

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 June 27, 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.**

Chairman Bullock called the meeting to order.

Let the record reflect a quorum of five Commissioners.

Commissioner Stienmetz 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 Garner; the motion was voted and carried unanimously. **APPROVED**

**APPROVAL & ACCEPTANCE OF MINUTES**

**JUNE 13, 2013 – REGULAR SESSION**

**JUNE 25, 2013 – SPECIAL SESSION**

*Lander County Board of Commissioners*

*Meeting of June 27, 2013*

*Prepared By: Cathy Myers, Deputy Clerk*

Commissioner Garner moved to approve regular session, June 13<sup>th</sup>. Seconded by Commissioner Stienmetz; the motion was voted and carried unanimously. **APPROVED**

### **COMMISSIONER REPORTS**

Commissioner Mason reported on his attendance of the Newmont Breakfast, and the topics discussed where Newmont layoffs, the Copper Leach, stocks and mineral prices, Buffalo Valley Project, SJR 15, Phoenix Project, Copper Basin Drilling, and Willow Creek Recreation Park.

Commissioner Waits reported on her attendance of the Central Nevada Regional Water Authority meeting, a Local Leadership Workshop, a Workshop on the Comprehensive Economic Development Strategy (CEDs), the Kingston Town Board, and the Policy Meeting with the Naval Air Station.

Commissioner Garner reported on his attendance of the Convention and Tourism meeting.

Commissioner Stienmetz reported on his attendance of the Central Nevada Regional Water Authority, the Technical Naval Air Station joint meeting, and the Newmont Breakfast.

Commissioner Bullock reported on his attendance of the Nevada Works meeting in Reno, a meeting regarding the Levee Project, and the Phoenix Mine meeting regarding the Willow Creek Project.

### **PAYMENT OF THE BILLS**

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

Commissioner Waits questioned the back up on meetings attended by County employees for reimbursement.

### **BUSINESS CARD**

Commissioner Garner moved to ratify check #44758 in the amount of \$1,328.05 to Business Card. Seconded by Waits; the motion was voted and carried unanimously. **APPROVED**

### **WELLS FARGO REMITTANCE**

Commissioner Garner moved to ratify check #44772 in the amount of \$2,555.92 to Wells Fargo Remittance. Seconded by Stienmetz; the motion was voted and carried unanimously. **APPROVED**

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## **LEXUS NEXUS**

Commissioner Garner moved to ratify check #44763 in the amount of \$314.00 to Lexus Nexus. Seconded by Stienmetz; the motion was voted and carried unanimously. **APPROVED**

Commissioner Garner moved to approve submitted expenditures from check #44774 through #44889 in the amount of \$795,222.55. Second by Commissioner Stienmetz; the motion was voted and carried with Commissioner Stienmetz abstained from the vote on check #44869, Commissioner Bullock on check #44791, Commissioner Waits on check #44881, and Commissioner Garner on check #44782. **APPROVED**

## **PAYROLL CHANGE REQUEST**

1. Employee change request for employee #1316, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
2. Employee change request for employee #1153, New Hire, 1<sup>st</sup> Year Lifeguard – Austin, \$8.25 per hour, effective June 11, 2013.
3. Employee change request for employee #1232, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
4. Employee change request for employee #1163, New Hire, 2<sup>nd</sup> Year Lifeguard – Austin, \$8.50 per hour, effective June 11, 2013.
5. Employee change request for employee #1126, New Hire, 1<sup>st</sup> Year Lifeguard – Austin, \$8.25 per hour, effective June 11, 2013.
6. Employee change request for employee #1424, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
7. Employee change request for employee #1202, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
8. Employee change request for employee #1510, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
9. Employee change request for employee #1133, New Hire 2<sup>nd</sup> Year Lifeguard – Austin, \$8.50 per hour, effective June 11, 2013.

