

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 August 8, 2013 at 9:00 A.M.

**PRESENT: DEAN BULLOCK, COMMISSIONER  
STEVEN STIENMETZ, COMMISSIONER  
BRIAN GARNER, COMMISSIONER  
DAVID MASON, COMMISSIONER  
PATSY WAITS, COMMISSIONER  
SADIE SULLIVAN, COUNTY CLERK  
ANGIE ELQUIST, DISTRICT ATTORNEY  
ROGENE HILL, FINANCE DIRECTOR**

**ABSENT: SOVEIDA ROBINSON, HUMAN RESOURCES DIRECTOR**

Chairman Dean Bullock called the meeting to order.

Let the record reflect the presence of a quorum of five Commissioners.

Sadie Sullivan 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 Agenda Notice, as posted. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Approved.**

### **APPROVAL & ACCEPTANCE OF MINUTES**

#### **Regular Session of July 25, 2013**

Commissioner Garner moved to approve the minutes of the July 25, 2013 Regular Session, as presented. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **Approved.**

### **COMMISSIONER REPORTS**

Commissioner Waits updated the Board regarding the following meetings she attended recently on behalf of Lander County:

- ✦ A July 25, 2013 Regional Transportation Commission meeting;
- ✦ A July 29, 2013 videoconference for TAP grant funding for RTC;
- ✦ An August 5, 2013 PLUAPC meeting.

Commissioner Bullock updated the Board regarding an Army Corps of Engineers meeting he attended recently on behalf of Lander County to discuss the Battle Mountain Flood Plain project.

## **PAYMENT OF THE BILLS**

Commissioner Garner moved to approve payment of the bills, check numbers 45316 through 45392 in the amount of \$316,332.13. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioners Mason, Bullock and Stienmetz voting "AYE" and with Commissioner Waits abstaining from the vote on check number 45386, payable to herself in the amount of \$253.12, and Commissioner Garner abstaining from the vote on check number 45322, payable to Atlas Towing and Recovery in the amount of \$1,684.75. **Approved.**

### **Chase Card Services**

Commissioner Garner moved to approve payment to Chase Card Services, in the amount of \$293.76. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Approved.**

### **Midway Market**

Commissioner Garner moved to approve payment to Midway Market, in the amount of \$348.37. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Approved.**

## **PAYROLL CHANGE REQUESTS**

### **Payroll Change Request – Employee #1496**

Commissioner Stienmetz moved to approve payment of a negotiated wage increase for Employee #1496, Communications Officer, from a salary of \$15.71 per hour to a salary of \$16.97 per hour, effective July 8, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **Approved.**

### **Payroll Change Request – Employee #1303**

Commissioner Stienmetz moved to approve payment of a negotiated wage increase for Employee #1303, Part-Time Food Service, from a salary of \$15.12 per hour to a salary of

\$16.58 per hour, effective August 19, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **Approved.**

### **Payroll Change Request – Employee #1502**

Commissioner Stienmetz moved to approve payment of a negotiated wage increase for Employee #1502, Relief Communications Officer, from a salary of \$15.71 per hour to a salary of \$16.97 per hour, effective August 19, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **Approved.**

### **Payroll Change Request – Employee #1296**

Commissioner Stienmetz moved to approve payment of a negotiated wage increase for Employee #1296, Part-Time Animal Control, from a salary of \$15.12 per hour to a salary of \$16.58 per hour, effective August 19, 2013. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **Approved.**

### **PUBLIC COMMENT**

There was no one present for public comment.

### **FINANCE**

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Related Thereto:** Finance Director Rogene Hill provided the following update to the Board:

*“We received a letter from Sean Quinn, Bank of America, on 7/30/13 notifying us that they do not desire to extend the ATM Agreement further. The contract is scheduled to expire on November 30, 2013 and will be paid through then. They will be removing the ATM on or about November 30, 2013. You might want to pass that information along.*

*Accounts receivables for the month of July are as follows: water - \$6,699.00; sewer - \$5,468.00; water/sewer miscellaneous - \$0; landfill - \$15,867.00; ambulance - \$1,066.00; and active accounts at collections - \$9,723.00, for a total accounts receivables of \$38,823.00.”*

Let the record reflect that this matter was an update only. **No Action – Update Only.**

