

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 February 14, 2013 at 9:00 a.m.

PRESENT: **DEAN BULLOCK, COMMISSIONER**
 STEVEN STIENMETZ, COMMISSIONER
 DAVID MASON, COMMISSIONER
 PATSY WAITS, COMMISSIONER
 NICOLE TING, DEPUTY DISTRICT ATTORNEY
 ROGENE HILL, FINANCE DIRECTOR
 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 five Commissioners.

Commissioner Waits 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 Waits, the motion was voted and carried. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

January 24, 2013 – REGULAR SESSION

Commissioner Waits moved to approve the minutes of January 24, 2013. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

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COMMISSIONER REPORTS

Commissioner Mason reported on his attendance of the Lander County Planning Commission on February 13, 2013. There were three items to change zoning for the convenience of the County. The Planning Commission would like to have a special meeting of February 28, 2013 at 5:00 p.m. to discuss water, sewer, and road expansion.

Commissioner Waits reported on her attendance of two NACO meetings. One on January 5, 2013 and the other February 13, 2013. She reported Wes Henderson, our lobbyist, left so we were without a lobbyist. An independent lobbyist was hired to consult for us, and it was approved on February 13, 2013. Coming up, on April 19, 2013, is Local Government Day. It is also a NACO meeting, but Commissioner Waits will not be able to attend so the alternate will need to attend. She highlighted on Pete Anderson, of the Division of Forestry and Fire Management Plan, where he said he was looking to transfer the responsibilities back to the Counties. They will be coordinating with the Counties. She talked about the bill on the possible action regarding the University of Nevada and their consideration of consolidating the Cooperative Extension and the College of Agriculture Biotechnology and Natural Resources. Commissioner Waits also reported on the, February 4, 2013, Lander County Public Land Use Advisory Planning Commission meeting. She highlighted on the BLM putting together a Resource Management Plan, the encroaching pinion pine and juniper trees, and they will be monitoring the movement of the sage grouse. The Forest Service will be posting a notice for opportunity to comment on the Gold Park road. She also attended a meeting with Connect Nevada to connect Nevada broadband wise.

Commissioner Stienmetz reported on the meeting with Collaborative Architects to do the instruction programming on the new Courthouse. They also where had negotiations on their fee. One February 12, 2013, LEPC started their Planning for Disaster Exercise. They did phase one and there are seven phases to the exercise.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with bills to be ratified.

SAFEGUARD BUSINESS SYSTEM

Commissioner Stienmetz moved to ratify check number 043310, in the amount of \$1,847.82, to Safeguard Business System. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

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KENWORTH SALES COMPANY INC.

Commissioner Stienmetz moved to ratify check number 044304, in the amount of \$122,709.00, to Kenworth Sales Company Inc. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

Commissioner Stienmetz moved to approve the submitted expenditures in the amount of \$192,325.46 from check #43366 thru #43484. Seconded by Commissioner Waits, the motion was voted and carried, with Commissioner Stienmetz abstained from the vote on check #43467. **APPROVED**

PAYROLL CHANGE REQUEST

1. Employee Change Request for Employee number 858, New Hire, Food Service Director, \$17.34 per hour, effective February 4, 2013.
2. Employee Change request for Employee number 1142, Level Change, Deputy Sheriff/Category 1, \$25.26 per hour, effective February 18, 2013.
3. Employee Change Request for Employee number 1448, Full-time, Appraiser Tech, \$13.44 per hour, effective February 18, 2013.

Commissioner Stienmetz moved to approve all three employee change requests. Seconded by Commissioner Waits, 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 Related Thereto:** Rogene Hill, Finance Director, introduced Joy Sweeney. She is serving in the position of the Assistant Finance Director, and started on January 28, 2013.

Ms. Hill reported on accounts receivable for the month of January as follows:

WATER: \$8,415.00
SEWER: \$10,604.00
WATER & SEWER MISC. \$260.00
LANDFILL: \$7,240.00

AMBULANCE: \$4,651.00
COLLECTION AT NV COLLECTION AGENCY: \$20,508.00

TOTAL: \$51,678.00

Ms. Hill informed the Board they we are paying a monthly fee for Blue Moon at the Austin Airport. The Cost is \$200.00 a month. She asked if the Board would like to have the unit picked up. She believes it was put there during the Austin Fly-In. The Board discussed the issue and directed to have the unit picked up.

Ms. Hill reported on Budget meetings scheduled for the following week. She reminded the Board to mark their calendars for March 13, 2013.

Ms. Hill provided the Board with a list of the contracts with Lander County and when they are due. Most of the contracts roll over, but this gives the Board the opportunity to address a contract they may wish to change before it comes due. There was some discussion on the status of various contracts.

