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 23, 2012 at 9:00 a.m.

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

9:00 A.M.

Chairman Dean 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

Commissioner Stienmetz moved to approve the Notice of Posting. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

February 9, 2012 – Regular Session

Commissioner Stienmetz moved to approve the minutes of February 9, 2012 as presented. Seconded by Commissioner Mason.

Commissioner Williams said he thought a motion was made on agenda item 3, the presentation by Debbie Erdody on Broadband, to appoint Robert Quick as a Chairperson for Lander County to oversee an internet project. Deputy Clerk, Cathy Myers, stated they had decided to speak with Mr. Quick before putting him in that position.

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

COMMISSIONER REPORTS

Commissioner Williams said there would be a NACO meeting at 9:00 on February 24, 2012 and he would be attending by teleconference. He reported more on the poor internet and cell phone service in Austin.

Commissioner Mason reported on his attendance with the Taxation Board on February 15, 2012. He said Kingston had 48 complaints on their tax value; however none of them paid for an appraisal to justify their action. He said on Saturday March 3, 2012, the Elko Commissioners are sponsoring the Great Sage Grouse Conference. Commissioner Mason said he would like to attend as a representative of Lander County Commissioners.

Commissioner Bullock reported on February 10, 2012, he attended a Nevada Works meeting. He said the unemployment rate is on a decline and Elko and Humboldt County are also facing the same housing crunch as Lander County. He said there is more training out there for people who want it and organizations to help with resumes free of charge. He said they are also willing to do workshops if enough people show interest. Commissioner Bullock also said he attended a meeting with NDOT and Summit Engineering were they discussed different options for the levee.

STAFF REPORTS

Executive Director, Gene Etcheverry, reported on the February 13, 2012 meeting with NDOT. He said he spoke with DMV over licensure issues on equipment. He said March 1, 2012 there would be a meeting between the Chairman and Representatives of Summit Engineering and the Nevada Delegation in Washington, DC. Mr. Etcheverry also reported on the Sage Grouse Summit and said he planned to attend as well. He said March 5, 2012 is the tentative joint meeting of Public Land Use Advisory Planning Commission (PLUAPC) at 5:00 p.m. to discuss sage grouse as well as other Public Land Use issues. March 9, 2012 is the Nevada Tax Commission meeting where they will consider Lander County's waiver from competing for our distribution. He said the Lander County Regional Transportation Commission meeting will be scheduled for March 8, 2012 immediately following the Commission Meeting. The Maverik Grand Opening is Wednesday March 28, 2012 at 4:30 p.m. and it is requested for as many Commissioners as possible to attend.

PAYMENT OF BILLS

Jane Bianchi from the Finance Department addressed the Board on check that needed to be ratified.

O.P.I.
Commissioner Garner moved to ratify check #39649 in the amount of $11,657.01 to O.P.I. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to approve the submitted expenditures in the amount of $211,499.28 from check #39671 thru 39776. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Williams abstaining from the vote on check #39773, Commissioner Stienmetz abstaining from the vote on check #39755, Commissioner Bullock abstaining from the vote on check #39687 and #39688 and Commissioner Garner abstaining from the vote on check #39676. **APPROVED**

STATE OF NEVADA
Commissioner Garner moved to ratify check #39655 in the amount of $28.25 to the State of Nevada. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

WELLS FARGO REMITTANCE
Commissioner Garner moved to ratify check #39669 in the amount of $516.74 to Wells Fargo Remittance. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

NORCO, INC.
Commissioner Garner moved to ratify check #39646 in the amount of $148.80 to Norco, Inc. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

FRANK WHITMAN
Commissioner Garner moved to ratify check #39662 in the amount of $321.84 to Frank Whitman. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

J W WELDING SUPPLY
Commissioner Garner moved to ratify check #39636 in the amount of $119.25 to J W Welding Supply. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

PAYROLL CHANGE REQUESTS

1. Employee change request for employee number 1247, New Hire, Building and Planning Technician, $1,188.00 bi-weekly, effective February 20, 2012

2. Employee change request for employee number 1328, New Hire, Relief Van Driver/Dishwasher, $9.64 per hour, effective February 21, 2012.

3. Employee change request for employee number 1431, New Hire, Relief Van Driver/Dishwasher, $9.64 per hour, effective February 21, 2012.