### **BUILDING**

- 2) **Discussion For Possible Action Regarding Operations & Projects For The Building Department & Other Matters Properly Related Thereto:** Let the record

reflect the presence of Building Official Joe Lindsey for this item. Mr. Lindsey provided the following report to the Board:

**Monthly Building Report – July 2013**

**New Permits Issued – 27**

**Non Permitted Inspections – 5**

**Ongoing Projects – Newmont Copper Leach**

**Future Projects – Silver Sage Apts.; Elquist St. Subdivision; Lemaire Rd. Duplex Project; Old Smith Detroit Shop/Remodel; Turquoise Hills Estates; Argenta Rim Apts.**

**South County – Verizon Tower ; 11 open construction building permits**

**Miscellaneous – Attended meeting with the Army Corps of Engineers on August 1<sup>st</sup> at the office of Summit Engineering.**

Let the record reflect that this matter was an update only. **No Action – Update Only.**

**ENGINEER**

- 3) **Discussion For Possible Action Regarding Operations & Projects Of The Lander County Engineer & Other Matters Properly Related Thereto:** Let the record reflect the presence of Engineer Mark Brethauer for this item. Mr. Brethauer updated the Board regarding the status of the following projects: **a)** Fifth Street Alley Water & Sewer Replacement Project; **b)** Well #9 Project; **c)** 2013 Water & Sewer Replacement Project; **d)** Golf Course Expansion Project; **e)** Cemetery Fencing Project; **f)** Austin Loneliest Highway Visitors Center Project; **g)** Battle Mountain 2013 Paving Projects; **h)** Austin Road & Bridge Paving/Chip Seal Project; **i)** Pedestrian Bridge I-80 Overpass Project; and, **j)** miscellaneous county projects.

Commissioner Bullock addressed his concerns that one of the poles at the Battle Mountain Race Track is starting to tilt. Mr. Brethauer stated that the leaning pole should be covered under warranty and offered to follow-up on this problem with the Public Works Foreman. Mr. Brethauer updated the Board regarding an Army Corps of Engineers meeting he attended recently in Reno to discuss the Battle Mountain Flood Plain Project. Commissioner Garner requested an update regarding the status of the fuel tank leakage issue at the Battle Mountain Airport. Mr. Brethauer noted the following for the record:

*“Work was done – the pumps are operating. It’s not finished. They started way too late. They started getting contracts two weeks before they wanted to shut the thing off. He’s got the system running. There’s a few things that don’t affect the operation of the pumps, they work just fine the way they are. It’s not perfect, but we can put those items on a punch list and once he comes back in the Fall he’ll be notified. He’s only been paid for the work he’s done. Once he comes back in the Fall, he can do repair work on the fuel tanks and the lines. He should be allowed to finish his work to our satisfaction. If he doesn’t, we don’t pay him for the work. He hasn’t been paid for anything except what he’s done and the materials. There’s still a couple*

*of places that has some minor leaking, but he was told not to do that work because it was getting too close to the deadline for shutting it down.”*

Commissioner Garner addressed his concerns that the work on the fuel leak problem isn't up to par; and asked if the contractor followed his contract and made all his deadlines. Mr. Brethauer explained that the contractor was only given two weeks to complete the job, which isn't really feasible. He encouraged the Board to let the contractor complete the job, after which a punch list will be created for items that need to be fixed before final payment is made. He stated that when Fall rolls around the County will hold the contractor to the contract and if he can't fulfill it, then the County will get someone else to complete the job and make it right. Commissioner Garner addressed his concerns that the contractor didn't meet the deadline outlined in his contract; and suggested that the matter be turned over to the District Attorney's Office for resolution. Mr. Brethauer recommended that the contractor be allowed to complete the job this Fall. Let the record reflect that this matter was an update only. **No Action – Update Only.**

## **ROAD & BRIDGE SOUTH**

- 4) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge South Department & Other Matters Properly Related Thereto:** Let the record reflect the presence of Road and Bridge South Foreman Bert Ramos for this item via telephone conference. Mr. Ramos updated the Board regarding the following projects his department has been working on: **a)** the Gold Park, Austin Gold Venture and Pete Summit roads; and, **b)** the Austin Chip Seal project. Let the record reflect that this matter was an update only. **No Action – Update Only.**
- 5) **Discussion For Possible Action Regarding Award Of Bid For A New Or Used Reach Forklift, In An Amount Not To Exceed \$55,000.00, For The Road & Bridge South Department & Other Matters Properly Related Thereto:** Let the record reflect the presence of Road and Bridge South Foreman Bert Ramos for this item via telephone conference. The Board reviewed and discussed two bids received for the new or used Reach Forklift for the Road and Bridge South Department, as follows:

