

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

PRESENT: **DEAN BULLOCK, COMMISSIONER**
 STEVEN STIENMETZ, COMMISSIONER
 BRIAN GARNER, COMMISSIONER
 DAVID MASON, COMMISSIONER
 PATSY WAITS, COMMISSIONER
 SADIE SULLIVAN, CLERK
 NICOLE TING, DEPUTY DISTRICT ATTORNEY
 ROGENE HILL, FINANCE DIRECTOR
 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 Garner 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 Mason the motion was voted and carried unanimously. **APPROVED**

APPROVAL & ACCEPTANCE OF MINUTES

FEBRUARY 28, 2013 – REGULAR SESSION

Commissioner Stienmetz moved to approve the minutes of the February 28, 2013 regular session. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

Lander County Board of Commissioners

Meeting of March 14, 2013

FEBRUARY 28, 2013 – SPECIAL SESSION
MARCH 13, 2013 – BUDGET WORKSHOP

The minutes for February 28, 2013 special session and March 13, 2013 Budget Workshop were not ready for approval.

COMMISSIONER REPORTS

Commissioner Mason reported on his attendance of the Planning Commission meeting on March 13, 2013 where they had discussed a home office permit, zone changes, and the water and sewer.

Commissioner Waits reported on her attendance of the Public Land Use Advisory Planning Committee meeting, on March 4, 2013, where the wild burros and the hot ponds were discussed.

Commissioner Stienmetz reported on his attendance of the Hospital Board meeting on March 13, 2013.

Commissioner Bullock reported on his attendance of the LEDA meeting. He also stated the Great Basin Regional authority will have a meeting on March 22, 2013 at 1:00 p.m. in Ely, and March 25, 2013 at 3:00 p.m. is the Tri-County Commissioners meeting in Winnemucca.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with the bills.

Commissioner Garner moved to approve the submitted expenditures in the amount of \$248,503.03 from check #43714 through check #43785. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Garner abstaining from the vote on check #43716. **APPROVED**

PAYROLL CHANGE REQUEST

1. Employee Change Request for employee #548, Promotion, Senior Deputy, \$18.52 per hour, effective March 4, 2013.
2. Employee Change Request for employee #133, Completion of Successful Exam, Building & Planning Tech, \$1,474.50 bi-weekly, effective March 4, 2013.

Commissioner Waits moved to approve the employee change requests for both employees listed, #548 and #133. Seconded by Commissioner Mason, 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 Related Thereto:** Rogene Hill, Finance Director, stated they have just been working on the budget and preparing for the Budget Workshop that was held the previous day (March 13, 2013). She thanked the Board for making it a successful day. Ms. Hill added they will now start preparing the State Budget. She will provide an update on all minor equipment and capital projects that were approved in the Budget Workshop at a later date. **UPDATE**

- 2) **Discussion For Possible Action Regarding Drake Rose & Associates, LLC's Request & Proposal To Extend The Relationship Of Providing Services As Independent Certified Public Accountants For Lander County For The Year Ending June 30, 2013 & The Four Succeeding Years & Other Matters Properly Related Thereto:** Rogene Hill, Finance Director, recommended the Board consider doing a contract for the five year period with Drake Rose & Associates, LLC. With all the changes and the new accounting standards Drake Rose knows our County very well.

Commissioner Mason moved for the Commission to approve Drake Rose and Associates LLC to audit the financial statements of Lander County for the years ending June 30, 2013, 2014, 2015, 2016, and 2017. Seconded by Commissioner Waits.

Commissioner Bullock asked if there was an actual contract on this.

Ms. Hill responded by saying they give their proposal, and each year the Board has to designate it to the State.

Shelly Drake, Drake Rose and Associates, explained they put out a pricing arrangement to extend the relationship if the Board approves. Each year, as part of the auditing standards, the Board has to sign an engagement letter to actually engage them for that particular year. At any time either party can terminate the relationship. This just proposes a relationship where they will not be coming back to revisit this arrangement for the next five years.