Executive Director, Gene Etcheverry, reviewed a letter submitted by Joe Lindsey, Building Inspector, to increase the starting wage of his newly hired Building and Planning Technician because of her experience. Mr. Lindsey addressed the Board and explained he felt the advertised wage was for someone without experience. There was some discussion on Mr. Lindsey's request and how this job description should have been publicized. Commissioner Stienmetz stated he did not agree with how it was publicized and felt it didn't give others a better opportunity to apply for the job.

Commissioner Garner moved to approve employee number 1247 at $1,380.31 bi-weekly and employee 1328 saw stands and employee number 1431 as stands. Seconded by Commissioner Mason, the motion was voted and carried with Commissioners Mason, Garner and Bullock voting "AYE" Commissioners Stienmetz and Williams voting "NAY". **APPROVED**

PUBLIC COMMENT

No Public Comment.

FINANCE

1) **Discussion For Possible Action Regarding Budget Review, Contracts & Financial Update & Other Matters Properly Relating Thereto:** Rogene Hill, Finance Director, thanked Commissioner Bullock for his participation in the Budget meetings with the Department Heads. Ms. Hill said she would like to review any major projects the week before the March 14, 2012 Budget Workshop. There was discussion on what day would work best and decided March 8, 2012 would work best. **UPDATE**

COMMISSIONERS

2) **Discussion For Possible Action Regarding Lander County's Group Insurance Program Selection Process & Other Matters Properly Relating Thereto:** Executive Director, Gene

Etcheverry, said the current Insurance Broker, John Carlson, was present and Tim Holland from L/P Insurance. He said Mr. Carlson has been Lander County's Insurance Broker for four years. Mr. Etcheverry said they go out to market each year and they look for two things, the best insurance possible at a minimal increase.

John Carlson, Benefit Intelligence, current Insurance Broker addressed the Board and said there was a 23% rate increase facing the County when he started working for the County. He said he was able to come in the first year and come in at 4% below current. Mr. Etcheverry said the 23% was the renewal rate the County was faced with and the prior year was 17%. Mr. Carlson talked about how they go out to the market place and carriers. He said they have a number of proposals back already and one was from Saint Mary's and discussed how they negotiate. He said their renewal with Anthem was due out in late April. Mr. Carlson also talked about various plans.

Commissioner Garner said he would like the County to look for other services and other carriers. He said the insurance the County has now is so poor that the bread winner can't afford to put their families on the insurance.

Mr. Carlson said it is up to the County to decide what plan they want. He said the affordability is up the County and that goes into the discussions each year. Mr. Carlson also said there are very few carriers out there.

There was discussion about using more than one Broker in the market place. Mr. Carlson was opposed to this idea.

Commissioner Garner asked Mr. Carlson, if the insurance is not so great, why hasn't he asked the County to enhance its insurance. Mr. Carlson said he has, but he doesn't make the final decision he only can provide recommendations. Commissioner Garner said nothing had come before the Commission to enhance or decrease the insurance. Mr. Etcheverry said that doesn't come before the Commission. He said that would be Risk Management, Human Resources and himself. Mr. Etcheverry said they get a narrow spectrum of plans.

There was discussion on whether the employees had complained about the insurance. Commissioner Bullock said that was what the Labor Negations was mainly about.

Mr. Carlson said they come in every year with the marketing results that the County has asked them to do. He said if the County wants the insurance enhanced that can be part of the marketing process and if it is a carrier issue they can check into that as well.

Executive Director, Gene Etcheverry, said the way the contracts were negotiated six years ago, was if an employee comes on board prior to July 1, 2006 the dependent coverage is 50%. Finance Director, Rogene Hill, said it was 100% employee and 50% dependent coverage. Ms. Hill said because of the outrageous insurance costs they chose to cover the employee only but would offer dependent coverage at a 100% cost to the employee.

Tim Holland, L/P Insurance Services, Inc., addressed the Board and provided them with an information packet. Mr. Holland reviewed the contents of the packet that provided information on some of the clients they insure, a copy of his license and that of his employer and a brief description of what they do and what they can do for Lander County. Mr. Holland states some of the other services that L/P provides to their clients.