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10. Employee change request for employee #1353, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
11. Employee change request for employee #1304, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
12. Employee change request for employee #1411, New Hire, 1<sup>st</sup> Year Lifeguard – Battle Mountain, \$8.25 per hour, effective June 11, 2013.
13. Employee change request for employee #1303, New Hire, Temporary Part-time Food Service, \$15.12 per hour, effective June 10, 2013.
14. Employee change request for employee #1502, New Hire, Relief Communications Officer, \$15.72 per hour, effective July 1, 2013.

Commissioner Garner moved to approve. Seconded by Stienmetz; the motion was voted and carried unanimously. **APPROVED**

#### **PUBLIC COMMENT**

Von Rasmussen questioned who is responsible to maintain Kayci Avenue.

It was explained to Mr. Rasmussen the County has not adopted that road, so it still belongs to David Itza.

#### **FINANCE**

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Related Thereto:** Rogene Hill, Finance Director, reminded everyone year end is June 30<sup>th</sup> and to watch their coding and orders. Ms. Hill updated the Board that Donna Bohall will be resuming the Executive Secretary, covering the Special Board meetings. Pay raises will be effective on the pay period of July 8<sup>th</sup> through July 21<sup>st</sup>. The checks will be issued on July 26<sup>th</sup>. Ms. Hill also reported on her attendance of the CFOA, this is a meeting for Elected Officials and Department Heads. Ms. Hill explained she spoke with Angie Elquist, District Attorney, regarding back up information

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from the organizations showing they were a non-profit organization. Ms. Hill will be sending letters requesting the non-profit certificate before the funds will be issued.

Commissioner Waits informed Ms. Hill there is a website where the IRS lists all the 501Cs.

Ms. Hill suggested having that back up information before the Budget Workshop in the future. She reported on the monthly meeting with the Elected Officials and Department Heads.

- 2) **Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2013-07, A Resolution To Augment The FY 2012-2013 Budget & Other Matters Properly Related Thereto:** Rogene Hill, Financial Director, explained to the Board this is the time to look at the budget, and see if they had made changes throughout the year. This Resolution is to clean things up and send to the State. Ms. Hill explained the budget has to be redone if there have been changes made throughout the year.

Commissioner Waits moved for the Commission to approve and adopt Resolution 2013-07, a Resolution augmenting the FY 2012-2013 Lander County Budget; providing for augmentation of the Lander County General (001), Road and Bridge Fund (002), Aged Services Fund (009), Mt. Lewis Fund (023), Battle Mountain Town Fund (025), Culture and Recreation (052), Battle Mountain Water Fund (226), and the Battle Mountain Sewer Fund (236), applying the specific resources as identified within the Resolution. Seconded by Commissioner Mason; the motion was voted and carried unanimously.

**APPROVED**

### **COMMISSIONERS**

- 3) **Discussion For Possible Action Regarding Acceptance/Non-Acceptance Of Renewal Proposal From Nevada Public Agency Insurance (POOL/PACT) & Approval For Payment Of Premium In The Amount Of \$311,588.70 From FY 2013-2014 Funds; & Other Matters Related Thereto:** Ann Wiswell, POOL/PACT, addressed the Board and updated them on the insurance coverage the County currently has, and new coverage available. She explained why the County had a rise in premiums.

Commissioner Garner moved to accept the renewal proposal from Nevada Public Agency Insurance (POOL/PACT), and approve for payment of premium in the amount of \$311,588.70 for FY 2013-2014 funds. Seconded by Commissioner Stienmetz; the motion was vetoed and carried unanimously. **APPROVED**

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## INFORMATION TECHNOLOGY

- 4) **Discussion For Possible Action Regarding Operations & Projects For The IT Department & Other Matters Properly Related Thereto:** Justin Moore, IT Department, addressed the Board to and explained he would like to utilize the web filter to its fullest capabilities to block malicious content that is running rampant through the internet right now. Mr. Moore explained the benefits to utilizing the web filter.

Commissioner Waits asked Mr. Moore about his comment on the County not having a computer use policy, and if he would be the one to put together.

Mr. Moore explained he could contact the other Counties to get copies of their computer use policies, and prepare one to fit the needs of Lander County. He will then bring it before the Board for approval.