Ms. Hill reported to the Board she put a FYI in their boxes from the State of Nevada Department of Taxation. We have been on the waiver system for many years and last year was the last year. She recommended the Board to direct someone to write a letter to the Department of Taxation, which needs to be there by February 20, 2013, basically stating we will not be attending the March meeting to request the waiver. Commissioner Mason suggested for the Legal Department to write and send the letter.

Ms. Hill made contact with Dean Morton on the Austin Loneliest Highway Visitor's Center. She does have the third request for refund. Mr. Morton has approved the second request and it is in the motion.

Nicole Ting, Assistant District Attorney, asked for clarification on the letter to the Department of Taxation. She asked if the letter was to state they County would not be attending a meeting. Ms. Hill said it is to inform them the County would not be requesting a waiver. **DISCUSSION-UPDATE**

2) **Discussion For Possible Action Regarding Write-Off Of Uncollectible Lander County Ambulance Billings & Other Matters Properly Related Thereto:** Rogene Hill, Finance Director, presented two uncollectible ambulance bills.

1. Run #2011863 – DOS 05/24/2011 - \$51.76
 2. Run #2011967 – DOS 01/19/2012 - \$460.00
- Total amount to be written off is \$511.76

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Commissioner Stienmetz moved to approve the write off of the ambulance billing for ambulance run #2011863 and ambulance run #2011967 in the total amount of \$511.76. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

BUILDING

- 3) **Discussion For Possible Action Regarding Operations & Projects For The Building Department & Other Matters Properly Related Thereto:** Joe Lindsey, Building Department, updated the Board that Building Department issued 8 permits and did 5 non permitted inspections. The ongoing project is the Newmont Copper Leach project. There are future projects of the Clark Apartments expansion. The Elquist Street Subdivision, the Lemaire Road Duplex project, the Old Smith Detroit shop remodel and addition, and the Austin Visitor's Center. In the South County Inspector Rock resigned, the Verizon tower in Austin and the Com-Net Tower in Kingston have been permitted, and they have 10 open construction permits. For miscellaneous projects the fencing at the Battle Mountain Raceway/Motocross is about 80 to 90% complete and the lighting poll foundations are installed and they have been installing electrical panels and disconnects. Mr. Lindsey also reported that Anna Pennola will attending the Regional Inspector training and testing in Las Vegas from February 24 through March 1, 2013. Her testing will be in Reno on March 4, 2013. He also reported a new heater was installed in the restroom at the Town Hall in Austin and the flooring in there will be replaced. There will be many repairs done in Austin this spring. **UPDATE**
- 4) **Discussion For Possible Action Regarding Replacement Of The South Lander County Building Inspector Position & Other Matters Properly Related Thereto:** Joe Lindsey, Building Department, explained this position is still presently on the budget. There will be no change in finances for the Building Department. They have had this position for the past six years and there is enough work in South County to keep a part-time guy busy. Mr. Lindsey would like the approval of the Commission to advertise to fill that position. The budget does include training.

Commissioner Stienmetz asked why Mr. Lindsey doesn't have the people in South County schedule inspections on a certain day of the week. Mr. Lindsey answered by saying he does try, but when you have several different projects going on not all of them are on the same time frame. He tries not to hold people up.

Commissioner Waits moved to advertise for the replacement of the Southern Lander County Building Inspector position. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

ROAD & BRIDGE SOUTH

- 5) Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge South Department & Other Matters Properly Related Thereto: Rogene Hill, Finance Director, informed the Board that Mr. Ramos and Mr. Negro would not be available to provide updates. They are at snow-CAT training. **DEFERRED**
- 6) Discussion For Possible Action Regarding Renewal & Completion Of The Bureau Of Land Management (BLM) Right-Of-Way Grant/Temporary Use Permit N-091148 For Access Road Located At T21N, R43E, Section 5, Known As The Silver Creek Cut-Off & Other Matters Properly Related Thereto: Commissioner Waits moved to defer. Seconded by Commissioner Stienmetz, the motion was voted and carried. **DEFERRED**
- 7) Discussion For Possible Action Regarding Renewal & Completion Of The Bureau Of Land Management (BLM) Right-Of-Way Grant/Temporary Use Permit N-091060 For The Access Road Located At T18N, R40E, Section 16, In Smith Creek Valley & Other Matters Properly Related Thereto: Commissioner Stienmetz moved for this item to be deferred until the February 28th meeting. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

ROAD & BRIDGE NORTH

- 8) Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto: Donnie Negro, Road and Bridge North was not available for update.

Commissioner Stienmetz moved to defer item #8. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

PUBLIC WORKS

- 9) Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto: Jake Edgar, Public Works Foreman, updated the Board they have been chasing around water leaks. Most of them have been taken cares, but there is one big leak on Fifth Street. They ordered the parts to fix it but the wrong part came in. They are still working on the projects at the well house. They got the drill in the ground on February 13, 2013 for test hole for well #9.