Commissioner Bullock addressed the elected officials on their opinion. Lura Duvall, Assessor, said she would like to see if Mr. Holland could find something better for the County. Sadie Sullivan, Clerk, asked Mr. Holland how often he was in the area. Mr. Holland said he is here every ten to twelve days. He said it is important to make sure their clients are satisfied.

Commissioner Garner moved to direct staff to allow L/P Insurance Services, Tim Holland to price quote for Lander County for the upcoming fiscal year.

Mr. Holland said they would need a letter of authorization to give to Anthem to get the utilization reports. He said they would break down the data and take it out to market.

Commissioner Garner also added to his motion to direct staff for a letter of authorization for L/P Insurance to obtain the requested documentation. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

3) **Discussion For Possible Action Regarding Proposal/Introduction Of Ordinance No. 2012-01, An Ordinance Amending Section 15.24.030(D) Of The Lander County Code To Allow A Mobile Home Or Manufactured Home To Be Permanently Installed In Lander County If It Has Been Constructed Or Manufactured Not More Then Fifteen (15) Years Prior To The Date Of Application For A Building Or Moving Permit; & Other Related Matters:** Executive Director, Gene Etcheverry, said this proposal/introduction is for Ordinance 2012-01 amending Ordinance Section 15.24.030 (D) of the Lander County Code.

Commissioner Stienmetz moved for the Commission to uphold the recommendation of the Lander County Planning Commission and propose and set for public hearing Ordinance No. 2012-01, an ordinance amending Section 15.24.030(D) of the Lander

County Code to allow a mobile home or manufactured home to be permanently installed in Lander County if it has been constructed or manufactured not more than fifteen (15) years prior to the date of application for a building or moving permit. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

4) **Discussion For Possible Action Regarding Agreement Between Lander County & Robin Gray (Seven Valleys, LLC) To Provide Black Fly & Mosquito Abatement Services In Areas Located In Lander County & Other Matters Properly Relating Thereto:** James Barnes, Deputy District Attorney said they have not heard from Mr. Gray regarding this contract.

Commissioner Garner moved to defer item #4. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **DEFERRED**

5) **Discussion For Possible Action Regarding The Possibility Of Seeking Requests For Qualifications To Provide Alternative Public Defender Services & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said William Schaeffer has submitted a proposal to provide alternative Public Defender Services to Lander County.

William Schaeffer, Attorney at Law, addressed the Board and discussed what the County has been spending in previous year. Mr. Schaeffer said he felt he could save the County some money although it is not a guarantee. He said it would also give criminal defendants legal service locally.

James Barnes, Deputy District Attorney, said we have our Public Defender who is Mr. Herrera and he represents the entire County. Mr. Barnes said there are also some civil matters where other attorneys are appointed, usually Mr. Forgeron. He said if there are cases where Mr. Herrera or Mr. Forgeron would have a conflict of interest, they would not be able to handle those cases and they would have to be given to another attorney.

Mr. Schaeffer gave some examples of when his services would be useful. There was discussion on the County spending $30,000.00 last year for attorneys on conflict cases. Mr. Schaeffer said he is proposing to do it for $27,000.00.

Commissioner Garner asked if this was just a baseline at the $27,000.00. Judge Max Bunch said it could be higher if you have a capital case. It was stated that Mr. Schaeffer would not charge more than the $27,000.00. Mr. Schaeffer said he put a 30 day out in the contract in case this doesn't work out or if he was to be elected as Justice of the Peace in Austin. Judge Bunch explained the process of appointing attorneys and let the

Board know that there could be other money spent if Mr. Schaeffer was not able to take the case. It was also discussed that the money for this service would not be extra money spent.

Commissioner Williams moved for the Commission to accept and approve the Agreement between William Schaeffer and Lander County for alternative public defender services, when necessary, and authorize the Chair to sign upon legal review. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

6) **Discussion For Possible Action Regarding Lander County's 2012 Annual Membership Dues For The Nevada Association Of Counties (NACO), In The Amount Of $16,219.04, & Other Matters Properly Relating Thereto**: Executive Director, Gene Etcheverry, said this is the invoice for the annual membership for the Nevada Association of Counties. Mr. Etcheverry pointed out that it did go up considerably and is in direct line with the June 30, 2011 ending fund balance for the general and special revenue.