Commissioner Mason moved for the IT Department to utilize the web appliance to filter the advertisements in the best interest of the County, and the creation of a computer usage policy to be brought back before the Board in full explanation. Seconded by Commissioner Stienmetz.

Commissioner Garner questioned Mr. Moore what hours he works.

Mr. Moore answered by saying 6:30 in the morning to 5:30 at night alternating 4/10s.

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:** Burt Ramos, Road and Bridge South, updated the Board that NV Energy sold out so they are keeping an eye on their lease. They have been working with the water project, but things are going good so far.

Commissioner Bullock expressed his concern of people taking water from the fire hydrant on the way to Big Creek. There was discussion on putting a lock on it for safety reasons. **UPDATE**

- 6) **Discussion For Possible Action Regarding Award Of Bid For A Tandem Axle Truck Chassis With A 4,000 Gallon Water Tank, Including Water Cannon Assembly, For The**

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**Road & Bridge South Department & Other Matters Properly Related Thereto:** Burt Ramos, Road and Bridge South, addressed the Board and explained he went with the second highest bid because it has a bigger motor in it. He also stated he liked the water cannon as well to help with fire suppression. It is within his budget.

Commissioner Waits moved for the Commissioner to award the bid for the water truck to Sierra Freightliner in the amount of \$146,850.00. Seconded by Commissioner Mason; the motion was voted and carried unanimously. **APPROVED**

## **ROAD & BRIDGE NORTH**

- 7) **Discussion For Possible Action Regarding Operations & Projects For The Road & Bridge North Department & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, explained to Von Rasmussen they have done research on those roads (around Kayci Ave.) and they have never been brought up to County standard and accepted into the maintenance schedule. There are two that Jay Fischer has turn in, and they are in the process of being accepted. Kayci Ave. has never been brought up.

Mr. Rasmussen asked how they could get it maintained.

Mr. Negro answered by saying he could talk to Gina Little and Lura Duvall, but once the road is brought up to County standards they County would be glad to maintain it.

Mr. Negro updated the Board on the town clean up, the paving projects, and the Willow Creek Project. **UPDATE**

- 8) **Discussion For Possible Action To Approve A "Piggy Back" Bid On A New Caterpillar 973D Waste Handler Track Type Loader, In The Amount Of \$467,470.25, For The Road & Bridge North Department, With Delivery After July 1, 2013 & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, addressed the Board and explained what National Joint Powers Alliance (NJPA) is a co-op of buying power. With the NJPA member discount the County gets 23% discount on this Caterpillar 973D, in an amount of \$139,000.00. The delivery date would be in October. Mr. Negro explained they have the best luck with CAT equipment at the landfill.

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Commissioner Garner moved to approve the bid on the Caterpillar 973D Waste Handler Track Type Loader, in the amount of \$467,470.25, for the Road and Bridge North Department. Seconded by Commissioner Stienmetz; the motion was voted and carried unanimously. **APPROVED**

## PUBLIC WORKS

- 9) **Discussion For Possible Action Regarding Operations & Projects For The Public Works Department & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, updated the Board on water leaks, cleaning up the shop, safety inspection, the shop completion, working on getting the MSDS stuff straight.

Mr. Edgar also reported the horse shoe pits will be refilled with sand and new flags for the Fourth of July. He has been working with Mark Brethauer on the racetracks water project. **UPDATE**

- 10) **Discussion For Possible Action Regarding Award Of Bid For A 2013 Or Current Model Year Backhoe Loader With Standard Equipment For The Public Works Department & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, addressed the Board and explained Cashman Equipment came in as the lowest bidder. They met all the general specifications, and the bid came in at \$92,725.00.

Commissioner Garner moved for the Commission to accept the bid for a 2013 Caterpillar Backhoe, in the amount of \$92,725.00. Seconded by Commissioner Stienmetz; the motion was voted and carried unanimously. **APPROVED**

- 11) **Discussion For Possible Action Regarding The Status Of The Existing Nine (9) Holes At The Mountain View Golf Course & Expansion Of The Additional Nine (9) Holes; & Other Matters Properly Related Thereto:** Mark Brethauer, County Engineer, addressed the Board said they had a few different concepts.