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

BUILDING

- 3) **Discussion For Possible Action Regarding Operation & Projects For The Building Department & Other Matters Properly Related Thereto:** Anna Penola, Building Department, provided an update to the Board for the month of February 2013. There were ten new permits issued and one non-permitted inspection. The Newmont Copper Leach is the ongoing project and the future projects are the Clark Apartments expansion, Elquist Street Subdivision – Duplex, Lemaire Road – Duplex, and the Old Smith Detroit shop/remodel and addition. For the South County they have the Verizon tower in Austin, the Com-Net tower in Kingston, and eleven open construction building permits.

Commissioner Bullock asked if there was a projection on when the towers would be done.

Ms. Penola said they just received the plans back. As soon as Mr. Lindsey gets back they should be starting them. She also updated the Board on the Battle Mountain Raceway/Motocross fencing and lighting project. She attended the Residential Inspector Training in Las Vegas February 24th through March 1st, and took her exam on March 4th in Reno and passed. She now has a certification in Residential Building. There is about four to eight more to go. Ms. Penola also reported that Mr. Lindsey will be attending the annual EDU-Code training in Las Vegas the week of March 10th through the 16th.

UPDATE

- 4) **Discussion For Possible Action Regarding Approval Of The Building Inspector/Code Enforcement Officer Job Description For The Building Department & Other Matters Properly Related Thereto:** Anna Penola reviewed the changes, with the Board, to the job description for the Building Inspector/Code Enforcement Officer.

Commissioner Waits moved for the Board to approve the changes to the part-time inspector job description as outlined.

Commissioner Bullock asked if this was for all Building Inspectors not just the part-time.

Ms. Penola answered that it was.

Commissioner Waits amended her motion and moved for the Board to approve the changes to the inspector job description, changing to International Plumbing Code, used

the ICC certification and added in compliance with the disability laws. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

ROAD & BRIDGE SOUTH

- 5) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge South Department & Other Matters Properly Related Thereto:** No report.

ROAD & BRIDGE NORTH

- 6) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, reported they are patching and they will start hauling on the Willow Creek Newmont Project on March 18th. They have been screening out there and are going to be starting the big rock for the boat ramp. They will then start shoulder material work and building up the road for paving that will hopefully start up in July. They have the fence line brushed and most of their dirt work is done. The restrooms have not been started but they have been staked. **UPDATE**

PUBLIC WORKS

- 7) **Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, reported they finished up the water box on the Tree Streets. He has been working out at the sewer plant trying to rewire some of the starters. They had Shane Whitehead come do some testing for them, and he gave them some suggestions on what may work for them. **UPDATE**

This item was reopened after item #11 per the request of Jake Edgar, Public Works Foreman.

Mr. Edgar informed the Board he was contacted by the School, very late in the budget process, and informed him the County owns the High School baseball field. The school wants a new sprinkler system. He spoke with Rogene Hill, Finance Director, and she said there was money there to do that. Mr. Edgar cannot get his hands on the contract between the School and the County regarding the baseball field.

Commissioner Bullock stated they need to see the agreement, and then for charging them to use the soccer field they can pay for the sprinkler system. There is a lot to look at on this one. Commissioner Bullock asked for staff to look for this agreement.

- 8) **Discussion For Possible Action Regarding Award Of Bid For The Mountain View Golf Course Cart Barn Project & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, informed the Board there were two bidders. His recommendation was to award the bid to Sweeney Construction.

Commissioner Stienmetz moved for the Board to approve Sweeney Construction for the Mountain View Golf Course Cart Barn Construction. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- 9) **Discussion For Possible Action Regarding Approval Of Construction Of The Mountain View Golf Course Gazebo Project, In The Amount Of \$60,000.00, & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, explained this is for the special events at the golf course that have been discussed in prior meetings.

Rogene Hill, Finance Director, informed the Board there was one distribution of Net Proceeds that went into the CCP already this year. They could use some of these funds for the gazebo.

Commissioner Bullock explained this stemmed from deciding to allow special events to be held at the golf course. He stated the fee to reserve just the area with the gazebo will be \$400. This does not include closing the golf course. There are three to four requests so far this year.