Commissioner Garner moved for the Commission to approve the 2012 Nevada Association of Counties (NACO) invoice for Lander County Annual Membership Dues and authorize payment of $16,219.04 to NACO. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

ASSESSOR

7) **Discussion For Possible Action Regarding Resolution No. 2012-02, A Resolution Adopting & Approving An Interlocal Agreement For Parcel Maintenance Between The Lander County Assessor's Office & The Carson City Assessor's Office To Provide A Lander County-Wide Parcel Project By The Carson City Assessor's Office, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, informed the Board that in the December 1, 2011 Commission meeting this proposal had already been approved.

Lura Duvall, Assessor, addressed the Board and informed them that after the approval the Resolution and Agreement went back to Carson City and the City Manager made some changes. Ms. Duvall said the main change was the hourly rate, which she doesn't have a problem with.

Commissioner Garner moved to approve and adopt Resolution No. 2012-02, a resolution adopting and approving an Interlocal Agreement for Parcel Maintenance between the Lander County Assessor's Office and the Carson City Assessor's Office to provide a Lander County-Wide Parcel Project by the Carson City Assessor's Office and

request the Chair to sign. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

CLERK

8) **Discussion For Possible Action The Lander County Jury List For 2012 & Other Matters Properly Relating Thereto:** Sadie Sullivan, Clerk, addressed the Board and presented them with the 2012 Jury list pursuant to NRS 6.050. She said the District Judge does an order each year for the Jury list and there are 1800 registered voters on the list. She said her office staff goes through the list and removes those 70 years or older.

   Commissioner Garner moved for the Commissioners to accept the Lander County Jury list for 2012 as presented by Lander County Clerk Sadie Sullivan. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

JUSTICE COURT

9) **Discussion For Possible Action Regarding Justice Of The Peace Pro Tempore List, Pursuant To NRS 4.032, For The Argenta & Austin Justice Courts & Other Matters Properly Relating Thereto:** Judge Max Bunch, addressed the Board and read NRS 4.032. He explained this is to enlist a panel of substitute Justice of the Peace when the Justice of the Peace is ill, absent, or has to be disqualified. Judge Bunch asked for the Commission to get with people in the Community, who comply with statute 4.010, to submit a letter of intent so a list may be comprised. Another Justice of the Peace can be used, but this list could be used in the event another Justice of the Peace can't make it.

   Commissioner Garner moved for the Commission authorize the creation of a Justice of the Peace Pro Tempore list, pursuant to NRS 4.032, for the Argenta and Austin Justice Courts, and authorize the training of the individuals on the list. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

PLANNING COMMISSION

10) **Discussion For Possible Action Regarding Approval/Disapproval Of A Zone Change Request For Paul Buffington Or Kimberlie Davis, W2W2 Section 2, T32N, R44E, APN 010-260-06, To Change From Industrial District (M) Zoning To Farm & Ranch District (A-3) Zoning & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the Planning Commission met on February 8, 2012 and had a public hearing on this zone change and recommended the Commission approve the change.

Kimberlie Davis addressed the Board and stated there are several parcels that are zoned industrial at the end of Allen Road.

Commissioner Mason moved for the Commission to uphold the recommendation of the Lander County Planning Commission and approve the zone change request for Paul Buffington or Kimberlie Davis, W2W2 Section 2, T32N, R44E, APN 010-260-06, to change from Industrial District (M) zoning to Farm and Ranch District (A-3) zoning. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

11) **Discussion For Possible Action Regarding Approval/Disapproval Of A Zone Change Request For Nevada Johnson, 385 Lemaire Road, Battle Mountain, APN 002-341-01, To Change From Single Family Residential District (R-1) Zoning To Multiple-Family Residential District (R-4) Zoning & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this was also heard in the February 8, 2012 Planning Commission public hearing. Commissioner Mason explained where this parcel is located. Kimberlie Davis addressed the Board and stated that the sale of this property is contingent on the zone change. The buyer is looking to build single story, fenced landscape duplexes on this property.

Commissioner Mason moved for the Commission to uphold the recommendation of the Lander County Planning Commission and approve the zone change request for Nevada Johnson, 385 Lemaire Road, Battle Mountain, APN 002-341-01, to change from Single Family Residential District (R-1) zoning to Multiple-Family Residential District (R-4) zoning. Seconded by Commissioner Stienmetz.

