

The Honorable Board of Lander County Commissioners met in special session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on March 8, 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**  
                  **ANGIE ELQUIST, DISTRICT ATTORNEY**  
                  **JAMES BARNES, DEPUTY DISTRICT ATTORNEY**  
                  **GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR**  
                  **ROGENE HILL, FINANCE DIRECTOR**  
                  **SOVIEDA ROBINSON, HUMAN RESOURCES**  
                  **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.

Cathy Myers, Deputy Clerk, led the Pledge of Allegiance.

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

**APPROVAL OF AGENDA NOTICE**

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

**APPROVAL & ACCEPTANCE OF MINUTES**

**February 23, 2012-Regular Session**

The minutes for February 23, 2012 were not ready for review.

### March 5, 2012-Special Session

The minutes of March 5, 2012 were not ready for review.

Commissioner Williams moved to defer until the next meeting. Seconded by Commissioner Stienmetz, the motion was voted and carried. **DEFERRED**

### COMMISSIONER REPORTS

Commissioner Williams reported on upcoming meetings. He said the on March 9, 2012 the Governor's representative from Economic Development was going to give the Governor's plan for Nevada's Economic Development. He also said March 10, 2012 would be the Republican Convention at the Owl Club and March 16, 2012 is the Central Nevada Rural Water Association in Eureka. Commissioner Williams also said on March 17, 2012 is the Annual St. Patrick's Day Dinner in Kingston, March 19, 2012 is a NACO Public Lands Planning Meeting and March 29<sup>th</sup> and 30<sup>th</sup> is the NACO Retreat in Hawthorne, Nevada.

Commissioner Mason said they had the Sage Grouse joint meeting on Monday, March 5, 2012 which generated from the Elko Convention Center on Saturday, March 3, 2012. He said the Public Land Use Advisory Planning Commission was part of that meeting. Commissioner Mason said Rex Massey is going to build a policy manual for the sage grouse that the County may or may not adopt.

Commissioner Bullock reported that on March 1, 2012 he was in Washington DC and met with Senator Reed and his staff, Senator Heller's staff, Senator Amodei, and the Army Corps of Engineers, Steve Kessler. Commissioner Bullock said this meeting was mainly based on the levee and there was a lot of support from the U.S. Congressman. The Congressman where also supportive about contacting NDOT for their help with Interstate 80. He said Steve Kessler is the person in charge of funds for the Army Corps of Engineers. The Corps got three million and the first one to ask for it got it. Commissioner Bullock said there won't be any more funds until 2013 and how much they get depends on what Congress will allow them to have. Commissioner Bullock also said he attended the LEDA meeting on March 7, 2012, and there will be a Community meeting on Wednesday March 14, 2012 from 5 pm to 7pm at the Civic Center. March 29<sup>th</sup> and 30<sup>th</sup> is a Regional Economic Meeting in Elko to discuss joining the Economic Development Committees from other Cities and Counties into one.

### STAFF REPORTS

Executive Director, Gene Etcheverry, said he attended the sage grouse symposium with Commissioner Mason in Elko. He said there were a lot of good speakers there and a good overview was given by Lander County's representative in North County. Mr. Etcheverry also reported on the joint meeting on March 5, 2012 to discuss the policy plan for Federally

Administered Lands and the update on the sage grouse issue. He said March 9, 2012 was the Tax Commission meeting in Carson City where they will discuss Lander County's waiver from the guaranteed distribution of the SCCRT component of sales tax. Mr. Etcheverry also said the Maverik Grand Opening will be March 28, 2012 at 4:30 pm.

### **PAYMENT OF THE BILLS**

Commissioner Garner moved to accept the submitted expenditures in the amount of \$76,447.17 from check #39825 thru #39893. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Bullock abstaining from check #39835. **APPROVED**

### **PAYROLL CHANGE REQUESTS**

1. Ratification of Employee Change Request for employee number 133, New Hire, Building and Planning Technician, \$1,380.31 bi-weekly, effective February 20, 2012.
2. Employee Change Request for employee number 1166, New Hire, Deputy Recorder, \$12.91 per hour, effective March 5, 2012.
3. Employee Change Request for employee number 1169, Promotion, Office Manager, \$1,346.15 bi-weekly, effective March 5, 2012.

Commissioner Garner moved to approve employee number 133, employee number 1166 and employee number 1169. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioner Williams voting "NAY" on employee number 133. **APPROVED**

### **PUBLIC COMMENT**

There was no public comment.

### **FINANCE**

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts & Financial Update & Other Matters Properly Relating Thereto:** Rogene Hill, Finance Director, updated the Board on account receivables for the month of February as follows:

Water: \$9,160.00  
Sewer: \$10,780.00  
Water & Sewer Misc: \$4,000.00  
Landfill: \$9,655.00  
Ambulance: \$26,100.00

TOTAL: \$59,695.00

Ms. Hill reminded the Board that the Budget Workshop would be held Wednesday, March 14, 2012 at 8:00 am. She said they will be doing a working lunch so they can, hopefully be done by 3:00 for the Planning Commission to have their meeting. If not, she said they would finish on March 15, 2012.

