

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 May 9, 2013 at 9:00 a.m.

PRESENT: **DEAN BULLOCK, COMMISSIONER**
 STEVEN STIENMETZ, COMMISSIONER
 DAVID MASON, COMMISSIONER
 PATSY WAITS, COMMISSIONER
 SADIE SULLIVAN, CLERK
 NICOLE TING, DEPUTY DISTRICT ATTORNEY
 ROGENE HILL, FINANCE DIRECTOR

ABSENT: **BRIAN GARNER, COMMISSIONER**

9:00 A.M.

Chairman Bullock called the meeting to order.

Let the record reflect a quorum of four Commissioners.

Nicole Ting 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

APRIL 25, 2013 – REGULAR SESSION

There were no minutes for approval.

COMMISSIONER REPORTS

Commissioner Mason reported on his attendance of the Planning Commission on May 8, 2013.

Commissioner Waits reported on her attendance of the Public Lands meeting on May 6, 2013, the SB 342, PILT, and Geothermal tax.

Commissioner Bullock reported on his involvement of the Labor Negotiations, his attendance of the LEDA meeting, and the hearing on SGR 15.

PAYMENT OF THE BILLS

Jane Bianchi presented the Board with the bills to be ratified.

HOME DEPOT CREDIT SERVICE

Commissioner Stienmetz moved to ratify check #044245 in the amount of \$204.39 to Home Depot Credit Service. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

APPLE INC.

Commissioner Stienmetz moved to ratify check #044233 in the amount of \$1,596.00 to Apple Inc. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

Commissioner Stienmetz moved to approve the submitted expenditures in the amount of \$257,211.02 from check #44273 through #44369. Seconded by Commissioner Mason, the motion was voted and carried with Commissioner Bullock abstained from the vote on check #44286. **APPROVED**

PAYROLL CHANGE REQUEST

1. Employee Change Request for employee number 1332, New Hire, Engineer, \$3,461.54 bi-weekly, effective May 13, 2013.
2. Employee Change Request for employee number 1433, New Hire, Maintainer II, \$14.53 per hour, effective May 13, 2013.

Commissioner Bullock deferred employee number 1332. **DEFERRED**

Commissioner Stienmetz moved to approve employee change request for employee number 1433. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

Employee Payroll Change Requests where reopened after item #19.

Commissioner Stienmetz moved to approve employee change request for employee number 1332, effective May 13, 2013. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

PUBLIC COMMENT

No public comment.

FINANCE

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Related Thereto:** Rogene Hill, Finance Director asked for the Board to read into the minutes she was moving \$6,000.00 for contingency to the Jail State PSI Investigation. Ms. Hill reviewed the accounts receivable for the month of April, and reported on her attendance of the POOL/PACT meeting on April 25, 2013. There will be a special meeting on May 20, 2013 at 8:45 a.m. to consider any changes that might need to be made to the budget for the final. Ms. Hill also reported on Labor Negotiations. She provided a list of contracts, which are past due and upcoming, for the Board to review. **UPDATE**

BUILDING

- 2) **Discussion For Possible Action Regarding Operations & Projects For The Building Department & Other Matters Properly Relating Thereto:** Joe Lindsey, Building Department, reported on the permits issued, non-permitted inspections, ongoing projects, future projects, projects in south County, and the Airport Fuel system. **UPDATE**

ROAD & BRIDGE SOUTH

- 3) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge South Department & Other Matters Properly Related Thereto:** Burt Ramos, Road and Bridge South updated the Board on Gold Park Road, spraying of weeds, advertising on some equipment, roads going out to bid, the water project, and receiving a payment from ORMAT on the road maintenance.

There was also discussion on why the Austin Courthouse was without water for a week. **DISCUSSION & UPDATE**

ROAD & BRIDGE NORTH

- 4) Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto: Donnie Negro, Road and Bridge North, updated the Board on the roads they will be paving, spraying for weeds, 13 and 14 roads are out to bid, starting on Appaloosa Road, and going out to bid on equipment. **UPDATE**
- 5) Discussion For Possible Action Regarding Approval/Disapproval Of A Thirty Foot (30') Easement For Roadway & Utility Purposes Located In The SE4 NW4 Of Section 21, T32N, R45E, APN 011-090-41 Owned By Shane N. Davis, & Other Matters Properly Related Thereto: Donnie Negro, Road and Bridge North, explained the issue on Appaloosa with the easement.