<b>No.</b>	<b>Date</b>	<b>Bidder</b>	<b>Bid Amount</b>
1	5/22/2013	Pape Material Handling	\$81,520.00
2	5/30/2013	Bobcat West	\$54,220.00

Mr. Ramos recommended award of bid to Bobcat West, in the amount of \$54,220.00, as it is the best bid for Lander County. Commissioner Waits moved to award the bid for the new Reach Forklift to Bobcat West in the amount of \$54,220.00. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Approved.**

## **ROAD & BRIDGE NORTH**

- 6) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto:** Let the record reflect the presence of Road and Bridge North Foreman Donnie Negro for this item. Mr. Negro updated the Board regarding the status of the following projects his department has been working on: **a)** Phase I Paving Project - finished; **b)** Phase 2 Paving Project – should be started soon; and, **c)** rural road weed beating project - started. Let the record reflect that this matter was an update only. **No Action – Update Only.**

## **PUBLIC WORKS**

- 7) **Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto:** Let the record reflect the presence of Public Works Foreman Jacob Edgar for this item. Mr. Edgar updated the Board regarding the status of the following projects his department has been working on: **a)** bathroom facilities for the BM Racetrack/Motocross facility; **b)** repair of steps at the BM Pool; **c)** leakage/replacement of water boxes at various locations in Battle Mountain; **d)** issues with boiler power board at the Austin Pool; **e)** installation of swing mats at the various parks in BM; **f)** the gazebos for the Mountain View Golf Course; and, **g)** electrical issues at the BM Wastewater Treatment Plant.

Mr. Edgar reported that he had some issues recently with staff at the Battle Mountain Pool; and noted that those issues will be addressed next Wednesday by himself, the Human Resources Director and the Safety Manager. Let the record reflect that this matter was an update only. **No Action – Update Only.**

- 8) **Discussion For Possible Action Regarding Cancellation Of The “Back Nine (9) Development Project” For The Mountain View Golf Course; Proceeding Only With The Design Plans Of The Back Nine (9); Reapportionment Of Funds From The Back Nine (9) To The “Front Nine (9) Rehabilitation Project”; & Other Matters Properly Related Thereto:** Let the record reflect the presence of the following individuals for discussion of this item: Public Works Foreman Jacob Edgar; Art Strain, Specialized Shaping; David Ginkel, David Ginkel Design; Tim Teixeira, Rain Bird Company; Scott Bullock, Bullock Management Services; and Jay Fischer, Reese River Hydrologic. Mr. Edgar presented testimony in favor of cancelling the “Back Nine Development Project”; proceeding with only the design plans of the “Back Nine” project; and reapportioning funds from the “Back Nine” project to the “Front Nine Rehabilitation Project”. Commissioner Mason requested clarification regarding the issues with the front nine holes at the golf course. Mr. Edgar responded, as follows:

*"First and foremost – the wiring is pretty hectic. It's on what they call a block section. In order to adjust anything, you're adjusting the block – not just a sprinkler. The only way I can think to fix it is not to pump directly out of the ground, replace the wiring, get it on a system that you can single water certain sections when needed.*

*If we're going to put this new nine in and maintain it, we should fix what we have first. What we're doing right now with the back nine, the design, that's great. We need to set the system up so that it will all run together. If we wait to put this back nine in, put all this new stuff in, we could run the greens off of that but we couldn't run the whole block system.*

*Here's my thought process – put the new pond in and the new single wire routing for the front nine. Pump it out of the pond the way it's supposed to be so we're no longer on the block system and we can water wherever or whenever we want."*

Mr. Strain noted the following for the record:

*"The main condition of the golf course now is directly related to the irrigation system. It's not watering properly. That's why you have wet and dry spots. The main problem is that you're going from a direct well into the irrigation lines. On a typical system you'd have a reservoir lake and a pump system that regulates pressure into your irrigation lines. Right now it's a well that goes directly into the water lines, so they fight pressure problems constantly. You have to have so many heads on in order not to blow the system. It's a very inefficient system. The cost for the pump, the electricity – you're just wasting money. With a new system it'll be a lot more efficient and you'll save money on power. You'll have a lake reservoir and be able to maintain and keep pressures under the irrigation system."*