David Ginkel, David Ginkel Design (via telephone conference), stated he would like to know what limitations they have. Mr. Ginkel explained the information and guidelines he was given was that Lander County was looking to add nine holes on the north side of the property, and to try not to touch the existing golf course. He explained option A and B are similar, B just has a different routing of how the holes are played. Options C and D are options to be looked at for the future that would allow for adjustments in the course.

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Commissioner Waits questioned the difference in pricing and maintenance between option A and B.

Mr. Ginkel stated there is very little cost difference between them. They will fit the design in with the original budget number that was approved.

Jake Edgar, Public Works Foreman, stated he is basically looking for direction from the Board.

There was discussion on how the par would be set on holes 10 and 11 and the additional lakes.

Scott Bullock, Bullock Management, expressed the need to have more variation in the par.

There was discussion of the lake being lined to not lose water through the water table, and the depth of the lake.

Dave Mason made a motion for the Commission to pick Idea B, and stay flexible with what they need to do as they are building it. Seconded by Commissioner Garner.

Scott Bullock questioned if this was the set design and what might be moved.

Commissioner Bullock and Commissioner Garner explained this is flexible, but the front nine holes would be left alone.

Mr. Ginkel said he they could figure out what exactly they need, and create a master plan.

Donna Stienmetz addressed the Board regarding a concern of a resident on Blossom Springs.

Tanna Taylor addressed the Board regarding her concerns of people not following the rules and tearing up the greens.

Max Bunch, Argenta Justice of the Peace, expressed his concern of them taking out the trees around hole number nine.

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

There was discussion on the rules being enforced on the golf course, and the grass and the new greens dying. If there are complaints, they should be reported to the Club House and the Club House can call management and/or the County to deal with the complaint.

There was also discussion of rescheduling the employees at the Golf Course so there is coverage seven days a week for repairs and maintenance.

## **SAFETY**

### **12) 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 LEPC Community Response Training that will be held Thursday July 11<sup>th</sup> at 5:50 at the Civic Center. The Safety Community meeting was not well attended due to the summer work load but all seems to be going well. Mr. Westengard also updated the Board there was one OSHA Inspection, and it was on the lift in the Court House. There was one violation regarding the emergency button. It will be re-inspected in thirty days. Mr. Westengard has performed seven inspections in the County. There were several deficiencies in the County, and each department head has been notified. He will start re-inspections next week. Material Safety Data Sheet (MSDS) will start being put in County Buildings. CPR/AED First Aid Training will be July 17<sup>th</sup> and July 45<sup>th</sup> at the Civic Center and in Austin July 31<sup>st</sup>. Mr. Westengard has also been working on Title III which is Fire Wise Communities. Upcoming inspections will include the Landfill and the Austin Courthouse. **UPDATE**

### **13) Discussion For Possible Action To Implement A Twenty-Five Foot (25') "No Smoking" Area Around Entrances/Exits At All County Facilities Pursuant To Nevada Revised Statutes (NRS) 202.2491; The Possibility Of Imposing A Designated Smoking Area At All County Facilities; & Other Matters Properly Related Thereto:**

Keith Westengard, Safety Manager, addressed the Board and explained the Nevada Revised Statute (NRS) states there is no smoking in Government owned or Public buildings. The 25 feet comes into play as clean air space. There was also discussion on designated smoking areas.

Brenda Keller, Community Health Nurse, provided information on second hand smoke, the hazards of smoking.

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Mr. Westengard explained smoking in a County vehicle is prohibited, but questioned if County equipment was included as a County vehicle. This is stated in the County Standard Practice book.

Commissioner Garner answered they absolutely are.

Sadie Sullivan, Clerk, explained it is not just the County employees smoking at the top of the Courthouse stairs. Individuals who come for Court sit out there on the steps and smoke as well.

Commissioner Garner moved for Keith to implement a 25 foot "No Smoking" around entrances and exits at all County facilities pursuant to Nevada Revised Statue (NRS) 202.2491 imposing a designated smoking area at all County facilities, and to reach back to the Commission for this Resolution to be approved, and also to include some kind of enforcement. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

Mr. Westengard asked for clarification regarding County shops being considered a County Building.