Commissioner Stienmetz moved for the Commission to accept the easement, thirty feet (30') in width, for roadway and utility purposes, over, across and upon a parcel of land located in the SE4 NW4 of Section 21, Township 32 North, Range 45 East, APN 011-090-41 owned by Shane N. Davis. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 6) Discussion For Possible Action Regarding Approval/Disapproval Of A Thirty Foot (30') Easement For Roadway & Utility Purposes Located In The SE4 NW4 Of Section 21, T32N, R45E, APN 011-090-42 Owned By Frank A. Sullivan, Jr. & Julia A. Sullivan , & Other Matters Properly Related Thereto: Commissioner Stienmetz moved for the Commission to accept the easement, thirty feet (30') in width, for roadway and utility purposes over, across and upon a parcel of land located in the SE4 NW4 of Section 21, Township 32 North, Range 45 East, APN 011-090-42 owned by Frank A, Sullivan and Julia A. Sullivan. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

- 7) Discussion For Possible Action Regarding Approval/Disapproval Of A Thirty Foot (30') Easement For Roadway & Utility Purposes Located In The SE4 NW4 Of Section 21, T32N, R45E, APN 011-090-52 Owned By Jacob A. Sandoval, & Other Matters Properly Related Thereto: Commissioner Stienmetz moved for the Commission to accept the easement, thirty feet (30') in width, for roadway and utility purposes over, across, and upon a parcel of land located in the SE4 NW4 of Section 21, Township 32 North, Range 45 East, APN 011-090-52 owned by Jacob A. Sandoval. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

PUBLIC WORKS

- 8) Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto: Jake Edgar, Public Works Foreman, was not available for an update.

Commissioner Bullock provided an update on well #9. **UPDATE**

SAFETY

- 9) Discussion For Possible Action Regarding Operations & Projects Of The Lander County Safety Manager & Other Matters Properly Related Thereto: Keith Westengard, Safety Manager, updated the Board on accidents, OSHA Training, Fire Extinguisher Training, Injury Illness Prevention and Violence in the Work Place Plan, Hazard Communication Training. Mr. Westengard also reported on AED, Frist Aid, and CPR Training at the end of July. Hazardous material training in Austin and Kingston, for their Volunteer Fire Departments, will be at the end of July, and the gear ordered for them has been delivered. He is also reported on the positive feedback on the new Safety Manuel.

The 2014 SERC Grant for LEPC has been received. They will be applying for the United We Stand Grant. Mr. Westengard also reported they are also working on the Hazard Mitigation Plan and the Table Top Exercise. **UPDATE**

- 10) Discussion For Possible Action Regarding Approval/Disapproval Of A Resolution Amending The Lander County Safety Committee; Defining The Authority & Duties Of That Committee; Specifying The Responsibilities Of The County's Employees & Officials Relating To Safety; & Other Matters Properly Related Thereto: Keith Westengard, Safety Manger, explained the changes made on to this Resolution for the Safety Committee.

Commissioner Waits moved for the Commission to change the wording within the Safety Committee Resolution, remove Executive Manager, replace with Safety Manager, and add the Building Department as a Committee Member. Seconded by Commissioner Mason, the motion was voted and carried.

Sadie Sullivan, Clerk, commented this Resolution did not have a number assigned to it.

Commissioner Waits withdrew her motion.

Commissioner Bullock reopened this item after item #11

Commissioner Waits moved for the Commission to change the wording within the Safety Committee Resolution Number 2013-05. The wording will remove Executive Manager, replace it with Safety Manager, and add the Building Department as a committee member and authorize the Chairman to sign the document. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

RECORDER

- 11) **Discussion For Possible Action Regarding Approval/Disapproval Of The Intrastate Interlocal Contract Between The Department Of Motor Vehicles (DMV) & Lander County To Provide All Services Relating To Registration & Titling Of Motor Vehicles, With The Exception Of Vehicles Appraisals, & Other Matters Properly Related Thereto:** Idonna Trevino, Recorder, explained this contract has been ongoing since 1999. She reported the revenue is increasing every year.

There was discussion on if there was going to be an upgrade to the system.

Ms. Trevino explained the changes made to the contract, and said it had been reviewed by the District Attorney's Office.

Commissioner Waits moved for the commission to approve the contract between the Department of Motor Vehicles and Lander County, and authorize the Chairman to sign the document. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

Commissioner Bullock reopened item #10.

COMMISSIONERS

- 12) **Discussion For Possible Action Regarding Ratification Of The Mountain View Golf Course Event Application & License Agreement For Special Events At The Mountain View Golf Course; Ratification Of The Mountain View Golf Course Fee Schedule; & Other Matters Properly Related Thereto:** Commissioner Bullock stated this this just has all the corrections of what they wanted from last time.