Jay Fischer, Reese River Hydrologic, reported they have been busy the past few weeks with water well #7 and #8. They have completed the repair, rehabilitation, and pump testing of both wells. They are reviewing all the information and Mr. Fischer will be

preparing his assessment so they may begin discussions with Flow Way Pump Company on the specification of the permanent replacement pumps. The replacement pumps are expected in May, but both wells are currently equipped with rental pumps from Carson Pump. Mr. Fischer talked about the preparation for the drill site for well #9. They are hoping to drill down about 1000 feet and they do the testing to see if it is feasible to proceed as a test well.

Commissioner Bullock asked when they ran just the one pump what they were getting. Mr. Edgar answered by saying in well #7 it is close to 800 gallons a minute. Commissioner Bullock then asked if they shut down well #7 if they would get the same from well #8. Mr. Fischer said that well #8 is not as efficient and doesn't have the same capacity as well #7. The gravels are different between the two wells. They discussed being able to run the wells at a higher capacity for short periods of time like the summer peak season, and lower in the winter. Mr. Edgar said they are hoping that well #9 can do what both wells #7 and #8 can do combined.

Mr. Edgar updated the Board that the pump at the Airport went out. It has been pulled out of the ground and they are hoping to have a new pump by the following Tuesday.

UPDATE-DISCUSSION

- 10) **Discussion For Possible Action Regarding Approval/Disapproval Of A Proposal From Reese River Hydrologic For Ground/Surface Water Rights Administration For Lander County In An Amount Not To Exceed \$25,750.00 & Other Matters Properly Related Thereto:** Jake Edgar, Public Works, reminded the Board he provided them with a proposal at the previous Commission meeting. They are currently working with a company called Tetra Tech. If it is the Board's pleasure to go with Reese Rive Hydrologic, Mr. Edgar will call Tetra Tech and inform them of the change. There is not current contract with Tetra Tech. It is Mr. Edgar's recommendation to hire Reese River Hydrologic. The water rights are very important and he wouldn't like to lose any of them.

There was some discussion of the history of the Lander County Water Rights. Commissioner Waits questioned if there was a summary or any kind of documentation showing the Water Rights.

Commissioner Stienmetz moved to approve the proposal from Reese Rive Hydrologic for Ground/Surface Water Rights Administration for Lander County in an amount not to exceed \$25,750.00. Seconded by Commissioner Mason.

Commissioner Waits clarified with Mr. Jay Fischer what the County will receive regarding the County's Water Rights.

Mr. Fischer stated this will include a summary of all the water rights, the important filing dates that are required, production reporting, and extension fillings to maintain all the water rights in good standing. He also added it would include the new water right for well #9 if that project moves forward. There may be other things that need to be done that they don't know about and are not included in this proposal. He will come before the Board for discussion if and when those issues may arise.

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

SAFETY

11) Discussion For Possible Action Regarding Operations & Projects Of The Lander County Safety Manager & Other Matters Properly Related Thereto:

Keith Westengard, Safety Manager, updated the Board that he has meet with most department heads to go over some of the issues that need to be dealt with. He has attended the Volunteer Fire Department (VFD) meetings in Battle Mountain. He has met with the Undersheriff and Human Resources to come up with an accident prevention plan specifically for the Sheriff's Department. They seem to have the largest number of accidents in the County. His biggest concern with the Volunteer Fire Departments in South County, Austin and Kingston, is there equipment. The equipment they have is 25 years old and way out of compliance. Mr. Westengard reviewed the poor quality of the equipment. He has advised the Fire Chiefs that they should not use that equipment which puts the fire departments out of service. This puts the County in liability should they use it. Mr. Westengard will try to get both Fire Chiefs before the Board at the next Commission meeting. They will be meeting with the Safety Committee on February 21, 2013. Kingston put in a request to buy new equipment that will go into the next fiscal year budget.

There was discussion on the importance of getting this equipment and going to the Safety Committee to get their recommendation to bring before the Commissioners. There was also discussion on if the Fire Departments had any money to purchase the equipment they need.

Commissioner Bullock shared his concern that the Safety Committee had \$300,000.00 to deal with these kinds of issues. He asked why they are waiting for the budget. This is a now issue that shouldn't have to wait until July 1st. Mr. Westengard stated they entered that as a secondary option.

Rogene Hill, Finance Director, stated Kingston has their own budgets. They do have a Fireman's as well and those would be things they would discuss in their budget hearing.

Austin had requested to update their turn out gear when they were getting the new fire truck. There was \$10,000.00 given to them for that last year.

Mr. Westengard also updated the Board they were able to submit their 2012 exercise on time, Brian Garner, Brenda Keller, and Rita Newgard where all instrumental in getting the information to Mr. Westengard. They are in the planning stages for the 2013 exercise, and this is going to be a large drill. This will be a large scale disaster exercise. They will be requesting a grant for LEPC.

