

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 September 27, 2012 at 9:00 a.m.

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

**9:00 A.M.**

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Mason led the Pledge of Allegiance.

Let the record reflect the presence of Austin via telephone conference.

**APPROVAL OF AGENDA NOTICE**

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

**APPROVAL OF MINUTES**

**September 13, 2012 – Regular Session**

Commissioner Garner moved to approve the minutes of September 13, 2012 regular session. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

## COMMISSIONER REPORTS

Commissioner Williams reported on his visit to the Antelope Hazardous Material Container Waste Site and the issues concerned with the site. He also reported he will be joining the NACO meeting, in Las Vegas, by teleconference on September 28th. There will be a lot of issues with taxation and what is going to happen at the next Legislature. Commissioner Williams has been spending a lot of time mitigating RS2477 road issues in Gold Park and property issues in Austin.

Commissioner Mason reported on his attendance of the Newmont breakfast on Tuesday September 18<sup>th</sup>. He talked about the layoffs of salary position at Newmont, the Phoenix Project and said Newmont is still hiring. The Copper Leach Project will be in full production next year and the Buffalo Canyon Mine is awaiting BLM Licensing and will be a small open pit mine.

Commissioner Stienmetz reported about eleven people where laid off from Newmont in the Battle Mountain and Winnemucca areas. Many of them were offered other jobs in hourly positions. He also reported he would be attending the Hospital Board meeting September 27th and he looked at the roads in Kingston, Austin and Gillman Springs and said they look very nice.

## STAFF REPORTS

Executive Director, Gene Etcheverry, reported there are a lot of Architects and Design Engineers calling now that CMAR is in place. He has a template for a Request for Qualifications that he is working on. He had two teleconferences with NDOT on the Austin Visitor's Center and he received the Notice to Proceed. The request for proposals are planned to be out the second week in October.

## PAYMENT OF THE BILLS

Jane Bianchi presented the Board with bills to be ratified.

### **SCOTT D. BULLOCK**

Commissioner Garner moved to ratify check #41873 in the amount of \$340.00 to Scott D. Bullock. Seconded by Commissioner Williams, the motion was voted and carried with Commissioner Bullock abstaining from the vote. **APPROVED**

### **WELLS FARGO REMITTANCE**

Commissioner Garner moved to ratify check #41990 in the amount of \$1,189.57 to Wells Fargo Remittance. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**ENGLISH MAILING SERVICES**

Commissioner Garner moved to ratify check #41979 in the amount of \$430.00 to Lawrence B. English. Seconded by Commissioner Williams, the motion was voted and carried unanimously.

**APPROVED**

**DEAN BULLOCK**

Commissioner Garner moved to ratify check #41874 in the amount of \$258.63 to Dean Bullock. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Bullock abstaining from the vote. **APPROVED**

**ATLAS TOWING & RECOVERY**

Commissioner Stienmetz moved to approve check #41862 to Atlas Towing and Recovery in the amount of \$12.75. Seconded by Commissioner Williams, the motion was voted and carried with Commissioner Garner abstaining from the vote. **APPROVED**

**DAVID R. MASON**

Commissioner Garner moved to ratify check #41912 in the amount of \$59.94 to David Mason. Seconded by Commissioner Williams, the motion was voted and carried with Commissioner Mason abstaining from the vote. **APPROVED**

**ANNA DAY**

Commissioner Garner moved to ratify check #41998 in the amount of \$1,587.78 to Anna Day. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

**APPROVED**

**BUSINESS CARD**

Commissioner Garner moved to ratify check #41976 in the amount of \$2,063.45 to Business Card. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously.

**APPROVED**

Commissioner Garner moved to approve the submitted expenditures in the amount of \$776,091.92 from check #42004 thru #42099. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**PAYROLL CHANGE REQUESTS**

1. Employee Change Request for employee #1448, New Hire, Part-Time Deputy Assessor, \$12.91 per hour, effective September 24, 2012.
2. Employee Change Request for employee #1372, New Hire, Deputy District Attorney, \$2,500.00 bi-weekly, effective October 1, 2012.

3. Employee Change Request for employee #1151, New Hire, Safety Manager, \$2,824.43 bi-weekly, effective October 2, 2012.