Kim Heinz said she lives next door to this property. Ms. Heinz shared her concerns of having an apartment complex in the neighborhood. There was discussion on the intent of the duplexes as being single story, but there is no guarantee the plan wouldn't change. There was discussion on who was notified and how those in the neighborhood felt about the zone change.

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

12) **Discussion For Possible Action Regarding Proposal/Introduction Of An Ordinance Amending Section 17.08.100(A)(1) Of The Lander County Code To Change The Requirement For Relinquishing Two (2) Acre Feet Of Water Rights For Each Additional Parcel That Is Less Than Five (5) Acres In Designated Groundwater Basins; & Other Related Matters:** Executive Director, Gene Etcheverry, explained that this would change the language in that section of the Lander County Code to come into compliance with the State Law NRS 278.461 Subsection 2. There was some discussion on the meaning and purpose of this Ordinance.

Commissioner Garner moved for the Commission to uphold the recommendation of the Lander County Planning Commission by proposing and setting for public hearing an ordinance amending Section 17.08.100(A)(1) of the Lander County Code to change the requirement for relinquishing two (2) acre feet of water right for each additional parcel that is less than five (5) acres in designated groundwater basins. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

LANDER ECONOMIC DEVELOPMENT AUTHORITY

13) **Discussion For Possible Action Regarding The Possibility Of Forming An Ad Hoc Committee To Explore & Research The Feasibility Of Constructing An Aquatics & Youth/Fitness Center In Battle Mountain & Other Matters Properly Related Thereto:** George Fennemore, of LEDA, presented the Board with a copy of his presentation. He said the desire to build an Aquatics and Youth/Fitness Center had been brought before LEDA. He said there has been some research done and there have been a number of communities that have developed and had success with Youth and Aquatic Centers. Mr. Fennemore said they would like to do a feasibility study to look at the scope for this facility and to gage the community support. He said in order to do that they would like to develop an Ad Hoc committee. They have prepared a letter along with a list of tentative recipients for that letter, and would like the Commission's approval to send out that letter. There was discussion on the cost of running the pool, bringing people into the community, the location, and making it a "Green" Aquatic Center.

Commissioner Garner moved for the Commission to support the formation of an A d Hoc committee to explore and research the feasibility of constructing an Aquatics and Youth/Fitness Center in Battle Mountain and request the periodic status reports of the committee's progress to be given during regular meetings of the Commission. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

14) **Discussion For Possible Action Regarding Update On Lander Economic Development Authority (LEDA), Future Industrial Needs Discovery (FIND), Governor's Office On Economic Development (GOED), Monthly Report To Commissioners & Invitation To The March Roundtable Event, & Other Matters Properly Related Thereto:** George Fennemore, LEDA, updated the Board on issues with State Directors. He said they are pushing very hard towards regionalization of Economic Development Authorities. Mr. Fennemore said in the discussions, within LEDA, they are not fond of the idea of regionalization. He said funding for Lander County Economic Development Committee will continue for another year, but after that the funding will probably go to the Regional Group.

Mr. Fennemore said they have done a number of data collection and run them through the University of Nevada Reno Economic and Community Development models and have a list of target industries that could be promoted here in Lander County and Battle Mountain. Mr. Fennemore said they have scheduled a community round table, Wednesday, March 14, 2012 from 5 p.m. to 8 p.m. at the Convention Center, to match up with the goals of the Commission and the Community with the marketing effort. He said they would be sharing the information and data they have collected and what their plan is to proceed. Commissioner Williams asked if the internet issue is something being addressed towards businesses coming in. Mr. Fennemore said it was. Don Vetter said there was a Statewide initiative on Broadband that they are trying to get on board with. **NO ACTION-UPDATE/DISCUSSION ONLY**

COMMISSIONER BULLOCK RECESSED THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS AND CONVENED THE MEETING OF THE LANDER COUNTY LIQUOR BOARD.

SHERIFF

15) **Discussion For Possible Action Regarding Issuance Of An Off-Sale Liquor License To Michael V. Call For Maverik, Inc. Located At 775 S. Broad Street, Battle Mountain, NV, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the approval has been recommended by the Sheriff's Department for this application.

Shane Martin, Maverik Representative, said they will be done March 28th and that will be the Grand Opening.