Nicole Ting, Deputy District Attorney, explained the changes made.

Commissioner Bullock clarified that the cost will only be \$200 until the gazebo is built. The cost is based on the whole facility being available.

Commissioner Stienmetz moved for the Commission for the board to ratify the Mountain View Golf Course Event Application and Licensee Agreement for special events at the Mountain View Golf Course; ratification of the Mountain View Golf Course Fee Schedule. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

- 13) Discussion For Possible action Regarding Approval Of The FAA Grant Application Package For The Battle Mountain Airport Layout Plan Set & Master Plan Update Project, FAA AIP #3-32-0001-22; Approval Of The Subsequent Execution Of The FAA Grant, Contingent Upon Receiving A FAA Grant Offer; Authorization For The Chairman To Sign The Cover Letter For The FAA Grant Application Package; & Other Matters Properly Related Thereto: J.D. Heithoff, J-U-B Engineering, explained this is a follow-up to the February 14, 2013 meeting. Mr. Heithoff explained how the grant will work. The FAA will not allow another project at Battle Mountain Airport until the planning work is completed. J-U-B Engineers is requesting the approval of the submittal of the grant application to the FAA, and approve the subsequent execution of the grant offer.

Commissioner Stienmetz moved for the Commission to approve 1) the submittal of the grant application package to the FAA for the Battle Mountain Airport Layout Plan Set and Master Plan Update Project; and 2) Subsequent Execution of the FAA Grant, contingent upon receiving a grant offer from the FAA, and authorize the Chair to sign the letter. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

- 14) Discussion For Possible Action Regarding Approval Of the Agreement For Professional Services Between Lander County & J-U-B Engineers, Inc., For The Battle Mountain Airport Layout Plan Set & Master Plan Update Project, FAA AIP #3-32-0001-22, Contingent Upon Receiving A FAA Grant Offer, & Other Matters Properly Related Thereto: J.D. Heithoff, J-U-B Engineers, explained this is the same as the previous item, but is the contract for J-U-B Engineers. The FAA will pay for 93.75% of this contract. This is a request for approval of the execution of the agreement for professional services, contingent upon receiving the FAA Grant offer. The second request is to submit a copy to J-U-B's agreement along with the grant application.

Commissioner Stienmetz moved for the Commission to approve 1) the execution of the agreement for professional services between Lander County and J-U-B Engineers, Inc., for the Battle Mountain Layout Plan Set and Master Plan Update Project, contingent upon receiving a grant offer from the FAA; and 2) submission of a copy of J-U-B's agreement, to the FAA, along with the grant application package. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

15) Discussion For Possible Action Regarding Approval Of The Consultant Fee Estimate With Independent Kost Estimates (IKE) For The Battle Mountain Airport Master Plan Update Project, In The Amount of \$1,700.00; Authorization For The Chairman To Sign The Cover Letter To The FAA for Consultant Fee Estimate Package; & Other Matters Properly Related Thereto: J.D. Heithoff, J-U-B Engineers, explained this is a third party evaluation of J-U-B's fees. This request is for the approval of the consultant fee estimate to pay Independent Kost Estimates (IKE) the \$1,700.00. The second request is to submit the consultant fee estimate to the FAA for their review and approval.

Commissioner Stienmetz moved for the Commission to approve 1) the consulting fee estimate to pay Independent Kost Estimates (IKE) \$1,700.00 for the fee estimate for the Battle Mountain Airport Master Plan Update Project per requirements of the FAA, and 2) submittal of the consultant fee estimate to the FAA, and authorize the Chair to sign the cover letter. Seconded by Commissioner Mason, the motion was voted and carried.

APPROVED

16) Discussion For Possible Action Regarding The Aviation Fuel Tank Leak At The Battle Mountain Airport, Including Mitigation Measures, & Other Matters Properly Related Thereto: J.D. Heithoff, J-U-B Engineers, explained the situation of the fuel tank leak at the Battle Mountain Airport. LA Perks came up with three different solutions to repair the fuel tank. Mr. Heithoff explained the three options and the estimated cost of each proposal.

Commissioner Mason asked how long it would last if they just did a patch and repair.

Rick Harless stated it should be good for a year or two, but the problem is the piping and the filters. He suggested replacing the tanks in two steps. Mr. Harless provided more detail on the issues with the fuel tanks.

There was discussion on where the money could come from, and what the options are for repairs and on the final.