Soveida Robinson, Human Resources, asked Commissioner Bullock to wait to approve employee #1151 until after agenda item #18.

Commissioner Garner moved to approve employee #1448 and #1372. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Stienmetz moved to approve payroll change request for employee #1151. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **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 the audit is in full process.

Accounts receivable for the month of August are as follows:

Water: \$6,001.00  
Sewer: \$4,612.00  
Water & Sewer Misc: \$34,353.00  
Landfill: \$17,955.00  
Ambulance: \$27,960.00  
Active Accounts in Collections: \$19,722.00  
TOTAL: \$110,603.00

Ms. Hill said eleven accounts were sent to collections in September for \$4,834.89, and \$1,695.00 was written off due to the six month rule.

Ms. Hill will be reducing \$3,185.00 from line item 001-021-52012 Unemployment and adding \$2,460.00 to line item 001-021-51020 salary and wages and \$725.00 to line item 001-021-52040 for pers. She explained this was necessary to cover the costs associated with the Assistant District Attorney's wages and benefits.

Commissioner Garner moved to withdrawal \$3,185 from line item 001-021-52012 and add \$2,460.00 to line item 001-021-51020 and to add \$725.00 to line item 001-021-52040. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

#### **ROAD & BRIDGE SOUTH**

- 2) **Discussion & Update On Road & Bridge South Projects & Other Matters Properly Related Thereto:** Burt Ramos, Road and Bridge South, didn't have an update on projects so he asked the Board to open item #12.

*Commissioner Bullock opened item #12 at this time*

#### **ROAD & BRIDGE NORTH**

- 3) **Discussion & Update On Road & Bridge North Projects & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, updated the Board the Donnie Negro has been on the Antelope Valley site. Commissioner Garner also updated that Appaloosa, Arabian and all the roads off Muleshoe have been paved. **UPDATE**

#### **PUBLIC WORKS**

- 4) **Discussion & Update On Public Works Projects & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, informed the Board on a letter he received from Weir Floway Corporation, the company that designed the well pumps, where they acknowledge their pump design is the problem with the wells. Mr. Edgar read the letter.

*"Weir Floway acknowledges that the referenced pumps will not operate from shut off to run out without shaft stretch exceeding bowl clearance, and that this caused multiple pump failure. We propose to replace the two existing bowl assemblies, at our cost, with two new bowl assemblies having several thrust balance stages sufficient enough to reduce thrust and permit operations through the full range of shut off and through run out without contact between the impellers and bowls."*

Legacy Construction paid for the first pump that was replaced, and Mr. Edgar will be sending a copy of the letter to them. He feels they need to get their money back from this Company. Mr. Edgar said he does not trust this Company and they didn't provide any of this information until Lander County decided to take their own action. Mr. Edgar also stated he doesn't feel this company can design a pump that will work.

There was some discussion on other problems that have occurred due to the failure of the well pumps. There was also discussion of preparing to take legal action to get the County's money back on this project.

A Sub-Committee was created to deal with these issues consisting of Jake Edgar, Commissioner Bullock and Commissioner Garner.

Mr. Edgar also reported the airport water system is having issues again. It has been engineered they just have to wait to put it into the budget. **UPDATE**

- 5) **Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Water & Sewer Department Fifth Street Alleys Water & Sewer Replacement, Sports Complex Waterline & Parking Lot Project & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, informed the Board that Shaw Engineering has reviewed the bid proposals. Hunewill Construction is the low bidder at \$665,144.00 and has satisfactorily completed all the forms associated with the bid proposal package. Shaw Engineering's opinion is they are a responsive and reasonable bid and are qualified to perform the work with regard to licensure and experience. It is recommendation to award the contract to Hunewill Construction.

Commissioner Garner moved to award the bid to Hunewill Construction in the amount of \$665,144.00 being the low bid. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Mr. Edgar stated when the bid went out it came in at such a low number that he would like to pave the Golf Course parking lot. He spoke with Mr. Hunewill and was quoted around \$45,000.00 to pave the parking lot and put a DI drain in. This would be an overlay to match the road.

Mr. Etcheverry said they could do this as a change order.

Commissioner Garner moved to authorize staff to work on a change order for the parking lot. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Mr. Etcheverry said they would bring the change order back for ratification.