Commissioner Garner moved that the Lander County Liquor Board approve the issuance of a Liquor License to Michael V. Call for Maverick, Inc., located at 775 S. Broad Street, Battle Mountain, Nevada. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

COMMISISONER GARNER MOVED TO RECESS THE MEETING OF THE LANDER COUNTY LIQUOR BOARD AND RECONVENE THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS. SECONDED BY COMMISSIONER STIENMETZ, THE MOTION WAS VOTED AND CARRIED UNANIMOUSLY. ADJOURNED

PUBLIC WORKS

16) **Discussion For Possible Action Regarding Update & Status report On The Battle Mountain Arsenic Mitigation Water Project & Other Matters Related Thereto:** Jake Edgar, Public Works Foreman, said not much has changed. He said James (Deputy District Attorney) was still working on going after the Bond. He said the pump is being built and they should receive it by the end of April. Mr. Edgar said if they aren't back up

in fourteen weeks they will have to go back to the old system. There was discussion on the amount of water used and if they would have to put Battle Mountain on a water restriction. Mr. Edgar said they wouldn't do that they would just go to the old system and put out a boil order. **NO ACTION-UPDATE ONLY**

17) **Discussion For Possible Action Regarding Award Of Bid For The Elquist Park Rehabilitation Project & Other Matters Properly Relating Thereto:** Jake Edgar, Public Works Foreman, reviewed the three bids with the Board. He said the lowest bidder was Krauss Craft. Mr. Edgar said the base for the playground was rubber mulch and they would be replacing the barbeques, benches, trash cans and the canopies. He said this would bring Elquist Park up to date and with the money left over he thinks they may be able to do Austin's park as well.

    Commissioner Garner moved for the Commission to grant the bid on the Elquist Park Rehabilitation Project to Krauss Craft in the amount of $158,916.67. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

18) **Discussion For Possible Action Regarding A Request By Jay Wintle For A 60'x 115' Utility Easement On The West Side Of His Property (From The Power Line Located Near The Golf Course Driveway To The Property Line) & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said there were a few item brought to the Board's attention last Fall by Mr. Wintle. Mr. Etcheverry said this first item was for a 60' x 115' utility easement. This would go from the Golf Course driveway over to Mr. Wintle's property line. He said this would allow for electrical and other utilities as necessary to go through that easement.

    Jay Wintle gave further details on the power and utilities he wants to bring over. Mr. Wintle provided a map to show where the easement would be.

    Commissioner Mason moved for the Commission to grant the requested 60'x115' utility easement from the power line located near the golf course driveway to the property line dividing Lander County-owned land and Mr. Wintle's property with the stipulation that the easement is for LOCATION OF AND ACCESS TO UTILITY INFRASTRUCTURE ONLY. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

ROAD & BRIDGE NORTH

19) **Discussion For Possible Action Regarding A Request By Jay Wintle To Grant Lander County Easement Over His Property On The Dump Road & In Return Lander County Will Place A Cattle Guard On The Road To Secure Against Cattle, & Other Matters**

Properly Relating Thereto: Executive Director, Gene Etcheverry, said this was another item that was put forward in Mr. Wintle's letter. Mr. Wintle would like to see the County put a cattle guard at that road on Mr. Wintle's south property line.

Jay Wintle presented a map to the Board to show where the property line is and where he would want the cattle guard to go. Commissioner Williams asked about getting a survey. Mr. Etcheverry said Mr. Wintle had a recent legal survey done.

Commissioner Mason moved for the Commission to accept a dedicated roadway easement from Mr. Jay Wintle for the section of the dump road that crosses property owned by him and agree to place a cattle guard across the road at Wintle's south property line to secure against cattle. Seconded by Commissioner Williams.

Commissioner Garner added pursuant to the legal description.

Mr. Wintle said he would need help fencing the other portion of the road. He said he would fence it but he need authorization where it goes onto Government property. Mr. Wintle said he would need 1200 feet of fence to secure the cattle guard back to the State Highway. Mr. Etcheverry clarified with Mr. Wintle that he was asking for the County to petition the BLM for the placement of the fence, but Mr. Wintle would place the fence. James Barnes, Deputy District Attorney, said they would have to come up with some kind of agreement.

Commissioner Mason withdrew his motion and Commissioner Williams withdrew his second.

There was discussion on what an agreement should include.