Mr. Westengard stated they have three employees and the Sheriff currently at the Snow-CAT training in Auburn, California. The Safety Committee has agreed to send three additional to a later class. They will also have to have annual refreshers.

The Safety Committee is being expanded to include a Building Department representative as well. The enthusiasm of the Safety Committee is growing as well. The last two meetings have been very active with a lot of comments, questions, and suggestions.

Commissioner Bullock expressed his concerns on the Mr. Westengard's frequent use of the County vehicle. There was also discussion on why Mr. Westengard has yet to move to Lander County. **UPDATE-DISCUSSION**

- 12) Discussion For Possible Action Regarding Approval & Promulgation Of The Lander Count All Emergency Operations Plan (EOP) For 2013 & Other Matters Properly Related Thereto:** Keith Westengard, Safety Manager, stated in communication with the State Emergency Response Committee (SERC) they had to have all of their stuff in by January 31st. They have everything in except for their plan but they did get a short extension. The plan was done last year, but there are a few updates that need to be done this year. The contacts were updated and the exercise they will be doing this year.

Commissioner Stienmetz moved for the Commission to approve the Lander County Emergency Operation Plan and the signature of the Chair on the letter of promulgation. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMUNITY HEALTH NURSE

- 13) Discussion For Possible Action Regarding Approval Of The Executive Secretary Job Description For The Community Health Nurse Department & Other Matters Properly Related Thereto:** Brenda Keller, Community Health Nurse, stated she is not a Lander County employee, however, Rita Newgard who works in her office is. Ms. Keller spoke with Soveida Robinson, Human resources, about updating this job description.

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Ms. Keller explained the billing process in their office and expressed the superior job Ms. Newgard does in billing. Ms. Keller feels that the job description needs to be updated to reflect the work that Ms. Newgard does and other responsibilities that will be coming in the near future.

Commissioner Bullock questioned if they were comfortable with the title. He said he was not it. Ms. Keller said she was not either, but she was told by Human Resources she could not change the title that it would have to go through the Union.

Commissioner Bullock said if Ms. Newgard is Union they job description has to go through the Union before the Board can approve it. They could propose a change to the job title at this time as well. Ms. Keller said she would like the title to "Senior Management Assistant."

Commissioner Stienmetz moved to direct staff to get approval of the job description from the Union for the "Senior Management Assistant". Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COMMISSISONERS

14) Discussion For Possible Action Regarding Approval/Disapproval Of Supplemental Engineering Agreement No. 1 Between Lander County & J-U-B Engineers, Inc., In An Amount Not To Exceed \$54,331.86 For The Procurement & Installation Phases Of The Austin Airport Aircraft Fueling System Project, J-U-B Project No. 83-10-032, & Other Matters Properly Related Thereto: J.D. Heithoff, J-U-B Engineering, explained this was the fueling system package and rebid. There was a clerical error. When he was putting this together he was using the wage and overhead rates from December. This has become a January 2013 project and those numbers have gone up slightly. They are requesting \$56,039.93 instead of the \$54,331.86 as is agenized. The Austin Refueling package is a redesign, repackage, and rebid of the fueling system for aircraft at the Austin Airport. After much consultation it was determined that a more basic fueling system is what was needed. The County would be responsible for 100% of the project.

Lew Lott, J-U-B Engineering, explained this project was originally funded about two years ago. When it was bid there was a change in the Fire Marshalls requirements to contain the fuel truck that is bringing fuel to the tank. Mr. Lott tried to explained, to the Fire Marshall, they would probably only see one to two fuel deliveries a year, but they would not back away from that requirement. He stated the bid packet will contain the potential for downsizing to fit the budget.

There was discussion on the different kinds of aviation fuel and the fuel maintenance. There was also discussion on the possibility of putting another tank in in the future.

Rogene Hill, Finance Director, explained the Board has \$250,000.00 allotted for this project. Engineering cost will come out of this amount. Ms. Hill did not have the figures of what has been spent so far.

There was discussion of the card reader for those who stop for fuel. It works just like the credit card readers at the gas station.

Commissioner Bullock asked for an estimated cost of this project. Mr. Heithoff answered by saying they are looking at about \$180,000.00 at this point. Commissioner Bullock said after the new engineering costs they will be down to \$120,000.00 so if this not feasible why are they going forward with it.

There was discussion on ways to reduce the cost of the project and whether there was really a large enough demand for jet fuel for the BLM. There was also discussion of the increased cost for water and fire retardant.

Commissioner Bullock expressed his concern of depleting the budget on Engineers and continual rebidding.

Ms. Hill stated she would get the information on the funds spent and the funds remaining for this project and bring them back before the Board after the lunch break.

Commissioner Waits expressed her concern of letting it go by the wayside. She said they should be looking at more planes coming in and ten year into the future. Now is the time to do it if they are going to it.