There was discussion on decorating the gazebo for the special events, building another park to put the gazebo in, and waiting to put the gazebo at the golf course.

Scott Bullock explained there is a deck at the golf course now, but it is a safety hazard. There was a gentleman who went up the ramp in his wheel chair and a wheel went through the ramp. He said the ramp needs to be removed.

Commissioner Stienmetz moved to approve the construction of the Golf Course Gazebo Project in the amount of \$60,000. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

Commissioner Stienmetz amended his motion to state the \$60,000 will come out of Fund 55. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- 10) **Discussion For Possible Action Regarding Approval Of The Concrete & Wall Project For The Mountain View Golf Course, In The Amount Of \$30,000.00, & Other Matters Properly Related Thereto:** Commissioner Stienmetz moved to approve the Concrete

Retaining Wall Project for the Golf Course in the amount of \$30,000 to come out of Fund 55. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- 11) Discussion For Possible Action Regarding Approval Of The Installation Of A New Septic System At The Mountain View Golf Course, In The Amount Of \$20,000.00, & Other Matters Properly Related Thereto:** This is a commercial septic tank and requires a State permit. An Engineer will have to be hired to do the drawings to send to the State.

Commissioner Stienmetz moved to approve the installation of a new septic system at the Mountain View Golf Course in the amount of \$20,000 to come from Fund 55. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

Jake Edgar, Public Works Foremen, asked to have item #7 reopened.

SAFETY

- 12) Discussion For Possible Action Regarding Operations & Projects Of The Lander County Safety Manager & Other Matters Properly Related Thereto:** Keith Westengard, Safety Manager, informed the Board that he explained to Mr. Ward, Kingston Fire Department, and Mr. James, Austin Fire Department, that the [up to] \$50,000 that was allocated to them was to bring them into compliance only. Mr. Westengard explained Kingston is only getting the 12 sets of turn out gear, instead of the 15 they wanted, because they only have 12 people on their roster. He spoke with Rogene Hill, Finance Director, and Austin has money in their budget they will use first to get them into compliance.

Commissioner Bullock stated the County is taking a look, through Legal, who has jurisdiction over Kingston, if it is the county or if it is the Kingston Town Board.

There was discussion on how things may need to be handled if the Kingston Fire Department is under the jurisdiction of Lander County and not the Kingston Town Board.

Rogene Hill, Finance Director, explained that Kingston submits their budget to the State. In their budget they submit for the Kingston Fire Department.

Mr. Westengard has ordered eight self-contained breathing apparatus (SCBA's). Four are for Austin and four for Kingston. This is to meet the two in tow out laws. This means if two people go into a burning structure there are two people outside behind them. Kingston wanted ten, but they only needed four to put them into compliance. The same

was for Austin. The ones they currently have will be flow tested and hydrostatically tested which should give them more.

Mr. Westengard has Kingston's sizing for their turn-outs, but he is waiting for Austin's sizing for their turn-outs. Most of the turn-out gear was too old. There is a life expectancy of ten years and much of it was twenty-five years. There were a few coats and pants that were good and those will be used. He has explained to both Fire Chiefs that the volunteers need to be fit tested before they can use the turn-out gear.

Mr. Westengard has met with Burt Negro and Donnie Negro. He has attended some of their meetings and from what he has seen Battle Mountain Volunteer Fire Department is in compliance.

Mr. Westengard informed the Board there have only been three reportable accidents so far this year. Two were slipping accidents and one was a back injury. Last year there were five so we are down from last year.

The Safety Committee is in the process of updating their Resolution. There is a copy with the District Attorney for review. Once it is reviewed Mr. Westengard will bring it before the Board for approval. The only thing changed was removing Executive Director and inputting Safety Manager. They also added one additional member which is the Building Department.

The LEPC Emergency Operations Plan (EOP) was approved by the Commissioners in the March 7th Commission meeting. Mr. Westengard took it to the State Emergency Response Commission (SERC) and attended the meeting in Reno. They approved the LEPC exercise as well as the EOP which put Lander County into compliance.