There was discussion on the Austin fuel system and the possibility of using a portable system, how quickly the fuel goes bad, and how often samples need to be taken on the fuel.

Rogene Hill, Finance Director, stated the Commission could take the funds out of account 056-000-53926.

Commissioner Stienmetz moved for the Commission to approve emergency repair of Aviation Fuel Tank leak at the Battle Mountain Airport and any possible mitigation

measures in and price not to exceed \$50,000.00 and the money to be taken out of account number 005-000-53926. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

17) Discussion For Possible Action Regarding The Possibility Of Constructing A Helipad in The Town Of Kingston Where Emergency Helicopters Can Land Should Medical Assistance Or Evacuation Be Necessary, & Other Matters Properly Related Thereto:

J.D. Heithoff, J-U-B Engineers, explained Kingston does not, currently have a helipad where helicopters can land for emergency medical assistance or evacuation. He also stated they would like to place it next to the planned medical clinic. Mr. Heithoff requested the Commission to approve limited use of Lander County Road and Bridge manpower and equipment to assist in the construction, and to authorize J-U-B Engineers to submit a cost proposal to assist with the proper siting and design.

Tom Anderson, Kingston Airport Manager, expressed the concerns of the south County residence on the lack of emergency medical care in terms of evacuation due to the isolated nature of Kingston. Mr. Anderson looked into the feasibility of constructing a helipad, and reviewed his results. Mr. Anderson explained he wasn't before the Board to ask for money he is before them to ask for assistance from Road and Bridge and equipment.

There was discussion of the involvement of J-U-B Engineering and what the estimate cost would be.

Commissioner Waits moved for the Commission to approve 1) the limited use of Lander County Road and Bridge manpower and equipment to assist with the construction of the helipad, if this does indeed go forward, and 2) to authorize J-U-B Engineers Inc., to submit a cost proposal to assist with the proper siting and design of the helipad in coordination of the various agencies to install the helipad at the Kingston Airport. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

18) Discussion For Possible Action Regarding Acceptance Of The Plan & Rates For The FY 2013-2014 Lander County Group Insurance Program & Other Matters Properly Related Thereto:

Rogene Hill, Finance Director, reviewed the rates for the insurance plan and rates. She explained the benefits were varied to bring down the increase in the rates. She suggested taking a look at going to a \$1000 deductible next year.

There was discussion of John Carlson shopping around for other insurance providers, and who the other surrounding Counties use.

There will be a \$5 increase to prescriptions on the PPO plan. The HMO plan copay has gone up from \$20 to \$30, the in-patient copay went from \$200 to \$250, and there was a little change on the prescriptions.

There was discussion on the reasons for the low number of employees who carry their family or spouse.

Commissioner Waits moved to approve the plan and rates for the FY 2013-2014 Lander County Group Insurance Program, with a 4.83% increase to the HMO, a 4.56% for the PPO, and a 12% increase for the HSA PPO and the HIA PPO. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

19) Discussion For Possible Action Regarding Approval/Disapproval Of The Letter Of Offer For Employment For Mark Brethauer For The Position Of The County Engineer; Authorization For The Chairman To Sign The Letter Of Offer; & Other Matters Properly Related Thereto: It was stated this is just a formality.

Sadie Sullivan, Clerk, asked if there would be an employee agreement to follow that could be recorded.

Sovieda Robinson, Human Recourses, answered there would not be a contract, just the letter of offer.

Commissioner Stienmetz moved for the Commission to approve the Letter of Offer for employment for Mark Brethauer for the position of County Engineer; authorization for the Chairman to sign the letter of offer. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

Employee Payroll Change Requests where reopened at this time.

20) Discussion For Possible Action Regarding The April 22, 2013 Letter Form Ray H. Williams, Jr., Member Of The Austin Airport Advisory Board, Concerning The Possible Health & Safety Issue Created By Removal Of The Portable Toilet From The Austin Airport & Other Matters Properly Related Thereto: Ray H. Williams Jr., Member of the Austin Airport Advisory Board, reviewed the history of the portable toilets at the airport. He offered some suggestions.