There was general discussion regarding the following possible ways to mediate the various issues at the golf course: **a)** lake construction; **b)** irrigation, including piping, wiring and new sprinkler heads; and, **c)** a new pump station. Mr. Edgar stated that the Commission needs to decide what they want to do about the issues at the golf course. He explained that once that decision is made then he can proceed with the normal bid process. There was general discussion regarding the various options available to the Board and the cost for each. Commissioner Bullock made the following comment for the record:

*"Ten to fifteen years ago that sprinkler system worked fine. It worked fine because we didn't use the same sprinkler head throughout the whole course. We're replacing all the sprinkler heads with the same sprinklers. They used to adjust them for different types of sprinklers depending on where they were sprinkling. We've gone to replacing those with just standard, run-of-the-mill sprinklers. It worked fine. So now we're saying it's no good because we haven't replaced the sprinklers back with the way they were originally set up. The system will work as is. If we put the right sprinkler heads in for \$100,000.00 versus \$1.75 million, we can get this back up and running.*

*Another issue I have - we can put a whole nine in for the same price it would cost to replace the piping. If you put the back nine in, you're at least not alienating the golfers another season. Then you can work on the issues with the front nine."*

There was general discussion regarding the deteriorating condition of the sprinkler system and the outdated sprinkler heads at the golf course. Commissioner Garner presented testimony regarding the need for designated cart paths and signage for the front nine holes at the Mountain View Golf Course. Commissioner Bullock addressed his concerns that should the back nine project be eliminated or delayed, the County could lose its water rights in that area. Mr. Fischer reported that he recently filed extensions of time with the State on the golf course water rights. Commissioner Bullock stated his support for proceeding with the back nine project due to the fact that the County might not be receiving any more net proceeds in the future. There was general discussion regarding the following issues: **a)** the pros and cons of proceeding with the back nine project versus utilizing the budget for the back nine to repair the problems with the front nine; **b)** the possibility of utilizing mining contractors/equipment to dig the pond; **c)** the need to regulate the pressure of the current sprinkler system in order for it to work properly; **d)** the possibility of proceeding only with the pond and pump station at this time; and, **e)** the scope of work and estimated cost to construct the back nine holes at the golf course. Mr. Edgar stated for the record that he doesn't want to be the "fall guy" if the back nine project gets constructed and the front nine isn't repaired and gets worse. Commissioner Garner moved to defer this item to a future commission meeting; and directed staff to provide quotes for the price of a new pond and paved cart paths with and without volunteer labor. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Deferred.**

- 9) **Discussion For Possible Action Regarding Approval/Disapproval Of The Job Description For The Budgeted Position Of Maintainer II For The Cultural & Recreation Department & Other Matters Properly Related Thereto:** Let the record reflect the presence of Public Works Foreman Jacob Edgar for this item. The Board reviewed and discussed the job description for the budgeted position of Maintainer II for the Cultural and Recreation Department, as submitted. Commissioner Garner moved to approve the job description for the budgeted position of Maintainer II for the Cultural and Recreation Department. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Approved.**
- 10) **Discussion For Possible Action To Reapprove The Agreement Between Lander County & Marilyn Adams, dba T&M Lawn Care, For Grounds Maintenance Services At Certain Locations In Battle Mountain, In The Amount Of \$15,101.75 Per Month From March Through October 2014 and 2015, As The Dates Were Incorrect In the Previously Approved Agreement That Were For The Years 2013 & 2014, & Other Matters Properly Related Thereto:** Let the record reflect the presence of Public Works Director Jacob Edgar for this item. The Board reviewed and discussed the Agreement between Lander County and Marilyn Adams, dba T&M Lawn Care, for grounds maintenance services at certain locations in Battle Mountain, as presented by Mr. Edgar. Commissioner Stienmetz moved to approve the Agreement between Lander County and Marilyn Adams, dba T&M Lawn Care,

changing the dates from 2013-2014 to 2014-2015. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Approved.**