Mr. Westengard updated the Safety Manual and put it in front of POOL/PACT as the Commission requested. There were some changes that will be implemented and then he will bring it back in front of the Board for final approval. **UPDATE**

COMMUNITY HEALTH

- 13) Discussion For Possible Action To Proclaim Lander County Take Back Initiative at Jacob's Well On April 27, 2013 From 10:00 A.M. To 2:00 P.M. & Other Matters Properly Related Thereto:** Brenda Keller, Community Health Nurse, stated this initiative is set for April 27th and will go from 10:00 a.m. to 2:00 p.m. at Jacob's Well in Battle Mountain. She spoke with Sheriff Ron Unger and he requested they hold this event simultaneously in Austin. The location for this initiative in Austin will be at the Austin Ambulance Station. The DEA is aware of this and they will come pick the drugs up.

Ms. Keller also said they are still working on this initiative to make it sustainable, and to have a drop off point within the County. The closest place to drop off unused prescription or non-prescription drugs is in Spark, Nevada. Sixteen agencies have signed on to help. This will be done on the National Take-Back Day. Ms. Keller would like to see the Commissioners proclaim April 27th as the Take-Back Day for Lander County.

Ms. Keller explained the DEA will pick up the drugs and take them to California or Utah to be incinerated. They have found that flushing medications and drug down the toilet or down the drain has affected the water. When they have tested water sources, they have found it test positive for drugs. They have also had fish, from large lakes, test positive for drugs.

Commissioner Garner moved to approve the Lander County Take-Back Initiative at Jacob's Well on April 27, 2013 from 10:00 a.m. to 2:00 p.m., and to make it an annual proclamation day to follow the Annual National Proclamation date set. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Ms. Keller requested to close this session to discuss a personnel matter with the Commissioners and Legal.

Commissioner Stienmetz moved to go into closed session to talk with Legal. Seconded by Commissioner Mason, the motion was voted and carried unanimously.

COMMISSIONERS

- 14) **Discussion For Possible Action To Allow Bullock Management Services To Grant Approval Of Any Special Events To Be Held At The Mountain View Golf Course & Other Matters Properly Related Thereto:** Commissioner Stienmetz said he did not like how this item was worded. He does not feel it should be Bullock Management Service; it should be whoever is managing the golf course.

Commissioner Bullock explained this is on the agenda because they have another individual asking for a reserved event. They are trying to de-clutter the Commissioner meetings by not having to approve all the events when they will have to ask the management at the golf course if the date is going to be available.

Commissioner Stienmetz moved for the Commissioner to approve allowing the Golf Course Management Services to grant approval of special events to be held at the Mountain View Golf Course. Seconded by Commissioner Waits, the motion was voted and carried with Commissioner Bullock abstaining from the vote due to a conflict of his son being the current management service. **APPROVED**

15) Discussion For Possible Action To Allow Bullock Management Services To Provide Interested Parties A Licensee Agreement For Special Events At The Mountain View Golf Course, & To Update The Contract Between Bullock Management Services & Lander County To Reflect This; & Other Matters Properly Related Thereto:

Commissioner Mason, stated, in this amendment to this contract, there should have specific fees posted.

Commissioner Bullock explained the fees. Before the gazebo and the updates are done, the fee is \$200. After that it goes to \$400 and this is just for that area where the gazebo will be. If they want to close the Golf Course, after 4:00 p.m., it is an additional \$500. If they want to close the course all day it is an additional \$1,000.

Scott Bullock, Bullock Management Services, said he does not mind doing the extra work and he is not asking for additional money. He just wants the rules to state that no outside drinks can be brought in. The money can be made off of the bar money, and that will make it worth cleaning up after the mess.

Commissioner Bullock shared his concern with the licensee agreement. He feels the County should draw this up for protection of the County.

There was discussion of a deposit, a cancellation time and a damage fee. There will be a \$250 security deposit.