Rogene Hill, Finance Director, stated, for the record, the County was paying \$220 a month the porta-potty. It was being serviced once a month. **DEFERRED**

BOARD APPOINTMENTS

- 21) **Discussion For Possible Action Regarding Appointment Of Franklin B. Whitman To The 2013-2014 Category 3 Austin Airport Advisory Board & Other Matters Properly Related Thereto:** Commissioner Stienmentz moved to appoint Franklin B. Whitman to the 2013-2014 Category 3 Austin Airport Advisory Board. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**
- 22) **Discussion For Possible Action Regarding Appointment Of Joe Dory To The 2013-2014 Category 3 Austin Airport Advisory Board & Other Matters Properly Related Thereto:** Commissioner Stienmentz moved for the Commission to appoints Joe Dory to the 2013-2014 Category 3 Austin Airport Advisory Board. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**
- 23) **Discussion For Possible Action Regarding Appointment Of Ray H. Williams Jr., To The 2013-2014 Category 3 Austin Airport Advisory Board & Other Matters Properly Related Thereto:** Commissioner Stienmetz moved for the Commission to appoint Ray H. Williams Jr., to the 2013-2014 Category 3 Austin Airport Advisory Board. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

Commissioner Stienmetz amended his motions to say immediately. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

COURTHOUSE/ADMINISTRATION BUILDING PROJECT

- 24) **Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto:** Max Bunch, Argenta Justice of the Peace, stated he had no update on this item at this time.
- 25) **Discussion For Possible Action Regarding Approval Of A Contract Between Lander County & VanWoertBigotti Architects, In An Amount Not To Exceed \$1.388 Million, For Architectural Design & Engineering Services For The Lander County Courthouse/Administration Project & Other Matters Properly Related Thereto:** Max Bunch, Argenta Justice Court, explained the contract was not complete and he received an e-mail from the District Attorney the previous day with a new Architectural Services Agreement. The Architect had not yet received the contract so Judge Bunch sent it to him. Until the contract is signed the Architect cannot move forward. There is a fee schedule in the proposed contract that was not approved by the Building Team, and he does not know how the fee schedule got in there. They only approved a one lump sum.

If there was additional work needed, that is not in the scope of work, they could discuss a one lump sum fee for that additional work. **UPDATE-DISCUSSION**

26) Discussion For Possible Action To Allow All Future Contracts For The Lander County Courthouse/Administration Building Project To Go Directly To Brian Hardy, The POOL/PACT Attorney, With Marquis Aurbach Coffing, P.C., For Legal Review At A Fee Of \$150.00/Hour, With No Initial Review By The Lander County District Attorney's Office, & Other Matters Properly Related Thereto: Max Bunch, Argenta Justice of the Peace, commented that these fees would not come out of the Building Project.

Commissioner Bullock suggested inserting carbon copy other than stating all contracts go directly. Someone in Lander County needs to have a copy.

There was discussion of the District Attorney's Office still reviewing contracts, and the Building Committee needs to have all contact information for Brian Hardy.

Commissioner Stienmetz moved for the Commission approve to allow all future contracts for the Lander County Courthouse/Administration Building Project to go directly to Brad Hardy, the POOL/PACT Attorney, with Marquis Aurbach Coffing, P.C., for legal review at a fee rate of \$150.00 per hour, with not initial review by the Lander County District Attorney's Office, but a carbon copy sent to the Lander County District Office. Seconded by Commissioner Waits, the motion was voted and carried. **APPROVED**

COMMISSIONERS

27) Correspondence/Reports/Potential Upcoming Agenda Items:

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

1. MANDY DEFOREST FOR VERN GRAHAM, BUREAU OF LAND MANAGEMENT, TO READER, letter regarding the Preliminary Environmental Assessment (PEA) for the "New York canyon Geothermal Utilization and Interconnect Project".
2. ELSYE MONROY, NACO OFFICE MANAGER, to Lander County Executive Secretary Donna Bohall, letter regarding report entitled "2013 Elders Count" provided by Nevada Association of Counties.
3. KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE (WCA), to Lander County Commissioners, e-mail regarding testimony of Dave Eliason before the House Natural Resources Subcommittee on Public Lands and Environmental Regulation.

Lander County Board of Commissioners

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4. TIMOTHY J. COWARD, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding the Drought Management Decision for the Shannon Station Allotment.

Commissioner Bullock made sure it was noted, for future agenda items, on the three phase power and physicals, and he said he would like to see Bank of America back on the agenda.

Commissioner Waits brought up the renewal contract for the Austin Roping Club.

PUBLIC COMMENT

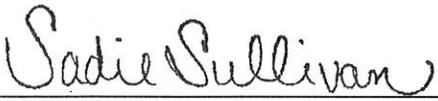
Ray H. Williams Jr., commented that Senator Goicoechea called and said the hearing went very well for the Lander County Bill SB 342. It will be going before the General Assembly.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of May 9, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **ADJOURNED**



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

ATTEST: 
LANDER COUNTY CLERK

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