Mr. Lott informed the Board an airport can be grown by getting water and then fuel. There is usually a bump in an airport activity in a small community like Austin.

Commissioner Mason moved to defer this item until after lunch. Seconded by Commissioner Stienmetz, the motion was voted and carried. **DEFERRED**

Let the record reflect Commissioner Bullock reopened this item after item #22.

Rogene Hill, Finance Director, informed the Board that \$45,849.25 has been spent so far on this project. This is all for engineering.

Commissioner Bullock explained this is only going to leave, roughly, \$150,000.00 to construct the tank.

Lewis Lott, J-U-B Engineering, stated J.D. Heithoff did this contract on a cost plus fixed fee because this is not a federally funded project. Mr. Lott proposed to move forward with the small tank option and that should cut down on the construction inspection. They will do this as inexpensively as possible because this is all County money. He said he would be happy to proceed with a tank system that would fit that budget. They will make and locate the system so it could be added to. Mr. Lott also pledged to keep his fee as low as possible and with only one option the fee of \$56,039.93 will be lower.

Commissioner Stienmetz moved for the Board to approve the Supplement Engineering Agreement No. 1 between Lander County and J-U-B Engineering Inc., in an amount that will be less than \$56,039.93 and the scope of the project will be changed to only include aviation fuel and card reader at the Austin Airport. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

Let the record reflect that Commissioner Bullock moved on to item #20 at this time.

15) Discussion For Possible Action Regarding Approval/Disapproval Of The Agreement For Professional Services Between Lander County & J-U-B Engineers, Inc., In An Amount Not To Exceed \$95,012.00, For Design Of The Austin Airport Apron Expansion Project, AIP 3-32-0026-14, & Other Matters Properly Related Thereto: J.D. Heithoff explained this project would expand the apron that is there right now. If the Board decided to add the fuel system that would take care of some of the tie downs that are currently in use. This would also provide for antique room if another aircraft came in to have room to move past an aircraft already tied down and a circle route to access the fuel and other tie downs. This is a FFA funded project and they would fund 93.75% of the project. The local allocation would be \$6,165.42.

Lew Lott explained this apron would be the same strength that is currently there and it would be adequate to handle the jet that comes into Austin for the fly in. He explained when the apron was built, years ago, it was built at the minimum and it fit the budget at the time. Currently there is not enough room to taxi by on the run way and turn around without having a liability issue that one plane could hit another plane.

Mr. Heithoff informed the Board a letter had been received from the FFA, dated February 7, 2013, that environmental clearance had been approved. This is the next project in line for the FFA projects and is the Lander County Capital Improvement Plan.

Mr. Lott explained the grant agreements for the apron and the environmental assessment must be separate. They will be preparing a grant agreement and trying to get the County reimbursed 93% of the cost of the environmental assessment. The next step is to design the apron and then to build it.

Mr. Lott explained the County gets Federal Entitlement Money for the Austin airport in the amount of \$150,000.00 every year. It is put into an account and you can go up to four years without using it before you start to lose it. We are at a use it or lose it.

Commissioner Stienmetz moved to approve the agreement between Lander County and J-U-B Engineering Inc., in an amount not to exceed \$98,634.42 for the design of the Austin Airport apron expansion, AIP 3-32-0026-14. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

16) Discussion For Possible Action To Approve The Scope & Desire To Proceed Forward With The FAA Master Plan Project For The Battle Mountain Airport & Other Matters Properly Related Thereto: Commissioner Bullock stated he has an issue and he does not think, legally, he can act ministerial as the airport manager. He cannot act as a sole Commissioner. It has to be a body of the Commission to make decisions.

J.D. Heithoff explained the FFA wants a point of contact. Commissioner Bullock said they would have one for them in a month.

Lewis Lott asked when a County Engineers is hired, if that would be their point of contact. Commissioner Bullock answered by saying that is what he would assume, but he cannot say that for sure. It will be the decision of the Commission. Commissioner Bullock also explained he understands if they need someone to call or send letters to, but he cannot approve expenses by himself.

For right now the contact person for the Battle Mountain Airport will be Donald Negro and for Austin would be Burt Ramos.

Mr. Lott provided a quick summary of the master plan. Battle Mountain Airport has completed a lot of the improvements that were shown on the current master plan, which was from the year 2000.

Mr. Heithoff explained the FFA wants the next project to be a new master plan. They will need to recreate an electronic file for the electronic survey and base information. The FFA is aware of this need to update. Before the Board was the draft scope of work that the FFA is currently reviewing. Mr. Heithoff explained if the Board and the FFA are

good with the draft scope of work there are other steps that need to be taken. Mr. Heithoff explained those steps to the Board.