Commissioner Bullock asked who will be in charge of cleaning the area up if those holding events do not. It was decided the golf course management would be responsible for the clean-up. It was also stated if the management has to use money to do the clean-up it will come out of the \$250 security deposit.

Commissioner Stienmetz moved for the Commission to approve the Management Services to provide interested parties a licensee agreement for special events to be held at the golf course, and for the contract to be drawn up by the DA (District Attorney) and to provide exclusive bar service to the management service, and there be an addendum to the existing service contract between Lander County to reflect this recommendation. Seconded by Commissioner Waits, the motion was voted and carried with Commissioner Bullock abstaining from the vote due to the conflict of his son being the current management service. . **APPROVED**

16) Discussion For Possible Action Regarding Approval/Disapproval Of The Water Rights Administration Agreement Between Lander County & Reese River Hydrologic, In An Amount Not To Exceed \$25,750.00, For Ground /Surface Water Rights Administration

For Lander County; Authorize The Chair To Sign The Agreement; & Other Matters Properly Related Thereto: Commissioner Garner moved for the Commission to approve the agreement between Lander County and Reese River Hydrologic, in an amount not to exceed \$25,750.00, for ground/surface water rights administration for Lander County, and authorize the Chair to sign. Seconded by Commissioner Stienmetz.

Commissioner Waits shared her concern about not having workman's compensation in the contract.

It was explained to Commissioner Waits that this is an independent contractor not an employee.

Rogene Hill, Finance Director, asked for it to be stated that the funds for this will come out of the Administration Fund 001-005-53925.

Commissioner Garner amended his motion to include 001-005-53925 will fund Reese River Hydrologic. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

17) Discussion For Possible Action Regarding Approval/Disapproval Of The Contract For Library Services Between Lander County & The Board Of Trustees Of The Elko County Library, In An Amount Of \$101,045.00, For Library Services In Battle Mountain & Austin For FY 2013-2014 & Other Matters Properly Related Thereto: Commissioner Garner said this was not on the budget yesterday.

Rogene Hill, Finance Director, said it was. The contract was in their books and this comes before them every year.

Commissioner Garner moved to approve the contract for the library services between Lander County and the Board of Trustees of the Elko County Library in the amount of \$101,045.00 for library services for Battle Mountain and Austin for FY 2013-2014. Seconded by Commissioner Stienmetz.

Commissioner Waits shared her concerns that the contract reads computer access. Austin does not have computer access, but they did in the past. They would like to have it back. They have also asked for a book drop for several years. The library is only open a few hours and it is difficult to drop off books.

Commissioner Bullock explained it is the responsibility of the County to provide the book drop.

Commissioner Garner also explained the issue with the internet in Austin is the phone lines cannot handle it. If they could everyone would have the internet.

There was discussion on using satellite internet access and reducing the cost on the contract for internet access not being provided in Austin.

The motion was voted and carried with Commissioner Bullock, Stienmetz, and Garner voting "AYE" and Commissioner Mason and Waits voting "NAY". **APPROVED**

SENIOR CENTER

- 18) **Discussion For Possible Action Regarding Ratification & Acceptance Of Grant Award No. 09-000-57-NX-13, Nevada Aging & Disability Services Division, For Nutrition Services Incentive Program In The Amount Of \$1,833.50 & Other Matters Properly Related Thereto:** Commissioner Garner moved to accept Grant Award No. 09-000-57-NX-13, Nevada Aging and Disability Services Division, for nutrition services incentive program in the amount of \$1,833.50, and authorize the chair to sign. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

BOARD APPOINTMENTS

- 19) **Discussion For Possible Action regarding Appointment Of Gary Sweeny To The 2013-2014 Category 2 Lander County Advisory Board To Manage Wildlife & Other Matters Properly Related Thereto:** Commissioner Garner moved to accept Gary Sweeney into the Category 2 Lander County Advisory Board to manage wildlife. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

COURTHOUSE/ADMINISTRATION PROJECT

- 20) **Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building & Other Matters Properly Related Thereto:** Commissioner Garner updated the Board that Max Bunch is negotiating with the new Architects. The new contract will be all-inclusive and one price with no extras. **UPDATE**

Commissioner Bullock reopened this item after item #21.