Commissioner Garner stated they are assessable to the public and should be considered a County building, and should have a designated smoking area outside the shop.

## **ASSESSOR**

### **14) Discussion For Possible Action Regarding Approval/Disapproval Of The Aerial Photography Agreement Between Lander County & Pictometry International Corp., In An Amount Not To Exceed \$578,917.00, & Other Matters Properly Related Thereto:**

Lura Duvall, Assessor, explained to the Board this is not a new project, and is ongoing. She explained Pictometry does oblique imagery and aerial photography all over the United States.

Brian Garcia, Pictometry International Corp, provided a presentation to the Board showing the kind of photography they do and what their imagery has been used for.

Ms. Duvall explained the money used to pay Pictometry has probably been recovered three times in lost tax revenue for buildings and structures that are escaping taxation throughout the County.

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Commissioner Garner moved to approve the aerial photography agreement between Lander County and Pictometry International Corp. in an amount not to exceed \$578,017.00 out of the Assessors Technology Fund. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

#### CLERK

- 15) **Discussion For Possible Action Regarding Approval Of The Updated Executive Secretary I & Senior Deputy Job Descriptions For The Clerk's Office & Other Matters Properly Related Thereto:** Sadie Sullivan, Clerk, addressed the Board and explained the job descriptions had not been updated in quite some time, and wanted to make sure all the duties performed in her office were covered. The job descriptions have been reviewed by Human Resources, POOL/PACT, and the Union.

Commissioner Garner moved to approve the Executive Secretary I and also the Senior Deputy Clerk job descriptions to be in compliance with the Union contract. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

#### COMMISSIONERS

- 16) **Discussion For Possible Action Regarding Acceptance/Non-Acceptance Of Renewal Of Airport Liability Insurance Policies For Austin, Battle Mountain, & Kingston Airports For The Period Of July 1, 2013 Through June 30, 2014; Approval For Payment Of Premium In The Amount Of \$4,023.00 Form FY 2013-2014 Funds; & Other Matters Properly Related Thereto:** Commissioner Garner moved for the Commission to accept the insurance policies for the Austin and Battle Mountain airports and Kingston airstrip for the period of July 1, 2013 through June 30, 2014, and approve for payment of premium amount in \$4,023.00. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**
- 17) **Discussion For Possible Action Regarding Approval/Disapproval Of The Intrastate Interlocal Contract Between Lander County & The Nevada State Health Division, Public Health & Clinical Services, For The Community Health Nurse Program, In An Amount Not To Exceed \$45,612.00 Per State Fiscal Year, & Other Matters Properly Related Thereto:** Jill Valle, Nevada State Health Division, along with Brenda Keller, addressed the Board and explained Legislation approved for Nevada State Health Division to merge with Mental Health. As of July 1 they will now be known as the Division of Public and Behavior Health. She explained some of the changes in the contract.

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Commissioner Garner moved for the Commission to approve the Intrastate Interlocal Contract between Lander County and the Nevada State Health Division, Public Health and Clinical services, for the Community Health Nursing Program, in an amount not to exceed \$45,612.00. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**18) Discussion For Possible Action Regarding Future Site Of The Battle Mountain Recreation Center; Request For Lander County To Deed Five (5) Acres Of APN 002-350-06 To Battle Mountain Recreation Center For The Future Site Of The Complex; & Other Matters Properly Related Thereto:** Rusty Barr, Battle Mountain Recreation Center, updated the Board they are ready to move forward. They have kicked off their Capital Campaign and have \$1.9 million out to the community, and they are in the phases of getting an Architect. Two steps they need to do are to secure their funding and secure the site. Mr. Barr provided the Board with a map of where the Battle Mountain Recreation Center Board of Directors would like the site to be.

There was discussion of the options not being brought before the Board of Commissioners, and the concern that Lemaire Road is not a commercial street, nor was it designed to be. The Commission wants to see the other options for the site location.