Commissioner Garner moved to defer and for Legal, Mr. Wintle and the BLM along with Lander County Staff to sit down and see how this could be placed and to insure all three parties are taken care of. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **DEFERRED**

20) **Discussion For Possible Action Regarding The Application For Transportation & Utility Systems & Facilities On Federal Lands Submitted By Lander County To The Bureau Of Land Management (BLM) To Improve The Existing Access Road To Buffalo Valley Mine & Other Matters Properly Relating Thereto:** Randy Largent, Land man for Newmont, and Pete Johnson, Manager for this project, addressed the Board and provided them with a map to show the Buffalo Valley Mine Project Plan of operations boundary, represented by a red box. Newmont is asking to improve the road from the southern

part of the red box, south to the Buffalo Valley Farms and then east to the Phoenix. They explained Newmont's plan to improve the roads.

Commissioner Garner moved for the Commission to approve the proposal for Lander County to submit to the Bureau of Land Management (BLM) an "Application for Transportation and Utility Systems and Facilities on Federal Lands," on behalf of Newmont Mining Corporation, to facilitate the improvement of the existing access road to the Buffalo Valley Mine. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

COMMISSIONERS

21) **Discussion For Possible Action Regarding The Battle Mountain & Austin Volunteer Ambulance 2011 Estimated Income/Loss Report Presented By Tammy Dimitroff & Other Matters Properly Relating Thereto:** Tammy Dimitroff addressed the Board and explained the report they had was just finishing out the end of 2011. She said she will have the reports for January and February in March. Ms. Dimitroff said she is still doing the report and billings until she is told not to. She said there are a few report that she may have not received, but the volunteers have been doing good about turning in reports and the stipends are current for those who have turned in reports. **NO ACTION-UPDATE ONLY**

22) **Discussion For Possible Action Regarding Bidding Process, Request For Bids, Selection Of Design, Engineering, Architectural, Construction & Construction/Project Oversight Relative To The Lander County Courthouse/Administration Building & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said it is time to decide how to proceed with the Courthouse/Administrative Building. Mr. Etcheverry explained the different ways to go about the next steps. Commissioner Garner said if the County goes with a design build, it will allow for one Company, that will have to be qualified first, and that one Company will take care of everything and that is who the Commission would consult with and hold responsible. There was discussion on the Request for Qualification and the Request for Proposal.

Commissioner Garner moved for the Commission to direct staff to prepare the necessary Request for Qualifications to secure services of a "Design Build" (also known as ("Construction Manager at Risk") enterprise for the engineering, design, architecture, construction and construction oversight of the new Lander County Courthouse-Administration Building and to include a Request for Proposal. Seconded by Commissioner Stienmentz, the motion was voted and carried unanimously. **APPROVED**

23) **Discussion For Possible Action Regarding Approval Of An Application For An Order Of Abandonment By RPM Holdings LP For The Following Streets In Austin, Nevada; A**

Portion Of Washington Street, (Not Built) Between Pony Street & Second Street (Birch Street), (Not Built), Between Washington Street (Not Built) & Jefferson Street (Not Built), & A Portion Of Jefferson Street, (Not Built), Between Pony Street & Second Street (Birch Street)(Not Built) & Other Mattes Properly Relating Thereto: Angie Elquist, District Attorney, said the order of abandonment was done in 2010 but the paperwork was never produced.

Commissioner Garner moved for the Commission to approve the application for an order of abandonment by RPM Holdings LP for the following streets in Austin, Nevada; a portion of Washington Street, (Not Built) between Pony Street & Second Street (Birch Street), (Not Built), between Washington Street (Not Built) & Jefferson Street (Not Built), & a portion of Jefferson Street, (Not Built), between Pony Street & Second Street (Birch Street)(Not Built), as presented. Seconded by Commissioner Williams, the motion was voted and carried unanimously. Commissioner Garner added a correction to his motion for the Chair to sign the order. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

24) **Discussion For Possible Action Regarding Approval Of A Deed Of Dedication From RPM Holdings LP To Lander County For A Portion Of Pony Street in Austin, Nevada & Other Matters Properly Relating Thereto:** Angie Elquist, District Attorney, explained this came up with the abandonment. She said he (Phillip Marshall) has been sent the paperwork for his signature.