- 11) **Discussion For Possible Action Regarding Award Of Bid To Boart Longyear In The Amount Of \$385,136.45 For The Well #9 Drilling, Construction & Development Project For The Lander County Water & Sewer Department & Other Matters Properly Related Thereto:** Let the record reflect the presence of Public Works Foreman Jacob Edgar for this discussion. The Board reviewed and discussed three bids received for the Well #9 Drilling, Construction and Development Project for the Lander County Water and Sewer Department, as follows:

No.	Bidder	Bid Amount
1	Hydro Resources	\$364,930.00
2	Boart Longyear	\$385,136.45
3	National EWP	\$414,269.00

Mr. Edgar noted for the record that the low bidder, Hydro Resources did not meet the required specification of a "top-head drive" drilling method; and recommended award of bid to Boart Longyear, in the amount of \$385,136.45. Commissioner Garner moved to award the bid for the Well #9 Drilling, Construction and Development Project for the Lander County Water and Sewer Department to Boart Longyear in the amount of \$385,136.45. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Award of Bid Approved.**

## **SHERIFF**

- 12) **Discussion For Possible Action To Ratify The Assessment Services Agreement Between The Lander County Sheriff's Office & West Hills Hospital For Inmate Mental Health Services & Other Matters Properly Related Thereto:** Let the record reflect the presence of Kathy Ancho, Secretary to the Sheriff, for this item. The Board reviewed and discussed the Assessment Services Agreement between the Lander County Sheriff's Office and West Hills Hospital for inmate mental health services, as presented by Ms. Ancho. Commissioner Garner moved to ratify the Assessment Services Agreement between the Lander County Sheriff's Office and West Hills Hospital for inmate mental health services. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Ratification Approved.**
- 13) **Discussion For Possible Action To Ratify The 2013 Annual Operating & Financial Plan Between The Lander County Sheriff's Office & The USDA, Forest Service & Other Matters Properly Related Thereto:** Let the record reflect the presence of Kathy Ancho, Secretary to the Sheriff, for this discussion. The Board reviewed and discussed the 2013 Annual Operating and Financial Plan between the Lander County Sheriff's Office and the USDA, Forest Service, for reimbursement of law enforcement services provided by the Lander County Sheriff's Office, as

presented by Ms. Ancho. Commissioner Garner moved to ratify the 2013 Annual Operating and Financial Plan between the Lander County Sheriff's Office and the USDA, Forest Service. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Ratification Approved.**

- 14) **Discussion For Possible Action To Ratify The Inter-Local Contract Between The Lander County Sheriff's Office & The Nevada Office Of The Attorney General For Use Of The Victim Notification & Information Everyday (VINE) System & Other Matters Properly Related Thereto:** Let the record reflect the presence of Kathy Ancho, Secretary to the Sheriff, for this discussion. The Board reviewed and discussed the Inter-local Contract between the Lander County Sheriff's Office and the Nevada Office of the Attorney General for use of the Victim Notification and Information Everyday (VINE) System, as presented by Ms. Ancho. Commissioner Garner moved to ratify the Inter-local Contract between the Lander County Sheriff's Office and the Nevada Office of the Attorney General for use of the Victim Notification and Information Everyday (VINE) System. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Ratification Approved.**
  
- 15) **Discussion For Possible Action To Ratify The Maintenance & Support Agreement Between The Lander County Sheriff's Office & Safran-Morphotrak & Other Matters Properly Related Thereto:** Let the record reflect the presence of Kathy Ancho, Secretary to the Sheriff, for this discussion. The Board reviewed and discussed the Maintenance and Support Agreement between the Lander County Sheriff's Office and Safran-Morphotrak for continued maintenance support for one of the criminal and civil fingerprint machines currently used by the Sheriff's Office, as presented by Ms. Ancho. Commissioner Stienmetz moved to ratify the Maintenance and Support Agreement between the Lander County Sheriff's Office and Safran-Morphotrak. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **Ratification Approved.**
  
- 16) **Discussion For Possible Action To Ratify The Inmate Medical Care Agreement Between The Lander County Sheriff's Office & John Peters, MD, For Medical Services Required In The Non-Emergency Care Of Inmates Housed At The Lander County Detention Facility & Other Matters Properly Related Thereto:** Let the record reflect the presence of Kathy Ancho, Secretary to the Sheriff, for this discussion. The Board reviewed and discussed the Inmate Medical Care Agreement between the Lander County Sheriff's Office and John Peters, MD, for medical services required in the non-emergency care of inmates housed at the Lander County Detention Facility, as presented by Ms. Ancho. Commissioner Garner moved to ratify the Inmate Medical Care Agreement between the Lander County Sheriff's Office and John Peters, MD, for medical services required in the non-emergency care of inmates housed at the Lander County Detention Facility. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Ratification Approved.**