Commissioner Bullock pointed out that homes out there on Lemaire where built before the school, the soccer fields, and the little league fields. The original plans for the sport complex, the first phase was the ball fields, the second phase was the soccer fields, and the third phase to be a youth center. This was approved years ago.

Todd Thompson stated he believes the School Board would like it to have the Recreation Center closer to the schools.

Mr. Barr explained they are looking for direction for the Commission.

There was also discussion of having to pay flood insurance if the Recreation Center is built north of the freeway.

Mr. Barr also informed the Board the District Attorney has instructed him to stop all work on this project because she needs to do more research regarding the governance. He feels there should have been time to research this issue since they came before the Board on this issue over a year ago.

Commissioner Bullock stated the timeline for this project is wrong and he warned them the time line was too quick. **DISCUSSION & UPDATE ONLY**

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## AUSTIN JUSTICE COURT

- 19) Discussion For Possible Action To Appoint Justice Of The Peace, Pro Tem, & Other Matters Properly Related Thereto: Commissioner Bullock explained there are already *pro tems* approved for Austin and Battle Mountain. Denise Fortune was approved as a pro tem for both Austin and Battle Mountain. He also stated this issue should not be addressed again.

Sadie Sullivan, Clerk, also added that Ted Herrera was approved as a pro tem for civil cases. **NO ACTION**

## TREASURER

- 20) Discussion For Possible Action Regarding The Current "Elite" County Credit Card vs. Credit Limit; Application For A New "Elite" Credit Card vs. Limits; Company Contact/Administrator; & Other Matters Properly Related Thereto: Grace Powrie, Treasurer, and Rogene Hill, Finance Director, addressed the Board regarding the credit card the County uses for travel and other expenses. Ms. Powrie stated the limit on this card is no longer a sufficient amount, and more cards cannot be issued. One proposed solution for this problem is to get a new card where the County would have at least three or more cards and the limit would not be less than \$20,000.00. The other proposed solution was to make a middle of the month payment of \$1,000.00 that would keep a line of credit going for the County. This way they do not have to change anything, and those funds could be reconciled at the following Commission meeting.

Commissioner Garner moved to do two payments a month. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

## COMMISSIONERS

- 21) Discussion For Possible Action Regarding Update By Phil Hanna, Battle Mountain General Hospital CEO, On Emergency Medical Services In Lander County, Under Administration By The Lander County Hospital District (LCHD), & Other Matters Properly Related Thereto: **DEFERRED**

## PLANNING COMMISSION

- 22) Discussion For Possible Action Regarding Approval/Disapproval Of A Zone Change For John & Nancy Trier, Located In A Portion Of The N2 Of Section 19, T32N, R45E, APN 002-210-06, To Change From Commercial District (C-1) Zoning To Multi-Family

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**Residential District (R-4) Zoning, & Other Matters Properly Related Thereto:**  
Commissioner Mason stated this has been through the Planning Commission and was approved.

Gina Little, Planning Commission, stated this zone change was recommended for approval by the Commissioners by the Planning Commission.

Commissioner Mason moved for the Commission to approve the zoning change for John and Nancy Trier located at a portion of the N2 of Section 19, T32N, R45E, APN 002-210-06, to change from Commercial District (C-1) zoning to Multi-Family Residential District (R-4) zoning. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**23) Discussion For Possible Action Regarding Approval/Disapproval Of A Parcel Map For Kimberlie Davis, Located In A Portion Of The NW4 Of Section 30, T32N, R45E, APN 011-120-01, Splitting One (1) Parcel Into Four (4) Parcels, & Other Matters Properly Related Thereto:** Gina Little, Planning Commission, stated she has the mylar with all the signatures present. This has been approved by the Planning Commission. They are requesting the mylar to be signed.

Commissioner Waits moved for the Commission to approve a parcel map for Kimberlie Davis, located in a portion of the NW4 of Section 30, T32N, R45E, APN 011-120-01, splitting one (1) parcel into four (4) parcels as presented and for the Chair to sign the mylar. Seconded by Commissioner Mason.