Judge Max Bunch updated the Board the negotiations are going well. The all-inclusive package looks like it will be coming in under the \$1.4 million that the Building Committee was looking to recommend to the Commissioners. Nothing has been finalized at this time, but they would like to have the contract before the Commission in

the March 28th meeting. Judge Bunch has been negotiating with VanWoertBigotti as the Architect.

Judge Bunch also informed the Board he has not received any further information from the surveying company or the soil testing company. Those final results are still pending. The CMAR, CORE Construction, the potential Architect, along with Pezonella, the soil testing firm, have met in Reno to get preliminary reports so they can get a head start. The Architect and CORE Construction have indicated they will be here sometime in the following week to look at the Jailhouse/Courthouse connection options.

Judge Bunch wanted to make clear, it was his understanding in the Commission meetings, there was going to be a fiber line that would make a connection between the Sheriff's Office and the Courthouse. The doors for the proximity locks would be the same in the Sheriff's Office as they would be in the new ones installed. The video for the cameras would be added to this project on a low voltage side. There was also discussion of including paving by the Sheriff's Office in this project.

There was discussion of putting cameras on the outside of the building for 24 hour watch, but not allowing the Sheriff's Office the access to monitor the Courthouse/Administration facility. **UPDATE**

COMMISSIONERS

21) Discussion Fro Possible Action Regarding Approval Of The Cooperative Fire Protection Agreement Between The Bureau Of Land Management (BLM) & Lander County For Wildlife Suppression & Cost Sharing Arrangements & Other Matters Properly Related

There to: Barry Burt, Assistant Fire Management Officer in Battle Mountain; BLM, and Mike Feddick, Fire Management Officer for Battle Mountain and Winnemucca; BLM, said this is an agreement brought before the County in order to work with the Cost Share Agreement. This is just a standard Cooperative Fire Protection Agreement and an Associate Annual Operating Plan. What this does is spell out things such as mutual aid, unified command, sharing of costs, and frequencies, contacts, etc. They work with Chief Negro and Sheriff Unger.

This has been reviewed by the District Attorney's Office.

Commissioner Stienmetz moved for the Commission to approve the Cooperative Fire Protection Agreement between the Bureau of Lander Management (BLM) and Lander County for wildfire suppression and cost sharing arrangement as presented, and authorize the Chair to sign. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

Commissioner Bullock reopened item #20.

22) Discussion For Possible Action Regarding Status Of & Action Item To Be Considered For The Austin Loneliest Highway Visitor's Center Project & Other Matters Properly Related Thereto: Commissioner Garner moved to defer.

Commissioner Stienmetz stated it is his understanding this project is to go back out for rebid.

Rogene Hill, Finance Director, updated the Board that when she last spoke with Steve Brigman, Shaw Engineering, it was looking like NDOT was wanting to go back out to bid. If that is the case they need to go back to Stantec because they would have to rebid the project.

Commissioner Garner retracted his previous motion.

Commissioner Garner moved to authorize Stantec to go back out to bid and to rebid this project. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

23) Correspondence/Reports/Potential Upcoming Agenda Items:

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

1. STEVE BRADHURST, CENTRAL NEVADA REGIONAL WATER AUTHORITY, to Lander County Commissioners, e-mail regarding "Esmeralda County Water Resource Plan 2012".
2. ROBERT A. MADEWELL, NEVADA DEPARTMENT OF TRANSPORTATION, to Lander County Commissioners, e-mail regarding Assembly Bill (AB) 18, Roadway Relinquishment Verbiage.
3. TRACY TAYLOR, NEVADA DIVISION OF WATER RESOURCES, to Lander County Board of Commissioners, letter regarding Application 82524T and 82525T filed by Cortez Joint Venture on February 12, 2013 proposing to change the point of diversion, manner and place of use of portion of existing Permit 77179.