Commissioner Stienmetz moved for the Commission to approve the draft plan for the Battle Mountain Airport Master Plan as presented by J-U-B and approve the independent free review in the amount of \$1,700.00 and to include the estimated draft fee for the Master Plan at \$380,000.00. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

17) Discussion For Possible Action Regarding Approval/Disapproval Of The Revised Proposal For The Lander County Minor Road Mapping Project & Production Of The Official County Road Map & Other Matters Properly Related Thereto: Jim McGuire, Summit Engineering, handed out additional information to the Board. This proposal is a revision of the proposal made back in November 2012. The proposal has been revised to produce the final County Road map after the completion of all the mapping for the minor roads. This will provide a map to show all major, main, and minor roads.

Commissioner Mason explained the County is looking for a map they can take to court to have proof that these roads are County property.

Tom Gallagher explained the data they obtain is data from actually driving the road. They have the data they can write a legal description from.

It was pointed out to Commissioner Mason that just because the County has map does not mean all those roads are County roads. There are Resolutions and Public Hearings involved that need to be worked out.

There was discussion on the cost of mapping the roads and the phases. Phase one will be the southern part of Lander County and phase two will be the remainder of the County. It is estimated at \$150 a mile.

Commissioner Mason moved to approve Summit Engineering's proposal to provide all services described in this proposed scope of work on a time and materials basis, not to exceed the amount of \$49,000.00. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

LANDER COUNTY DEVELOPMENT AUTHORITY

18) Discussion For Possible Action Regarding Appointment Of An Individual To Serve On The Great Basin Regional Development Authority & Other Matters Properly Related Thereto: Paula Tomera, LEDA Board member, and Jodi Moore, owner of Farmers

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Insurance, addressed the Board for approval of the appointment of Jodi Moore to the RDA as the business at large member, Dee Helming as the LEDA representative, and Commissioner Bullock as the Commissioner's representative.

Commissioner Stienmetz moved for the Commission to go with the Lander Economic Development Authority's recommendation that the Lander County Board of Commissioners appoint Jodi Moore as a member at-large to serve on the Great Basin Regional Development Authority, and Dean Bullock to serve on this Board and Dee Helming to serve on this Board. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

- 19) Discussion For Possible Action Regarding The "Agreement For Services For The Lander Economic Development Authority" & Other Matters Properly Related Thereto:** Paula Tomera, LEDA Board member, met with Rogene Hill, Finance Director, in January and went over the finances for LEDA. There was question if there would be enough money to approve Don Vetter's contract. LEDA had \$40,000.00 from GOED and it should cost \$39,000.00 for services for the rest of the year. It is the recommendation from LEDA for the Commission to approve the contract.

Commissioner Waits moved for the Commissioners approved this agreement for service between the Lander County Economic Development Authority and Vetter PR, from July 1, 2012 through June 30, 2013 for a total of \$39,000.00. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

COMMISSIONERS

Let the record reflect Commissioner Bullock moved to item #22 at this time.

- 20) Discussion For Possible Regarding Approval/Disapproval Of A Resolution In Support Of A Recommendation To The Forest Service To Re-Open A Prior Historic Access, From County Road #217 To Park Creek, That Goes To The Historical Mining Community Of Gold Creek & Private Properties Located In Section 25 & 26, T39E, R15N ("Gold Park Road"), & Other Matters Properly Related Thereto:** Commissioner Stienmetz moved for the Commission to approve Resolution 2013-02 by the Board of Commissioners of Lander County, supporting the reopening of Gold Park Road. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**
- 21) Discussion For Possible Action Regarding Lander County's 2013 Annual Membership Dues For The Nevada Association Of Counties (NACO), In The Amount Of \$16,218.56, & Other Matters Properly Related Thereto:** Commissioner Mason asked if this fee had

gone up. She said it had but she cannot remember by how much. There is an invoice so it is due now.

Commissioner Mason moved for the Commission to approve Lander County's 2013 annual membership dues for the Nevada Association of Counties (NACO) in the amount of \$16,218.56. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 22) **Discussion For Possible Action Regarding Approval Of The Recommendation From The Lander County Hospital District Board Of Trustees To Appoint Michelle Nevarez As Board Of Trustee Member For Seat A, To Fill Vacancy Left By Marian Lawson's Resignation & Other Matters Properly Related Thereto:** Lisa Andre, chief Compliance Office of Battle Mountain General Hospital, addressed the Board and asked the Board to approve the recommendation of the Lander County Hospital Board to appoint Michelle Nevarez for seat A on the Hospital's Board of Trustees.

Commissioner Waits moved for the Commission to appoint Michelle Nevarez as Board of Trustee Member, Seat A, for the Lander County Hospital District Board of Trustees. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

Let the record reflect Commissioner Bullock moved back to item #14 at this time.