Commissioner Garner asked where the road for this parcel.

Kimberlie Davis answered by saying there are three roads, Willow Creek Drive, Mountain Springs Drive, and Bogey Drive.

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

**24) Discussion For Possible Action Regarding Approval/Disapproval Of A Parcel Map For Argenta Rim, LLC, Located Within A Portion Of The NW4 SW4 Of Section 19, T32N, R45E, APN 002-210-04, Splitting One (1) Parcel Into Two (2) Parcels, & Other Matters Properly Related Thereto:** Gina Little, Planning Commission, stated this has been approved by the Planning Commission, and they are requesting approval by the Commissioners. Ms. Little stated all the signatures are present on the mylar.

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Commissioner Mason moved for the Commission to uphold the recommendation of the Planning Commission, and approve the parcel map for Argenta Rim, LLC, located within a portion of the NW4, SW4 of Section 19, T32N, R45E, APN 002-210-04, splitting one (1) parcel into two (2) as presented. Seconded by Commissioner Garner.

Commissioner Mason amended his motion to include authorization of the Chair to sign the mylar. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

**25) Discussion For Possible Action Regarding Approval/Disapproval Of The Road, Street, Or Easement Abandonment For Argenta Rim, LLC, Located Within A Portion Of The NW4 SW4 Of Section 19, T32N, R45E, APNs 002-210-04 & 002-210-05, To Abandon A Portion Of Hunziker Lane, & Other Matters Properly Related Thereto:** Gina Little, Planning Commission, stated this was brought before the Planning Commission and recommend approval by the Commissioners. In 1995 it was accepted as a Lander County road, but there is no pavement. There will be access into the proposed project from West Humboldt and Sixteenth Street.

Commissioner Garner expressed his concern for access in the event of fire because there would be no thoroughfare, and that a 24 foot wide road is not wide enough to pass two apparatuses to fight a fire.

Randy Trier and Dirk Perriseau explained the proposed design of the apartment complex, the private drives, and the road through the complex.

Ms. Little stated 24 feet wide is the standard width on our roads.

Kimberlie Davis said they may want to look into this, but she does not think the parking will be any different than the other apartment complexes.

Commissioner Mason moved that the Commission uphold the recommendation of the Lander County Planning Commission and approve the road, street or easement abandonment for Argenta Rim, LLC, located within a portion of the NW4 SW4 of Section 19, T32N, R45E, APNs 002-210-04 and 002-210-05, to abandon a portion of Hunziker Lane as presented. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

## **COMMUNITY DEVELOPMENT**

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*Meeting of June 27, 2013*

*Prepared By: Cathy Myers, Deputy Clerk*

- 26) **Discussion For Possible Action Regarding The Kingston Tank Replacement Project, Including The \$43,030.00 Awarded By CDBG For Design, Update To The Preliminary Engineering Report, Proceeding With Phases Of The Project, & Other Matters Properly Related Thereto:** Gina Little, Community Development, explained this grant proposal was addressed in December or January. Kingston was denied \$250,000.00 from the CDBG because they did not feel Kingston was project ready. CDBG asked Kingston to go with the Engineer phase of that project. The funding was reduced to \$43,030.00, and they are requesting approval, by the Commission, for that amount.

Commissioner Waits moved for the Commission to accept the award amount of \$43,030.00 from Community Development Block Grant (CDBG) 2013 funding for the engineering design associated with the Kingston Tank Replacement project, update to the Preliminary Engineering Report, and then to proceed to apply for additional funds needed to implement the project. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

#### **COMMISSIONERS**

- 27) **Discussion For Possible Action Regarding Appointment Of A Representative To Serve On The Nevada Land Management Task Force, Pursuant To The Provisions Of The Assembly Bill (AB) 227 Signed Into Law On June 1, 2013 By Governor Sandoval, & Other Matters Properly Related Thereto:** Commissioner Waits stated the next meeting for the Land Management Task Force is on June 28<sup>th</sup> and wondered if anyone would like to volunteer to be the representative.

