner asked how far Mr. Kessler wanted to run this pipe. Mr. Kessler said about 2 miles. There was discussion on whether this would interfere with blading or maintaining the road or cattle crossing. Commissioner Garner asked if the pipe would go under or above ground at access roads. Mr. Kessler said it would go underneath; there is a sleeve they slide the pipe through.

Commissioner Garner moved for the Commission to approve the request for grant of easement by Lander County to ORNI 39, LLC for placement of portions of McGinness Hills Project pipeline within Lander County roadway easement. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

*Let the record reflect the presence of Commissioner Bullock and the absence of Commissioner Stienmetz for the remainder of the meeting.*

**1:00 P.M.**

- 16) **Discussion For Possible Action Regarding Between Lander County & Hunewill Construction Co., Inc. For The Austin/Kingston 2011 Road Maintenance Project & Other Matters Properly Relating thereto:** Bert Ramos said this was just to have the contract approved. Gene Etcheverry, Executive Director, said the District Attorney's Office had not been privy to this agreement.

Commissioner Mason moved for the Commission to approve the agreement between Lander County and Hunewill Construction Co., Inc. for the Austin Kingston 2011 Road Maintenance Project as presented, subject to the review of the Legal Department, and authorize the Chairman to sign upon approval. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

**ROAD & BRIDGE NORTH**

**1:02 P.M.**

- 17) **Discussion For Possible Action Regarding Agreement Between Lander County & Hunewill Construction Co., Inc. For The Battle Mountain 2011 Road Rehabilitation Project & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry said the District Attorney's Office had not been privy to this contract for review. Steve Brigman said the contracts have been signed by the contractor and are



ready for review by the District Attorney's Office. Mr. Brigman said the contracts are missing the Insurance Certificates and the bonds were faxed back that morning. Mr. Brigman recommended for the Board to approve the contracts for signature pending the District Attorney's Review, and subject to getting the Insurance Certificates. Commissioner Bullock asked what roads were being done. Donnie Negro, Road and Bridge North, said Wilson, 7<sup>th</sup>, 8<sup>th</sup>, 4<sup>th</sup> and North 2<sup>nd</sup> Streets.

Commissioner Bullock moved for the Board to approve the Agreement between Lander County and Hunewill Construction Co., Inc. for the Battle Mountain 2011 Road Rehabilitation Project pending Bond Verification, Insurance Verification and Legal Review and authorize the Chairman to sign. Seconded by Commissioner Garner, the motion was voted and carried. **APPROVED**

### **PUBLIC WORKS**

**1:10 P.M.**

- 18) **Update With Discussion For Possible Action Regarding Battle Mountain Arsenic Project & Other Matters Properly Relating Thereto:** Jake Edgar, Public Works Foreman, updated the Board and said they had been lowering the set points for the drawdown to see how far it can go before they get real bad air. He said there are a few leak issues that they are dealing with. Mr. Edgar said at the moment the sand issues are under control. Steve Brigman said he believes the sand issues were from sand that was already in the pipes, or some sloughing that may have occurred, but did not think it was from sand being in the water. Mr. Brigman said the tanks are currently pumping at 1600 gallons a minute, and that is good. Mr. Edgar said they will be doing more testing as far as State samples go and make sure the Commission has a copy of those results. **NO ACTION - UPDATE ONLY**

**1:22 P.M.**

- 19) **Discussion For Possible Action Regarding Change Order No. 5 For Battle Mountain Water & Sewer Phase 2 Water Project Arsenic Mitigation Transmission Main & Water Wells, In The Amount Of \$96,313.00, & Other Matters Properly Relating Thereto:** Steve Brigman said they have seen evidence that the pressure is going to impact a few lines, so it is important to keep that pressure lower until some of the problems can be taken care of. Mr. Brigman said the original plan was for the Wintle Loop to have a PRV, but it was deducted out. However, a PRV needs to be put back in if the looping main is going to be brought into service and needs to stay into service for a while. Mr. Brigman said they were going to make it a more robust PRV, like they did out by Marvel Ranch, but adding a low flow PRV also. That is one item in the proposed change order. Mr.





Brigman said one way to mitigate sand and possibly air was to not allow the tank to float on the grid, in other words force all the water into and out of the tank. Mr. Brigman said this was a separate fill and draw line and that was the other item on the proposed change order. Mr. Brigman said the PRV Vault was \$41,685.00 and the Dedicated Draw Line was \$54,628.00 for a total of \$96,313.00. Mr. Brigman said the Army Corps of Engineers have agreed to fund these two items for an amount of \$72,234.75 and the County's share would be \$24,078.25.

Commissioner Garner moved for the Commission to approve the Sewer Phase 2 Water Project Arsenic Mitigation Transmission Main and Water Wells, in the amount of \$96,313.00 as change order #5. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

**1:37 P.M.**

- 20) **Discussion For Possible Action Regarding Award For A Mini Hydraulic Excavator For The Public Works Department & Other Matter Properly Relating Thereto:** Jake Edgar said he went through the bid process and Cashman Equipment was the low bidder. Mr. Edgar said they send out letters to the unsuccessful and the successful bidders. Mr. Edgar presented the Board with the bid sheet. He said there were four bidders Cesco and Arnold came in with "No Bid". Pape Machinery Inc. came in at \$32,988.00 and Cashman Equipment at \$29,805.00. Cashman was the low bidder.