## **COMMISSIONERS**

- 2) **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 & Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said that Mr. Gray was present. He also said the agreement has been finished and clarified between Legal and Mr. Gray.

Commissioner Williams moved to approve the Agreement between Lander County and Mr. Robin Gray, Seven Valleys, LLC, to provide black fly and mosquito abatement services in areas located in Lander County, reflecting the terms of the proposal, as submitted, and incorporating language to facilitate abatement procedures in the event of emergency infestation and prior to special events per the testimony and discussion of Agenda item #3, November 17, 2011 regular Commission meeting. Seconded by Commissioner Mason, the motion was voted and carried with Commissioners Bullock, Mason, Stienmetz and Williams voting "AYE" and Commissioner Garner voting "NAY".

**APPROVED**

- 3) **Discussion For Possible Action Regarding Agreement Between Lander County & Elko County Library For Library Services In Battle Mountain For FY 2012-2013 & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is the agreement with Elko County Library system to provide library service in Battle Mountain and in Austin. He said there was a 6.2% increase which is about \$6,456.00 over prior year contracts. He said \$3,004.00 of the increase is for the replacement of the outside book drop. Mr. Etcheverry said the total cost for this year's library services is \$110,431.00.

Commissioner Bullock thought that they should have a book drop going into the building instead of paying out \$3,000.00 for a metal box. This way they are not paying for a box that is going to be weathered.

Commissioner Mason moved to approve the Agreement between Lander County and Elko County Library for library services in Battle Mountain and Austin for Fiscal Year

2012-2013, at a total cost of \$110,431.00, less \$3,004.00. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

- 4) **Discussion For Possible Action Regarding Agreement Between Lander County & C.G. Celio & Sons Company, In An Amount Not To Exceed \$15,000.00, For Information Technology Support Services & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said this is an Agreement for Technology and Support Services relative to the GIS inventory and data system. He said this was actually approved by the Commission during the meeting of October 13, 2011. He said the funding for this agreement comes from the Yucca Mountain Oversight Program for Lander County and is at a total cost, not to exceed, \$15,000.00.

Commissioner Garner moved to accept, approve and authorize the Chairman to sign the Agreement between Lander County and C.G. Celio & Sons Company for Information Technology Support Services, **in an amount not to exceed \$15,000.00**, to be funded through the Lander County Yucca Mountain Oversight Program budget (fund 016). Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

#### **EXECUTIVE DIRECTOR**

- 5) **Discussion For Possible Action Regarding Update On Status Of Lander County Policies & Procedures Update Project & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the draft of those policies and procedures have been finished, reviewed and sent to POOL/PACT and the District Attorney's Office for review. Mr. Etcheverry said the Board will have time to look over this policy prior to acceptance and approval. Mr. Etcheverry also said the changes will be made clear by bold and possible highlighted color. **UPDATE-NO ACTION**

#### **JUSTICE COURT**

- 6) **Discussion For Possible Action Regarding A County-Wide 4/10 Work Schedule For Employees Of Administration & Other Departments Within Lander County Not Currently Under Such Schedule & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, read a letter sent by Operating Engineers, Local 3, the general employees bargaining unit. He said they have given their opinion and deemed it as changing the terms and conditions of employment and a change to the working conditions. Mr. Etcheverry said the contract that is in place does have language in it that allows for alternating work schedules, but it doesn't spell out an alternative work schedule applied on a County wide basis.

There was discussion on the positive and negative effects on the public, such as the public being able to come in before 8:00 am or after 5:00 pm when their schedules don't allow for them to be here during 8-5 schedule and offices not being opened on a Friday. Idonna Trevino, Recorder, expressed her concerns of being closed on Friday. Commissioner Williams said he has had complaints from the public about the Annex working a 9/80 schedule and not having people working on Friday's. Grace Powrie, Treasure, said a staggered schedule like some off on Friday and some off on Monday would be good in the summer. The employees would have a three day weekend all the time so they wouldn't take as much time off. Offices could still be open five days a week and they would be open an hour earlier and an hour later. Ms. Powrie also said it would help employees to not have to take sick days for doctor appointments. Judge Max Bunch read NRS 245.040 regarding the office hour law that changed in July 2011. Judge Bunch also said he feel it is unfair for the employees who are on a 9 or 10 hour a day schedule receive 9 or 10 hours holiday pay if a Holiday lands on a day they would have worked, when the other employees in the County only receive 8 hours Holiday pay. Judge Bunch said it needs to be fair across the Board. Commissioner Williams also said this was a concern for him as well. Sadie Sullivan, Clerk, said she feels the hours should be the same for all offices so the public knows what the County office hours are. Judge Bunch asked where in the new Union Contract it says each department head can choose what schedule their office works. Ms. Sullivan asked if there needs to be a notice put out to let the public know what the hour are, because she doesn't think a lot of people in the public know the Annex is open at 6:30 or 7:00 in the morning.