- 23) **Discussion For Possible Action Regarding The Churchill County Commissioners' Request For The Lander County Board Of Commissioners' To Designate A Representative(s) To Serve On The Policy Committee (PC) & Technical Committee (TC) For The Naval Air Station (NAS) Fallon Joint Land Use Study (JLUS) & Other Matters Properly Related Thereto:** Commissioner Waits explained this certainly affect the Austin area and southern Lander County. They have trying the last few years to work with the community. She feels it is nice that Churchill is reaching out to include somebody to help them with their study area. They have been trying to improve their communication with Lander County.

Commissioner Bullock stated they are looking for two representatives, one for the Policy Committee and one for the Technical Committee.

Commissioner Stienmetz volunteered to take the Technical Committee and Commissioner Waits volunteered for the Policy Committee.

Commissioner Mason moved for the Commission to approve appointing Commissioner Stienmetz for the Technical Committee for the Navel Air Station and Commissioner Patsy Waits for the Policy Committee for the Nation Air Station in Fallon Joint Land Use

Study. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 24) Discussion For Possible Action To Appoint A Commissioner Representative & Alternate To The Nevada Public Insurance Pool/Public Agency Compensation Trust (POOL/PACT) Board & Other Matters Properly Related Thereto:** Commissioner Bullock is currently on POOL/PACT, they need an alternate. Commissioner Stienmetz said he would be the alternate.

Commissioner Mason moved for the Commission reappoint Commission Bullock as a representative and alternate Commissioner Stienmetz to the Nevada Public Insurance Pool/Public Agency Compensation Trust (POOL/PACT) Board. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

COURTHOUSE/ADMINISTRATION BUILDING PROJECT

Let the record reflect the presence of Max Bunch, Justice of the Peace, via teleconference.

- 25) Discussion For Possible Action Regarding Authorization For The Lander County Courthouse/Administration Building Committee/Chairman To Approve Expenditures Up To \$15,000.00 Without Prior Approval Of The Board Of Commissioners & Other Matters Properly Related Thereto:** Max Bunch, Justice of the Peace and Building Committee Chairman, addressed the Board and explained this is needed so they don't have to wait for the Commission meeting every other week to approve an item. Judge Bunch stated the Board had approved a Geo Tech in November, and there were some concerns between the District Attorney's Office and himself. He also thought, in the last meeting with the Mr. Miller, the Board gave approval for this, but he wanted to make sure everyone was on board and this is taken care of.

Commissioner Bullock said it should be and he likes the cap on the amount.

Commissioner Waits questioned if this was a maximum of \$15,000.00 or \$15,000.00 each purchase. It was stated this was per purchase. Commissioner Waits stated she would prefer for them to come back before the Board.

The Board discussed being on a time frame and how waiting to approve things every two weeks can drag out the project. They can ratify these approvals in the Commission meetings. Commissioner Waits expressed her feeling that this was a large amount of money and she didn't agree with it.

Commissioner Stienmetz moved for the Commission to authorize for the Lander County Courthouse/Administration Building Committee Chairman to approve expenditures up to \$15,000.00 without prior approval of the Board of Commissioners subject to ratification. Seconded by Commissioner Mason, the motion was voted and carried with Commissioner Bullock, Mason, and Stienmentz voting "AYE" and Commissioner Waits voting "NAY". **APPROVED**

- 26) Discussion For Possible Action Regarding Approval/Disapproval Of A Contract Between Lander County & Pezonella Associates, Inc. To Conduct A Design-Level Geotechnical Investigation For The Lander County Courthouse/Administration Building For A Total Cost Of \$13,500.00 & Other Matters Properly Related Thereto:** Max Bunch, Justice of the Peace and Building Committee Chairman, explained this is a set figure. The District Attorney's Office has gone over the contract. They have the contract and he believes it is ready to move forward.

Nicole Ting, Deputy District Attorney, explained they have not received Pezonella's Contract back. Her recommendation to the Board was to approving the amount subject to receiving the contract.

Commissioner Stienmetz moved for the Commission to approve the contract between Lander County and Pezonella Associates Inc., to conduct a Design-Level Geotechnical Investigation for the Lander County Courthouse/Administration Building for a price not to exceed \$13,500.00, subject to receiving the contract back. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 27) Discussion For Possible Action Regarding Approval/Disapproval Of A Contract Between Lander County & Pezonella Associates, Inc. To Conduct A Phase I Environmental Assessment For The Lander County Courthouse/Administration Building Project For Total Cost Of \$2,000.00 & Other Matters Properly Related Thereto:** Nicole Ting, Deputy District Attorney, said this was the same thing.

Commissioner Stienmetz moved for the Commission to approve the contract between Lander County and Pezonella associates Inc., to conduct a Phase 1 Environmental Assessment for the Lander County Courthouse/Administration Building Project for a total of \$2,000.00 pending receivable of the contract back. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

- 28) Discussion For Possible Action Regarding Approval/Disapproval Of A Contract Between Lander County & Lumos & Associates To Provide Surveying Services For The Lander County Courthouse/Administration Building Project For A Total Cost Of**

\$9,760.00 & Other Matters Properly Related Thereto: Nicole Ting, Deputy District Attorney, said this would also be a subject to receiving the contract back.