Commissioner Garner moved for the Commission to award the bid to Cashman Equipment for \$29,805.00 for a min excavator. Seconded by Commissioner Bullock, the motion was voted and carried. **APPROVED**

**EXECUTIVE DIRECTOR**

**1:40 P.M.**

- 21) **Discussion For Possible Action Regarding Lander County/Lander County Hospital District Joint Emergency Medical Services Committee & Memorandum Of Understanding (MOU) Between Lander County Board Of Commissioners & Lander County Hospital District Of Trustees For Emergency Medical Services Reorganization Project & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said part of this was to create a Committee, but it was hard to see were a Committee would even be beneficial at this time. Mr. Etcheverry said it was discussed to not create the panel at this time, and move forward with something that would address the problem with the Ambulance Service. Mr. Etcheverry said he wasn't sure if this MOU



was going to serve the County's needs. Commissioner Garner said he didn't feel it was even close to what the County is after. Commissioner Garner read a portion of the MOU that basically said if the Hospital ends up one million dollars over budget at the end of the year the County would write them a check to cover those costs. However, if there was a profit then the County will get half. Commissioner Mason said the MOU has a time limit on it and it is basically to pass power over to the Hospital to run the Ambulance Service. Commissioner Mason also said the MOU is about having input for both sides until the licenses are transferred. Commissioner Mason suggested deferring this item until there is a full Board. Commissioner Garner said there was enough to vote right now. It was questioned if Legal Counsel had reviewed this MOU. James Barnes, Deputy District Attorney, said he had looked over it but he said he had asked Mr. Hanna if he had acquired some documents from Humboldt County, because they have a similar arrangement. Mr. Barnes said Mr. Hanna told him he had, but they were not very useful. Mr. Barnes said that he and the District Attorney wanted to look over them anyway and see what else could be added to this MOU.

Commissioner Garner moved to terminate the MOU and go back to the drawing board and come up with something more respectable. Seconded by Commissioner Bullock, the motion was voted with Commissioner Bullock and Commissioner Garner voted "AYE" and Commissioner Mason and Commissioner Williams Voted "NAY". The motion died due to a two to two split vote. **DEFERRED**

### **COMMISSIONERS**

**1:52 P.M.**

#### **22) Update On The Following Departments/Services:**

- ❖ **Airports:** Nothing to report.
- ❖ **Ambulance Services:** Nothing to report.
- ❖ **Economic Development:** Nothing to report.
- ❖ **Public Lands:** Nothing to report.
- ❖ **Road & Bridge Departments:** Nothing to report.
- ❖ **Water & Sewer Departments:** Nothing to report.



- ❖ **Culture & Recreation:** Nothing to report.
  
- ❖ **Contracts:** Commissioner Garner asked if there had been any word yet from Bank of America. Mr. Etcheverry said not yet. Commissioner Garner then asked about the Nurse Facility at the Hospital, and why it wasn't on the agenda. Mr. Etcheverry said they haven't received anything on that yet either, but asked Mr. Hanna if the contract would be coming to the Commissioners soon. Commissioner Garner asked if it was a monthly contract. Mr. Hanna said in the past it has been an annual contract with a 90 day out. Commissioner Garner asked about the Campbell contract and if it was going to be renewed since Mr. Campbell sold the business. Mr. Etcheverry said he spoke with Mr. Campbell and he stated he did want to renew his contract. Mr. Etcheverry said the AWOS Contract needs to be approved as soon as possible because there has been a major AWOS failure at Battle Mountain. Sadie Sullivan, Lander County Clerk, said she spoke with Ted Herrera and had reviewed his contract. She said it states he needs to be notified by April 1<sup>st</sup> otherwise it is an automatic renewal for two years. Commissioner Bullock said it needs to be put on the agenda to do away with all automatic renewals. Mr. Etcheverry said in regards to the two contracts coming up, if it was the Boards pleasure to solicit through RFP. Commissioner Garner said yes for both. **NO ACTION – UPDATE ONLY**

### **PUBLIC COMMENT**

**1:57 P.M.**

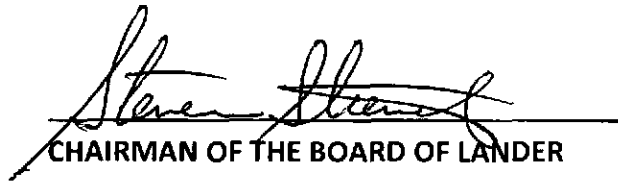
Jay Wintle said he had two issues on the water system. His first issue was he doesn't believe the water line was placed right on the first easement. Mr. Wintle believes approximately 200 feet of the water line is placed off by 15 feet and feels an outside surveyor should be called in to review it. Mr. Wintle said the boundary line just needs to be moved. Mr. Wintle's second issue was when he made the looping agreement, it was agreed (a gentleman's agreement) that all the connections for future developments would be placed. Mr. Wintle said he asked for eleven hydrant T's. He said ten of them were put on the Legacy Construction site because they missed the last 400 feet of pipe, so another T needs to be put in the system. He said he also asked for a cross T and two other T's for future development and was only given one.

### **ADJOURNMENT**

**2:04 P.M.**

There being no further business before the Board at this time, Commissioner Bullock moved to adjourn the meeting of August 11, 2011. Seconded by Commissioner Williams, the motion was voted and carried. **ADJOURNED**





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

ATTEST:   
LANDER COUNTY CLERK

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