#### **TREASURER**

- 6) **Discussion For Possible Action Regarding Approval/Disapproval Of E-Payment Services Agreement Between Lander County & Point And Pay LLC; Authorization For The**

**Lander County Treasurer To Sign The Agreement; & Other Matters Properly Related Thereto:** Grace Powrie, Treasurer, addressed the Board and explained this is the internet E-Payment provider to do internet payments. She entered into an agreement in 2009 with the current E-Payment provider and they are going to start charging the County because of low volume. Ms. Powrie is just asking to change to a different E-Payment provider for her internet services. This program is set up so other offices can be a sub-partner to take internet payments if they choose at no additional charge. Ms. Powrie stated the fees are comparable and some are even less. She explained how the program works.

Commissioner Garner moved for the Commission to approve the E-Payment Services agreement between Lander County and Point and Pay LLC and authorize the Lander County Treasurer to sign the agreement. Seconded by Commissioner Stienmetz.

Commissioner Williams asked how many people use this service. Ms. Powrie answered by saying thirty to thirty-five a month. She also stated water and sewer, real property taxes (secured) and the unsecured already on the internet. She also said she will be going to the Fair and Recreation Board to see if they would be interested in using this provider.

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

**SENIOR CENTER**

- 7) **Discussion For Possible Action Regarding Ratification & Acceptance Of Grant Award No. 09-000-07-13-13, Nevada Aging & Disability Services Division, For The Lander County Senior Center Congregate Meal Program In The Amount Of \$24,281.00, With Required Match Of \$2,794.00; Acknowledgement Of Confidentiality Addendum; & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board this is the annual Grant Award for the congregate or meals served in the Senior Center's Program. The total amount of the grant is \$24,281.00 requiring a County match of \$2,794.00. Mr. Etcheverry also said the confidentiality addendum is signed and released which states we will keep the recipients of the services information confidential.

Commissioner Stienmetz moved for the Commission to ratify and accept Grant Award No. 09-000-07-13-13, Nevada Aging and Disability Services Division, for the Congregate Meals Program , in the amount of \$24,281.00, with the required match of \$2,794.00, and acknowledgment of the Confidentiality Addendum. Seconded by Mason, the motion was voted and carried unanimously. **APPROVED**

- 8) **Discussion For Possible Action Regarding Ratification & Acceptance Of Grant Award No. 09-000-04-24-13, Nevada Aging & Disability Service Division, For The Lander County Senior Home Delivered Meals Program In The Amount Of \$17,744.00, With Required Match Of \$1,781.00; Acknowledgement Of Confidentiality Addendum; & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board this is the same as the previous item, but is a grant for the home delivered meals program. The Grant Award is for the amount of \$17,744.00 which is Federal/State Pass-through Money and requires a County match of \$1,781.00.

Commissioner Garner moved for the Commission to accept and ratify Grant Award No. 09-000-04-24-13, Nevada Aging and Disability Services Division, for home delivery meals program in the amount of \$17,744.00 and requiring a County match in funds of \$1,781.00 to be paid from 2012-2013 budgeted resources. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

### **COMMISSIONERS**

- 9) **Discussion For Possible Action Regarding Approval/Disapproval Of Proclamation No. 2012-03, A Proclamation Designating The Month Of October 2012 As Domestic Violence Awareness Month & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board this is an annual Proclamation, and this year's number is 2012-12. This Proclamation is to designate the month of October 2012 as Domestic Violence Awareness Month.

Commissioner Garner moved for the Commission to approve and adopt Proclamation No. 2012-13, a proclamation designating the Month of October 2012 as Domestic Violence Awareness Month. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

- 10) **Discussion For Possible Action Regarding Approval/Disapproval Of General Partnership Agreement Between Newmont USA Limited, Lander County, Lander County Convention & Tourism, Nevada Department Of Wildlife (NDOW), & Bureau Of Land Management – Battle Mountain District – Mount Lewis Field Office (BLM) For The Willow Creek Legacy Program & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, explained the general purpose of this agreement is to create a community investment partnership among Newmont USA Limited, and State, Local and Federal Partners and Stakeholders to provide the funding, labor and collective resources to restore and sustain the fishery, aquatic and riparian habitat and recreation assets of the Willow Creek Ponds area.