- 17) **Discussion For Possible Action To Ratify The Consultation Agreement Between The Lander County Sheriff's Office & Jean Ashcraft-Pfarr For Inmate Dietitian Services & Other Matters Properly Related Thereto:** Let the record reflect the presence of Kathy Ancho, Secretary to the Sheriff, for this discussion. The Board reviewed and discussed the Consultation Agreement between the Lander County Sheriff's Office and Jean Ashcraft-Pfarr for inmate dietitian services for the Lander County Detention Facility, as presented by Ms. Ancho. Commissioner Garner moved to ratify the Consultation Agreement between the Lander County Sheriff's Office and Jean Ashcraft-Pfarr for inmate dietitian services. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Ratification Approved.**

## **COMMISSIONERS**

- 18) **Discussion For Possible Action Regarding Issues For Commissioner Waits To Bring Forward At The Next Nevada Land Management Task Force Meeting, Which Was Formed Pursuant To AB 227, To Conduct A Study Addressing The Transfer Of Certain Public Lands In Nevada From The Federal Government To The State Of Nevada, & Other Matters Properly Related Thereto:** The Board reviewed and discussed a two page document entitled "*Draft Nevada Land Management Task Force – Lander County Acreage to Be Transferred*", as presented by Commissioner Waits. Commissioner Waits noted the following for the record:

*"Our next meeting is next week, so I needed to bring this before you. The main task was to identify any specific problems or situations we had in transferring that might be unique or specific to our County; and to see how many acres we had that actually could be transferred. With the help of Rex Massey, this is what we came up with. The acreage seems to vary depending on which resource we go to, so everything we're doing right now is approximate. The total we're using goes back to the 2005 Lander County Policy Plan for Federally Administered Lands. That's where we're picking up the main amount of acres to start with, which is 3,597,440. There are a few that would not be transferred. BLM has recommended wilderness designation for one area in the county, but there are no congressionally designated wilderness areas in Lander County. I'm looking to send these pages on to the Task Force for their first review."*

Let the record reflect that this matter was an update only. **No Action – Update Only.**

- 19) **Discussion For Possible Action Regarding The Possibility Of Changing The Date For The September 12, 2013 Lander County Commission Meeting Due To The 2013 Nevada Association Of Counties (NACO) & Nevada League Of Cities & Municipalities Conference Scheduled September 10-12, 2013 In Lake Tahoe & Other Matters Properly Related Thereto:** The Board discussed the possibility of either changing the date of or cancelling the September 12, 2013 Lander County Commission meeting due to a conflict with the 2013 Nevada Association of Counties

(NACO) and the Nevada League of Cities and Municipalities Conference scheduled September 10-12, 2013 in Lake Tahoe. Commissioner Stienmetz moved to cancel the first meeting in September and to ratify the bills at the second meeting in September. There was general discussion regarding the possibility of changing the date of the first commission meeting in September from the 12<sup>th</sup> to the 5<sup>th</sup>. Commissioner Stienmetz withdrew his motion. Commissioner Garner moved to change the date of the September 12<sup>th</sup> meeting to the 5<sup>th</sup>. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Approved.**

- 20) **Discussion For Possible Action To Approve The Fee Agreement With Steve Balkenbush, POOL/PACT Attorney With Thorndal, Armstrong, Delk, Balkenbush & Eisinger In Reno, Nevada, At A Fee Of \$175.00/Hour, To Assist In The Legal Review For The Battle Mountain Recreation Center Project, & Other Matters Properly Related Thereto:** Commissioner Garner moved to approve the Fee Agreement with Steve Balkenbush, POOL/PACT Attorney with Thorndal, Armstrong, Delk, Balkenbush and Eisinger in Reno, Nevada, at a fee of \$175.00 per hour, to assist in the legal review for the Battle Mountain Recreation Center Project, seconded by Commissioner Stienmetz. Battle Mountain Chamber of Commerce Director Paula Tomera appeared before the Board to make the following comment for the record:

*"It's my understanding that the County is going to take this over as a project. I would ask that one of the Commissioners be appointed to our Board to assist in redoing what we had expected to get donations for. We need to update our records before we can ask for major donations."*