4. STEVE BRADHURST, CENTRAL NEVADA REGIONAL WATER AUTHORITY, to Lander County Commissioners, e-mail regarding the Nevada Division of Water Resources' proposed fee increases and new fees for applications, permits and certificates.
5. JEFF FONTAINE, NEVADA ASSOCIATION OF COUNTIES (NACO), to Lander County Commissioners, email regarding impact of sequestration order issued by the President of the United States on PILT payment for 2013.
6. ROBERT A. MADEWELL, NEVADA DEPARTMENT OF TRANSPORTATION, to Lander County Commissioners, e-mail regarding language modifications to Assembly Bill (AB) 18.
7. STEVEN WILLIAMS, FOREST SERVICE DISTRICT RANGER, to Interested Parties, letter regarding Notice of Proposed action (NOPA) for the Hickson Wild Burro Territory Appropriate Management Levels and Management Action Project located on the Humboldt-Toiyabe National Forest, Austin Ranger District.
8. XAVIER TARANGO-CASTORENA, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to the Estate of Martin T. Wessel. Letter regarding 4th Quarter, 2012 Monitoring Report, former Ted's Chevron Facility, 474 West Front Street, Battle Mountain, Nevada, Facility ID #4-4000104, Petroleum Fund ID 1999000052.
9. XAVIER TARANGO-CASTORENA, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Amanda Applet, Western Energetix, letter regarding Additional Characterization and Groundwater Monitoring Report – 4th Quarter 2012, Western Energetix Bulk Plant, 125 N. Mountain Street, Battle Mountain, Nevada, NDEP ID #5-000289, Petroleum Fund #2009000020.
10. STEVE BRADHURST, CENTRAL NEVADA REGIONAL WATER AUTHORITY, to Lander County Commissioners, e-mail regarding March 15, 2013 Central Nevada Regional Water Authority meeting in Carson City.
11. US NUCLEAR WASTE TECHNICAL REVIEW BOARD, New Release, US NWTRB April Meeting at Hanford to Focus on Waste Form and Disposal Issues.
12. STEVE BRADHURT, CENTRAL NEVADA REGIONAL WATER AUTHORITY, to Lander County Commissioners, e-mail regarding staff reports for items 9, 10, 11, and 12 on the March 15, 2013 CNRWA meeting agenda.

Commissioner Waits has a NACO meeting and there is an action item regarding the Cooperative Extension and UNR.

Commissioner Garner moved to go to a closed session pursuant to NRS 288.220(1). Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

CLOSED SESSION PURSUANT TO NRS 288.220(1)

24) Closed Session Pursuant To NRS 288.220(1): A Meeting Pursuant To Article 26 Of The Lander County Law Enforcement Employees Association Agreement Regarding The Step 3 Longevity Bonus Grievance Filed & Processed By Alex Rangel, Becky Johnson, & Kathleen Ancho To Interpret The Provisions Of The Longevity Bonus Under Article 31:

COMMISSIONERS

25) Discussion For Possible Action Regarding The Decision On The Step 3 Longevity Bonus Grievance Filed & Processed By Alex Rangel, Becky Johnson, & Kathleen Ancho, Concerning The Payment Of The Longevity Bonus Under Article 31 Of The Lander County Law Enforcement Employees Association Labor Agreement; & Other Matters Properly Related Thereto: Commissioner Stienmetz moved for the Commission to deny and that Kathleen Ancho, Alex Rangel, and Becky Johnson receive their longevity bonus in November 2013 if remained otherwise qualified under the requirements of Article 31. Seconded by Commissioner Mason, the motion was voted and carried with Commissioners Bullock, Stienmetz, Mason, and Waits voting "AYE" and Commissioner Garner voted "NAY". **NOT APPROVED**

PUBLIC COMMENT

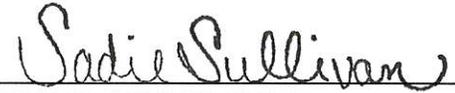
No Public Comment.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of March 14, 2013. Seconded by Commissioner Garner 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 March 14, 2013

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