Commissioner Garner moved for the Commission to accept and approve the Deed of Dedication from RPM Holdings LP to Lander County for a Portion of Pony Street in Austin, Nevada. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

25) **Discussion For Possible Action Regarding Update & Status Report On Sage Grouse Issues & Impact to Lander County & Other Matters Related Thereto:** Executive Director, Gene Etcheverry, said he and Commissioner Mason had attended a meeting Elko on Saturday, February 18, 2012 in Elko. Mr. Etcheverry said there have some meetings on the sage grouse issue in Idaho as well. Commissioner Garner said he read an article that NDOW is going to do a restriction on hunting the sage grouse. Jake Edgar, Public Works Director, talked about sage brush rehabilitation that the High School in Winnemucca does, and how they are trying to get others to participate. Commissioners Williams said he has asked Mr. Etcheverry to see if he can get Rod Davis to join in the joint meeting, between the Commissioners and the Public Land Board, Commissioner Williams said Mr. Davis gave a good presentation to the Board in Austin a month ago. Commissioner Mason said he would like to recommend the Commissioners to draft a letter to the BLM, Forest Service and NDOW and let them know they want to help.

26) Correspondence/Reports/Potential Upcoming Coming Agenda Items:

1. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Decision, Water Pollution Control Permit #NEV2011105, Baker Hughes Drilling Fluids, Slaven Canyon Mine.

2. KEVIN E. SULLIVAN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Amanda Appelt, Western Energetix, letter regarding Groundwater Monitoring Report-2nd & 3rd Quarters 2011, Western Energetix Bulk Plant, 125 N. Mountain Street, Battle Mountain, NV NDEP ID#5-000289, Petroleum Fund #2009000020.

3. DAVID OVERCAST, BUREAU OF LAND MANAGEMENT, to 25 Ranch LLC, letter regarding Livestock Grazing Management Decision, Notice of Closure to Livestock Grazing on the twenty-five Allotment and Rehabilitation Objectives for the Indian Creek Fire.

4. DAVID OVERCAST, BUREAU OF LAND MANAGEMENT, to 25 Ranch LLC, letter regarding Livestock Grazing Management Proposed Decision, Notice of Proposed Closure to Livestock Grazing on the Twenty-five Allotment and Rehabilitation Objectives for the NW Sheep Treatment.

5. GENE SEIDLITZ, BUREAU OF LAND MANAGEMENT, to Permittee, threefold letter regarding the following issues: a) Rangeland Management Specialist assigned to Humboldt River Field Office; b) opportunity to process 2012 grazing application/grazing bill; and, c) current weather conditions.

6. HEIDI S. HURST, NORTHERN NEVADA IMMUNIZATION COALITION, to Brenda Keller, Lander County Community Health, letter announcing 2011 Silver Syringe Award to Lander County Health for outstanding rural immunization program.

7. FRANCISCO VEGA, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Brian Musser, Barrick Cortez, Inc., letter regarding Notice of Alleged Air Quality Violation and Order No. 2397, Class I Air Quality Operating Permit, AP1041-2141.

8. JOHN C. CARPENTER, FORMER NEVADA STATE ASSEMBYMAN, to Lander County Commission, letter regarding Greater Sage Grouse Conference to be held Saturday March 3, 2012 from 6-9 p.m. at the Elko Convention Center.

For upcoming agenda items Mr. Etcheverry said he put the RTC meeting on March 8th. Rogene Hill, Finance Director, reminded Mr. Etcheverry to add the infrastructure meeting on March 8th.

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PUBLIC COMMENT

Judge Max Bunch said this could be a potential agenda item, and requested that the Commission look at a 4/10 schedule for County employees. Judge Bunch said there are some in the County already on a 9/80 schedule, and there are already some Cities and Counties that do a 4/10 schedule. Sovieda Robinson, Human Resources, said it was already addressed in the Union Contract to work an 8 hour schedule, a 9/80 schedule or a 10 hour schedule, and it is up to the department head officials to do that. Commissioner Williams said he thought Judge Bunch was suggesting standardizing the schedule for everyone.

Sovieda Robinson, Human Resources, said she would like a policy on hiring put on the agenda as well.

ADJOURNMENT

There being no further business before the Board at this Commissioner Garner moved to adjourn the meeting of February 23, 2012. Seconded by Commissioner Stienmetz, the motion was voted and carried. **ADJOURNED**

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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.*