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

Let the record reflect that this matter was revisited after discussion of agenda item #21. Austin Justice of the Peace William E. Schaeffer appeared before the Board to make the following comment for the record:

*"I just want to point out that Mr. Balkenbush knows what he's doing and has represented this county and several others. But, you do have local counsel available for these sorts of things. I'm not going to ask you to undo this, but what I'd like is if something like this comes up again could you contact some of us? I'm definitely interested in anything regarding contracts. There's no interference with the Justice of the Peace on contracts or other civil stuff. Just for future reference, I would appreciate if you would consider me. I'm local and frankly I can work cheaper than \$175.00 an hour. I have tons of experience with contracts."*

- 21) **Discussion For Possible Action Regarding The Notice Of Agreement Termination & ATM Removal Submitted By Bank Of America & Other Matters Properly Related Thereto:** The Board reviewed and discussed the Notice of Agreement Termination and ATM Removal from Bank of America, as submitted. Commissioner Garner moved to accept the Agreement Termination and ATM

Removal submitted by Bank of America; and authorize the Chairman to sign the acknowledgement and receipt of the Agreement Termination & ATM Removal. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **Termination of Agreement Approved.**

## **COURTHOUSE/ADMINISTRATION BUILDING PROJECT**

- 22) **Discussion For Possible Action Regarding Status Of The Lander County Courthouse/Administration Building Project & Other Matters Properly Related Thereto:** Let the record reflect the presence of Argenta Justice of the Peace Max Bunch and Architects Brad Van Woert and Angela Bigotti for this item. Mr. Bunch updated the Board regarding the outcome of a Building Committee meeting and Elected Officials/Department Head meeting held last week. Mr. Van Woert updated the Board regarding the status of the Lander County Courthouse/Administration Building Project; and provided updated architectural drawings of the proposed project, including floor plans of the building. There was general discussion regarding the following issues: **a)** local materials proposed to be used on the exterior of the building; and, **b)** the proposed time line for completion of the architectural drawings. Let the record reflect that this matter was an update only. **No Action – Update Only.**

## **COMMISSIONERS**

- 23) **Correspondence/Reports/Potential Upcoming Agenda Items:** The Board reviewed the following correspondence that is retained in the Clerk's Office:

Jeff Fontaine, NACO, to LC Commissioners, e-mail regarding Pre-Sentence Investigation (PSI) production rebates for FY 2013.

Kenneth R. Brown, WCA, to LC Commissioners, e-mail expressing appreciation for LC's FY 2013-2014 membership renewal.

Scott Smale, NDEP, to Gary Smith, BLM, letter regarding a No Further Determination as it relates to the Antelope Valley Pesticide Container Disposal Site located in LC.

Ken Hamilton, President, NV Day Inc., to LC Commission, letter of invitation to participate in this year's Nevada Day Parade scheduled for Saturday, October 26, 2013 in Carson City.

Douglas W. Furtado, BLM, to Interested Public, letter regarding Environmental Assessment (EA) analyzing the impacts of three proposed telecommunication facilities located throughout the BM District.

Steve Bradhurst, CNRWA, to LC Commissioners, e-mail regarding 2013 Great Basin Water Forum scheduled for October 17-18, 2013 in Bishop, CA.

Teresa L. Dixon for Christopher J. Cook, BLM, to Interested Public, letter regarding Environmental Assessment (EA) analyzing the impacts of implementing the BM Wildland Urban Interface Fire Defense System.

Kenneth R. Brown, WCA, to LC Commissioners, e-mail regarding Secure Rural Schools Program Update.

Jerry Hoover, NDOT, to LC Executive Director, letter regarding new statewide Utility Data Layer Project.

Tom Greco, NDOT, to Chairman Dean Bullock, letter expressing appreciation for the opportunity for Coy Peacock to present the 2014-2023 Annual Work Program & FY 2014-2017 STIP Process Update to the Board on July 25, 2013.

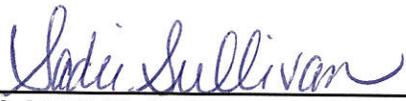
**PUBLIC COMMENT**

There was no one present for public comment.

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of August 8, 2013. Seconded by Commissioner Garner, the motion was voted and carried unanimously. Meeting 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.*