Commissioner Garner moved to defer. Commissioners Williams said he thinks they should get input from the public. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **DEFERRED**

## **ROAD & BRIDGE NORTH**

- 7) **Discussion For Possible Action Regarding Status Of Lander County Road Inventory Project & Official Lander County Road Map & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said the original contract wasn't a contract for the Roadway Reporting Project. He said this was actually an amendment and a scope expansion of the GIS Mapping Project which was approved by the Board on April 8, 2010. Mr. Etcheverry said the product of the Contract Extension was to verify and compile the road data into the GIS Map and provide documentation to the Nevada Department of Transportation. Mr. Etcheverry said he didn't have the contract extension and he doesn't know how much was paid under that extension. Commissioner Mason asked if the map was finished to which Mr. Etcheverry said no. Commissioner Mason asked if they had used up the \$49,000.00. Mr. Etcheverry said he didn't know. Mr. Etcheverry also said NODT had received some information but it wasn't complete.

Commissioner Garner moved for the Commission to direct staff to find out where the \$49,000.00 is and to find out and obtain exact steps to move forward to get a certified County map. Seconded by Commissioner Mason.

There was further discussion on what the map need to include and the importance of having an Official County map.

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

## **PUBLIC WORKS**

- 8) **Discussion For Possible Action Regarding Possible Water & Sewer Connection Fee Increase & Other Matters Properly Relating Thereto:** Jake Edgar, Public Works Director, with Tammy Dimitroff presented the proposal to the Board on the increase of water and sewer connection fees. Mr. Edgar explained the increase of cost of the materials to the County. Ms. Dimitroff said she contacted other Counties and compared their costs to Lander County. This cost increase is for new connections only. Mr. Edgar said the fees have not been increase in ten years. James Barnes, Deputy District Attorney, said a Resolution would have to be drafted.

Commissioner Garner said he didn't have a problem with the increase but he said they need to come up with a percentage schedule so there isn't a 50% increase every ten year. Commissioner Garner said they could revisit it every three years and have a certain percentage increase.

Executive Director, Gene Etcheverry, said in 2007 an increase was suggested by USD Rural Development and a study done by a gentleman from the Nevada Rural Water Association. It was decided at the time to only go with the graduated increases in rate and to not look at fee increases for connections.

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

## **COMMISSIONERS**

- 9) **Correspondence/Reports/Potential Upcoming Agenda Items:**

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

1. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, Notice of Decision, Water Pollution Control Permit #NEV2011106, Baker Hughes Drilling Fluids, Slaven Canyon Mine Rapid Infiltration Basins.
2. RON PALMER, VICE-CHAIR, KINGSTON TOWN BOARD, to Ralph Young, Young Brothers Ranch, Inc., letter of complaint concerning noise generated by hydro plant located in Kingston.
3. KEVIN E. SULLIVAN, NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Brian Musser, Barrick Cortez Inc., letter regarding Third Quarter 2011 Groundwater Level Monitoring and LNAPL Recovery Report, Barrick Cortez Inc. Mill #1 Facility, Crescent Valley NV, NDEP Facility ID #5-000020, Petroleum Fund #93-126.
4. PETE GOICOECHEA, NEVADA STATE ASSEMBLYMAN AND ASSMEBLY MINORITY LEADER, to Dean Bullock, Chairman, Lander County Board of Commissioners, letter regarding Nevada Public Health Foundation's Public Health Emergency Preparedness Summit scheduled April 4-5, 2012 at the Fallon Convention Center, 100 Campus Way, Fallon, Nevada.
5. WILLIAM J. LEADY, P.E., US ARMY CORPS OF ENGINEERS, to Dean Bullock, Chair, Lander County Board of Commissioners, letter regarding funding for the FY 2012 Battle Mountain flood damage reduction project.
6. FRANCISCO VEGA, P.E., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Joel Lenz, Newmont Mining Corporation, letter regarding Notice of Alleged Air Quality Violation and Order No.'s 2275 and 2276, Class II Air Quality Operating Permit AP1041-0220.02.

Commissioner Williams said he noted the letter from Mr. Ron Palmer regarding the noise from Young Power plant. He said they are trying to work on ways to eliminate the noise. Commissioner Williams also said the meeting in the letter from Mr. Goicoechea would be good for some of the members of the Board to attend.