Shar Peterson, Newmont, addressed the Board to answer any questions they may have. She stated they are primarily asking Lander County to be a resource partner. She explained there were revisions to the agreement. Convention and Tourism will be funding the work that is being done; Newmont will actually perform the activities such as installing the restrooms, fencing and cattle guards. It will then be phased out to future work, but they wanted to invite Lander County to the table so this would remain with the public entity in the event of mine closures. Ms. Peterson gave a brief review of the plans for making the ponds a nice recreation area for the public. Newmont is not asking for funding from Lander County only to be a partner at the table.

Commissioner Garner moved for the Commission to accept the General Partnership Agreement between Newmont USA Limited, Lander County, Lander County Convention and Tourism, Nevada Department of Wildlife (NDOW), and Bureau of Land Management-Battle Mountain District-Mount Lewis Field Office (BLM) for the Willow Creek Legacy Program and authorize the Chairman to sign the Agreement as the authorized representative of Lander County as a partner to the Willow Creek Legacy Program. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**11) Discussion For Possible Action Regarding Status Of Official County Map & Lander County Mapping Project & Other Matters Properly Related Thereto:**

Executive Director, Gene Etcheverry, provided an earlier update to the Board on where they are at and with what has recently been done with the GIS Road Mapping Project and why they need to have this done. He stated it is the Lander County Code and clearly includes the RS2477 roadways and right-of-ways. At this juncture, we do not have an official Lander County map.

Commissioner Mason questioned where we are now after paying \$49,000.00 for this map. Mr. Etcheverry answered by stating we still don't have a map and the County has paid an additional \$5,000.00 in February 2012 to have the GIS information housed at the Bureau of Mines in part of the University of Nevada in Reno.

Commissioner Williams said he has several maps he received after the presentation of Mr. Ben Veach. These maps covered all the roads that are covered in the gas tax program. He explained the maps he has and the roads that have been done and those that still needed to be done.

There was discussion on what still needed to be done and who to contact to get a copy of the information and the maps so the issues with the RS2477 roads can be resolved.

Mr. Etcheverry said he would invite Mr. Veach to attend the next meeting and to bring the map. **DISUCSSION & UPDATE**

**12) Discussion For Possible Action Regarding Alternatives For Disposition Of The Austin Road & Bridge Shop & Facility & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, provided the Board with information, that was processed by Rex Massey, on possible uses for this site.

Burt Ramos, Road and Bridge South, spoke with James Barnes, Deputy District Attorney, and Mr. Barnes said he didn't think this issue should be fully discussed in an open meeting. Mr. Ramos did inform the Board that NV Energy doesn't want to give up the site. They want another location they can go to or maintain the site they have. Mr. Ramos stated he would like to discuss various options and try to figure out a solution without burning any bridges.

Commissioner Garner asked Mr. Barnes if they needed a closed meeting for the legal part of this issue. Mr. Barnes stated it was a valid contract and they would have to go through a breach of contract claim to get out of it. Mr. Barnes expressed his opinion by saying that it would be best to work with NV Energy for a solution.

Mr. Ramos spoke with Robert Kofoed and Mr. Kofoed said if the County could work something out with legal, where NV Energy would not be held liable on the environmental concerns, then they might be able to trade.

Commissioner Williams stated he felt it would be in the best interest of the County to get rid of the lease. Commissioner Williams said, in reviewing the contract, he feels there are a few issues that could help them get out of the lease. He explained what those issues are. There was some discussion on alternate uses for this building.

Commissioner Williams moved that the best option is to explore and try to relinquish the contract. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

**13) Discussion For Possible Action Regarding Fuel System For The Austin Airport & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, provided the background to the Board on the Austin Airport Fuel System. J.D. Heithoff, J.U.B. Engineers, has been trying to finalize some methods that can be used to get a system in Austin. The system most likely will not be near the size we would like it to be to clear the Environmental Provisions that NDEP has overlaid on fuel systems. It will require some type of containment, and Mr. Etcheverry provided an example of those containments. Currently they are looking to a type of skid system that would have maybe 1000 gallons

of regular aviation fuel and 1000 gallons of jet fuel. The appropriation has been brought forward in this year's budget and \$46,167.40 has been paid to the engineers for the Procurement Installation. Mr. Etcheverry expressed his concern for the "shelf-life" of the environmental review.