Commissioner Stienmetz moved for the Commission to approve the contract between Lander County and Lumos and Associates to provide surveying services for the Lander County Courthouse/Administration Building Project for a total of \$9,760.00, pending receiving and approval of the contract. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

29) Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building & Other Matters Properly Related Thereto: Max Bunch, Justice of the Peace and Building Committee Chairman, informed the Board that he and the Architect have not been able to come to an agreement on the terms of the contract. The Building Committee had an emergency meeting and met on Monday, February 11, 2013 in the Lander County Commissioner Chamber to discuss the status of the negotiations. All that remains on the committee, at this point and time, determined to recommend to the Commissioner to consider the Architectural Firm that was next in line form the interview process.

They were so far apart on numbers and the potential liability to the County after the initial fee was paid. Judge Bunch recommended, on behalf of the Building Committee, to approve a letter of intent to enter into a contract for the Lander County Courthouse/Administration Building Project to be signed by the Chairman or the Vice Chairman, after the meeting today, to then work with VanWoertBigotti Architectural Firm.

Commissioner Bullock explained this was not on the agenda.

Judge Bunch said they will put it on the agenda in two weeks then to talk about it. It needs to be open to the public for comment.

Judge Bunch reported to the Board that negotiations have broken down at this point and time. Collaborative Design had sent Judge Bunch, on February 12th, to provide basic service and some additional amounts. **UPDATE-DISCUSSION**

30) Correspondence/Reports/Potential Upcoming Agenda Items:

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

1. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioners, e-mail regarding special meeting in Washington DC on March 1, 2013 from 1-3 p.m. ET in conjunction with NACO Legislative Conference.
2. CHRISTOPHER J. COOK, BUREAU OF LAND MANAGEMENT, to Interested Public, letter soliciting public comments for the Toiyabe West Wildlife Habitat Enhancement Project.
3. MARKA TURNER, NEVADA RURAL HOUSING AUTHORITY (NRHA), to Public, Letter soliciting public comment on the 2010-2015 Five Year and Annual PHA Plans; and notice of public hearing scheduled March 18, 2013 in Carson City.
4. ED SEUM, BUREAU OF LAND MANAGEMENT, to Gene Etcheverry, Lander County Director's Office, Letter regarding proposed Plan of Operations modification for the Marigold Mine operated by the Marigold Mining Company.
5. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Public Comment Period beginning February 1, 2012 and Public Hearing on March 6, 2013, if requested.
6. CHRISTOPHER J. COOK, BUREAU OF LAND MANAGEMENT, to Interested Party, letter regarding Plan of Operations for a proposed development of the Buffalo Valley Mine Project submitted by Newmont Mining Corporation.
7. DAVID OVERCAST, BUREAU OF LAND MANAGEMENT, to Interested Party, letter regarding drought management documents being developed by all Nevada BLM districts.
8. CHRISTOPHER J. COOK, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding Public Consultation for the Diamond Springs Allotment, Proposed Drought Response Actions, Mount Lewis Field Office.
9. MARIAN HENDERSON, NEVADA DEPARTMENT OF TAXATION, to Lander County Commissioners, letter regarding removal of Lander County from Supplemental City-County Relief Tax guaranteed status.
10. TOM GRECO, NEVADA DEPARTMENT OF TRANSPORTATION, to Lander County Commission, letter thanking the Board for the opportunity to present their Annual Work Program at a recent commission meeting and following up with issues addressed at the meeting.

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11. DOUGLAS W. FURTADO, BUREAU OF LAND MANAGEMENT, to Interested Public, letters announcing completion of an annual report which included BLM's 2012 accomplishments and 2013 priorities.

12. GLEN G. GUTTRY, CHAIR, ELKO COUNTY BOARD OF COMMISSIONERS, to Lander County Commissioners, letter regarding Elko County, Nevada Second Amendment Resolution.

Commissioner Waits asked if the Austin Loneliest Highway Visitor's Center should be on the next agenda. Commissioner Bullock said it would be.

Commissioner Waits also shared an appointment. The Governor's office asked Commissioner Waits to take an appointment to the Division on Aging, replacing Joni Eastley, Nye County Commissioner. She accepted that appointment.

They are trying schedule a Tri-County Juvenile meeting. The dates proposed are March 11th, 12th, 14th, and 15th.

CLOSED LABOR SESSION PURSUANT TO NRS 288.220

31) Closed Labor Session With Management Representatives To Discuss Upcoming Labor Negotiations:

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 February 14, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **ADJOURNED**



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

ATTEST: 

LANDER COUNTY CLERK

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

Lander County Board of Commissioners

Meeting of February 14, 2013