**10) Discussion For Possible Action Regarding Lander County FY 2012-2013 Capital Improvement/Capital Expenditure Plan & Five (5) Year Capital Improvement/Capital Expenditure Plan Through FY 2016-2017 & Other Matters Properly Relating Thereto:**

Executive Director, Gene Etcheverry, said a five year Capital Improvement Plan is a requirement of the local Government Finance Statute. Mr. Etcheverry talked about the various issues with Legislature and fund availability.

Rogene Hill, Finance Director, said under the assumption that the Net Proceeds coming in this year are the same as June of 2011, she is anticipating \$12,981,782.00. She said with all of the projects scheduled for this year, they would start out FY 2012-2013 with \$23,275,382.00. Ms. Hill reviewed the submitted projects with the Board. She said the total of the projects being asked for comes to \$23,927,630. That is \$652,248 over what would, possibly, be available. Ms. Hill said \$741,964.54 for the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Alleys cast iron replacements could be funded from the 1.4% sales tax from the infrastructure project to make up the difference.

#### **FY 2012-13 SUBMITTED PROJECTS**

Commissioner Garner moved to approve \$80,000 for Engineering Fees for new fiscal year projects to start July 1<sup>st</sup>. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

#### **AUSTIN PAVING**

Commissioner Bullock said the money given to Kingston last year to pave the County Road was used to pave roads inside the town of Kingston. He said Kingston elected to be their own town and they should not have used money given by the County to improve streets in their town, and now they are asking for money again to pave the same County Road. Ms. Hill said the County does get the gas tax from Kingston but it only amount to about \$240 a year. Commissioner Bullock said if the County road can't be paved the project needs to be aborted.

Commissioner Garner moved to approve the Kingston paving project in the amount of \$1,532,920. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to approve the Austin 6<sup>th</sup> Street from Hwy 50 to Court and Court to 3<sup>rd</sup> Street paving project in the amount of \$134,000. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to approve the Austin Overland Street and Water Street paving project in the amount of \$234,000. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

Commissioner Williams moved to approve Austin Overland Street, Union Street and North Street paving project in the amount of \$93,600. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

### **BATTLE MOUNTAIN PAVING**

Donnie Negro, Road and Bridge North, said he went around and evaluated the streets. He talked about the streets that need to be repaved now that the water and sewer are done with their projects and the streets that need repaved due to all the patching.

Commissioner Garner moved to approve option #1 of Battle Mountain paving project in the amount of \$3,854,110. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

### **WATER & SEWER DEPARTMENT**

Jake Edgar, Public Works Foreman, said he planned to put a Third Domestic Well by the other ones, but more land would need to be purchased. He explained impact cones. Commissioner Garner asked why they weren't looking to put the well in another area. Mr. Edgar said it is mainly because they know the water is good there as far as arsenic goes. He said it would cost more money for test drilling and the testing of water for arsenic if they choose to put the well in a different location. Mr. Edgar also said there are restrictions as far as water rights as well. Commissioner Garner talked about a water treatment facility to treat the water of the five tanks we already have.

Commissioner Mason moved to approve the Third Domestic Well in the amount of \$3,000,000. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to approve the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Alleys Cast Iron Replacement Project. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

### **LEVEE PROJECT**

Commissioner Mason moved to approve the Levee Project in the amount of \$5,500,00. Seconded by Commissioner Williams Commissioner, the motion was voted and carried with Commissioner Garner opposing. **APPROVED**

### **CEMETARY**

Commissioner Mason said Grace Powrie had gone to the mining industry to get funding and didn't receive any favor there. He said Ms. Powrie wants to replace the fencing with a wall on three sides. Commissioner Bullock said there is already \$100,000 set aside from last year.

Commissioner Garner moved to approve an additional \$100,000 for a total of \$200,000. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**LANDER COUNTY COMPLEX**

There was discussion on the plans of the new complex and the purpose of the additional \$8,000,000 to the \$10,000,000 already set aside.

Commissioner Garner moved to add \$2,500,000.

Judge Max Bunch asked if he could have some additional discussion. He said if they only have \$12,500,000 then somewhere in the project they needed more it would be there. However, if it is set aside and they don't need that much it can roll over. Judge Bunch said it is his understanding that the Tech Fund has committed \$1,000,000, and a commitment from the Courts for almost \$1,500,000 to add into it. Commissioner Garner retracted his motion.

Commissioner Mason moved for the Lander County Complex to be \$8,000,000. Seconded by Commissioner Williams, the motion was voted and carried unanimously.

**APPROVED**

Commissioner Garner moved to use the 1/4% sales tax of \$741,964.54 to offset the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Alleys, Cast Iron Replacement. Seconded by Commissioner Williams, the motion was voted and carried unanimously. **APPROVED**

**PUBLIC COMMENT**

There was no public comment

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Garner moved to adjourn the meeting of March 8, 2012. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **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.*