Commissioner Mason moved for the Commission to direct staff and our airport consultant to develop alternatives to move forward to complete the Austin Airport Fuel System Project within the amounts appropriated for the project in the Lander County budget. *Seconded by Commission Williams, the motion was voted and carried unanimously.* **APPROVED**

- 14) Discussion For Possible Action Regarding Approval/Disapproval Of The Pre-Construction Service Agreement Between Lander County & CORE For Construction Manager At Risk (CMAR) Services For The Pre-Construction Phase Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board the contract was received with revisions back from CORE. The contract is currently under legal review.

Commissioner Stienmetz deferred this item. **DEFERRED**

- 15) Discussion For Possible Action Regarding Approval/Disapproval Of Agreement Between Lander County & Scott Bullock, Bullock Mechanical, For Lease Of The Storage/Maintenance Shop Facility "Old Battle Mountain Water & Sewer Yard" Located At 145 West Third Street, Battle Mountain, Nevada & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, explained the Bullock Mechanical Lease Agreement for the facility known as the "Old Battle Mountain Water and Sewer Yard", located at 145 West Third Street, was before the Commission for consideration.

Commissioner Stienmetz moved for the Commission to approve the Agreement between Lander County and Scott Bullock, Bullock Mechanical, for lease of the storage maintenance shop facility "Old Battle Mountain Water and Sewer Yard" located at 145 West Third Street, Battle Mountain, Nevada for \$200.00 a month. *Seconded by Commissioner Mason, the motion was voted and carried with Commissioner Bullock abstained from the vote due to this being his son's business.* **APPROVED**

#### **EXECUTIVE DIRECTOR**

- 16) Discussion for Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-20, A Resolution To Allow Bullock Management To Operate Up To Three (3) Limousine Golf Carts During The Battle Mountain Wine Walk Scheduled For September 29, 2012 & Other Matters Properly Related Thereto:** Scott Bullock, Bullock

Mechanical, explained what a Limousine Golf cart was to the Board. They hold six to eight people and will be used to provide transportation for the wine walk. This will help to promote the Golf Course, which is part of his contract, and provide a service to the community for a special event. Mr. Bullock is looking for permission from the Board to operate those Golf Carts on the County Roads during the Wine Walk. Mr. Bullock reviewed the route of the Wine Walk.

Commissioner Stienmetz moved for the Commission to approve and adopt Resolution No. 2012-20, a Resolution to allow Bullock Management to operate up to three (3) limousine golf carts during the Battle Mountain Wine Walk scheduled for September 29, 2012. Seconded by Commissioner Garner.

Mr. Bullock said he might have up to four (4) carts. Mr. Etcheverry said they could change that in the Resolution.

Commissioner Stienmetz changed his motion to up to four (4) limousine golf carts. Seconded by Commissioner Garner, the motion was voted and carried with Commissioner Bullock abstaining from the vote due to this being his son's business.

**APPROVED**

**17) Discussion For Possible Action Regarding The Request Of The Yomba Shoshone Native American Tribe For Representation Of Native American History And/Or Culture To Be On An Interpretative Panel Within The Austin Loneliest Highway Visitors Center & Other Matters Properly Related Thereto:**

Executive Director, Gene Etcheverry, addressed the Board and explained why this came about and why the Board would need to make an action. When a Project is Federally Funded a report is done and the draft report under goes review. One of the entities that have review rights is whichever Native American Community or Tribe is nearest the project. The Yomba Tribe, being closest, expressed concern that none of the interpretive panels represented the Native Culture. Mr. Etcheverry explained since this project and the graphic and textural information represented in the graphic panel were the product of community and stakeholder's meetings, it is up to the Commission to decide if they wanted to take one panel and replace it with something for the Yomba community.

Commissioner Garner moved, due to the lack of coordination with the Yomba Tribe and all the meeting of the stakeholders that led to this project, that the Commission NOT grant the request of the Yomba Shoshone Native American Tribe for representation of Native American history and/or culture to be substituted on an interpretive panel within the Austin Loneliest Highway Visitor's Center. Seconded by Commissioner Stienmetz.

Commissioner Mason asked how big these panels are. Mr. Etcheverry answered by saying they can vary, but as he understands it they are three foot by five foot to three foot by seven foot.

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

**18) Discussion For Possible Action Regarding Ratification Of Selection Of Mr. Keith Westengard As The Safety Manager For Lander County; Approval/Disapproval Of Employment Agreement Between Lander County & Mr. Keith Westengard For Employment In the Position Of Safety Manager, & Other Matters Properly Related**

**There to:** Executive Director, Gene Etcheverry, explained Mr. Keith Westengard has been doing work for the Yucca Mountain Program in assessment of Lander County's emergency response and capabilities relative to the Yucca Mountain Program. The Safety Committee met Monday, September 17<sup>th</sup> and interviewed two of the top five applicants. The other three applicants did not or would not participate in interviewing. Mr. Westengard was selected unanimously by the Safety Committee to fill the position of Safety Manager for Lander County. Mr. Etcheverry explained the employment agreement was not in the back up because there are some issues that need to be out in the agreement before it is finalized. The Committee did also suggest an additional \$5,000.00 upon successful completion of the first six months. An additional salary increase of up to \$10,000.00 after one year in the position and fully successful implementation of a complete Lander County Safety and Safety Training Program. This would be subject to Commission approval.

Commissioner Stienmetz asked what the basis would be to know Mr. Westengard has successful completed his six months. Commissioner Garner said through the Safety Committee.

Commissioner Mason asked who Mr. Westengard answers to. Mr. Etcheverry answered by saying Mr. Westengard would answer to him as well as the Board of Commissioners.

Commissioner Williams asked how Mr. Etcheverry chose the five from twenty-six applicants. Mr. Etcheverry said ten of the twenty-six applicants had the qualifications and experience that met the job description. Five of those ten met the job description the best.

Keith Westengard addressed the Board and informed them of his intentions as the Safety Manager. He will be dedicated to getting our safety program in line, getting the accident rate down to a zero reportable accident rate, implementing the safety program, a training program and working with the County Department Heads as well as the employees to get the program rolling.

Commissioner Garner said the \$5,000.00 was put in there because of the lack of a safety program. The County's primary goal is to have a safety program implemented and the Safety Committee feel it is an inexpensive bonus for what could be something very catastrophic. Commissioner Garner pointed out the Safety Manager is not just for Battle Mountain. He is here for all of Lander County.

Commissioner Garner moved for the Commission to ratify the selection of Mr. Keith Westengard as the Safety Manager for Lander County and approve the Employment Agreement between Lander County and Mr. Westengard for employment in the position of Safety Manager, effective October 2, 2012. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

***Commissioner Bullock reopened Payroll Change Requests***

- 19) **Discussion For Possible Action Regarding Award Of Bid For Austin Volunteer Fire Department Fast Attack/Rescue Fire Apparatus To Blanchat Manufacturing & Other Matters Properly Related Thereto:** Roger James, Austin Fire Chief, addressed the board and stated they only received one bid from their request to bid. This bid came from Blanchat Manufacturing in the amount of \$205,665.00. Mr. James said this came well under the amount the Board approved for the truck. The members of the Fire Department along with the Fire Chief looked through the specs and they are very pleased with the truck.

Commissioner Garner asked if the truck was fully equipped. Dee Helming, Volunteer Fire Department Secretary, answered by saying it was not, but that was what the extra money would be used for.

Commissioner Garner moved for the Commission to accept the bid submitted by Blanchat Manufacturing at the base bid amount of \$205,000.00 and installation of up to \$30,000.00 in ancillary equipment, per bid specifications (alternate/add-on), to be selected by the Austin Volunteer Fire Department for a total delivered price not to exceed \$235,000.00. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

- 20) **Discussion For Possible Action Regarding Acceptance Of Letter Of Resignation Of Shaw Engineering As Lander County Engineer Of Record; Discussion Regarding Status Of Involvement Of Shaw Engineering In Current Projects; & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, stated Mr. Steve Brigman sent him the letter of resignation, for Shaw Engineering, of their duties as the Lander County Engineers. Mr. Brigman did state in his letter they intended to continue to prosecute

and complete all their current assignments. Mr. Etcheverry pointed out it is up to the Board to determine which if any of those projects they would like Shaw Engineering to continue with and at what level of involvement. One thing left out of the letter of resignation is their involvement in the Austin Loneliest Highway Visitor's Center Project.

Commissioner Garner moved to have them continue on the projects they are under current which would be the alleys, and they DO NOT want to see them have any interest in well #3 and would like to take them completely off that project and start it over. Seconded by Commissioner Mason.

Grace Powrie, Treasurer, questioned if the Cemetery Project was listed. Mr. Etcheverry told her it was not. Ms. Powrie asked for guidance from the Commission on whether she should continue with them on the project or just pay them for the services already provided. Commissioner Garner recommended she did not continue with Shaw Engineering.

Commissioner Garner retracted his motion and suggested making a hard list of the projects. Commissioner Bullock asked why they are making a list, and suggested to do away with Shaw Engineering completely and get a new one.

There was some discussion on what projects are currently in progress and how soon they will be finished. There was also some discussion on well #3 and the contract with Shaw Engineering.

Commissioner Bullock said they could go on and they could be in the middle of any project. If Mr. Brigman's heart isn't into being here, it was questioned if he would really preform the service.

Commissioner Garner moved to accept his (Steve Brigman, Shaw Engineering) letter of resignation and take him off all projects for Lander County. Seconded by Commissioner Stienmetz.

Commissioner Mason asked if that would put the County in a bind with outstanding contracts. There was discussion of hiring a surveyor and engineer for the projects that are ongoing.

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

Executive Director, Gene Etcheverry, said they will get the notice out to get a new Engineer of record very soon. Mr. Etcheverry explained to Commissioner Mason how that process works.

## **COMMISSIONERS**

### **21) Correspondence/Reports/Potential Upcoming Agenda Items:**

1. RODNEY L. DAVIS, UNIVERSITY OF NEVADA COOPERATIVE EXTENTION, to Lander County Commissioners, e-mail regarding Lander County Cooperative Extension Open House scheduled October 3, 2012 from 4:00 p.m. to 6:00 p.m. and invitation to attend.
2. JEANNE M. HIGGINS, US FOREST SERVICE, to Reader, letter regarding environmental analysis for geothermal leasing on the Humboldt-Toiyabe National Forest.
3. MICHAEL TRUDEN, BUREAU OF LAND MANAGEMENT, to Interested Public, letter seeking public input as it relates to the environment assessment process to analyze developed/testing of a geothermal reservoir using hydro-stimulation techniques proposed by Brady Power Partners, a subsidiary of Ormat Nevada, Inc.

Executive Director, Gene Etcheverry, reminded the Board of correspondence #1, the Cooperative Extension Open House.

Commissioner Garner requested well #3 to be put on the next agenda. Mr. Etcheverry recommended having a quick report on each agenda, while this is going on.

Commissioner Bullock stated at the agenda setting meeting the policy and procedures should be a separate meeting by itself.

Commissioner Garner said the District Attorney needed to be present when they discussed the issues with the companies on the well issues. James Barnes, Deputy District Attorney, stated the District Attorney would be in contact with the Board for a legal conference on that issue.

Commissioner Williams said he would like to see an agenda item to complete Gene Etcheverry's evaluation and to update his contract, job description and/or the Ordinance pertaining thereto.

Commissioner Bullock asked the Board to look at the calendar for November to decide on a day for the second Commission meeting in November that will not conflict with other meetings or Thanksgiving. It was decided to do the second meeting in November on Monday the 19<sup>th</sup>.

Mr. Etcheverry also commented on two joint meetings, one being with the Planning Commission regarding alternatives for extension of the Battle Mountain sewer system. The Board asked to have the meeting in the evening to accommodate for public attendance. Phil Hanna has requested a special meeting of the Commission and the Hospital Board for the first



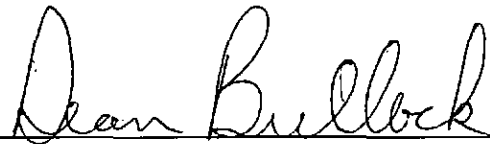
quarterly update on the Ambulance service. Commissioner Garner recommended after the second regular Commission meeting in October. Mr. Etcheverry also reminded the Board the RTC meeting will be after the Commission meeting on October 11<sup>th</sup>.

**PUBLIC COMMENT**

No Public Comment.

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Garner moved to adjourn the meeting of September 27, 2012. Seconded by Commissioner Stienmetz 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.*