Commissioner Bullock recommended Commissioner Waits to sit on the Nevada Land Task Force because she sits on the Public Lands Board.

Commissioner Stienmetz moved for the Commission to appoint Patsy Waits to sit on the Nevada Land Management Task Force Board. Seconded by Commissioner Garner, the motion was voted and carried with Commissioner Waits abstaining from the vote.

**APPROVED**

- 28) **Discussion For Possible Action Regarding Appointment Of A Representative To Serve On Western Counties Alliance & Other Matters Properly Related Thereto:** Commissioner Waits said she brought this up because they are looking for a representative.

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Ray Williams Jr., Chairman of the Public Lands Board, said the Western Counties Alliance piggybacks with the Nevada Land Management Task Force. He feels Commissioner Waits should be involved with this as well.

There was some discussion of appointing Mr. Williams as the representative, and allowing him to submit a bill for his internet usage overage charges to serve as the representative.

Mr. Williams said he would accept the appointment.

Commissioner Stienmetz moved for the Commission to appoint Ray Williams Jr. to the Western County Alliance. Seconded by Commissioner Waits, the motion was voted and carried unanimously. **APPROVED**

*Commissioner Bullock moved ahead to item #30 at this time, at the request of Commissioner Waits.*

**29) Discussion For Possible Action Regarding Approval/Disapproval Of The Agreement Between Lander County & Day Engineering, In An Amount Not To Exceed \$1,800.00, For The Austin Airport Septic System, & Other Matters Properly Related Thereto:**

Commissioner Waits explained the \$18,000.00 had been approved, but asked Marty Dalton, Day Engineering if there would be an additional cost due to issues concerning the ground water level.

Marty Dalton, Day Engineering, said he would not charge the extra.

Commissioner Waits moved for the Commission to approve the professional engineering services proposal submitted by Day Engineering. Seconded by Commissioner Mason, the motion was voted and carried unanimously. **APPROVED**

**30) Discussion For Possible Action Regarding Approval/Disapproval Of The Cost To Relocate A Modular Classroom From Battle Mountain To The Austin Airport & Other Matters Properly Related Thereto:**

Commissioner Waits explained one bid came in at \$17,100.00 and the other at \$14,000.00 to move the classroom. She said she needed a little more clarification on the work to be performed on the lower bid. Commissioner Waits explained she has until the end of July to move this modular.

There was discussion on some confusion of the higher bid, and what fund the money will be coming out of.

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Commissioner Garner moved for the Commission to approve the cost of \$14,000.00 to relocate a modular classroom From Battle Mountain to the Austin Airport using Haagland Manufacturing. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

**31) Discussion For Possible Action Regarding Approval/Disapproval Of Additional Cost For The Septic System & Septic System Design At The Austin Airport & Other Matters Properly Related Thereto:** Commissioner Waits explained there is an issue with the water table. This is causing a problem for the septic design.

Marty Ugalde, Day Engineering, explained the ground water is at six feet and the State requires four feet of separation from the bottom of a leech trench to the seasonal high ground water. Mr. Ugalde is worried if they do a standard design and the ground water comes up on a wet year that system will not work. His proposal is to put in a mounted system where they can maintain four feet of separation. This will cost more.

There was discussion of bids that have come in for the septic system and more to be received. There was also discussion on the cost.

Rogene Hill, Finance Director, explained nothing on this project would be billed before June 30<sup>th</sup>. Because this was not a budgeted project funds could be taken out of the Emergency Management Fund or Capital Acquisition Fund 31.

Commissioner Waits also explained this was more than just for bathrooms. It would be a pilot lounge where people could go in and work.

There was also discussion of doing a 1000 gallon holding tank that would need to be pumped. Mr. Dalton said he could look into the costs and bring them back before the Board. **NO ACTION**

*Commissioner Bullock moved back to item #29 at this time.*

**32) Discussion For Possible Action Regarding Approval/Disapproval Of A Proposed Draft Ordinance Amending Sections 15.24.020, 15.24.030(A)(1), 15.24.030(A)(4), 15.24.030(8), 17.38.010(A), 17.58.020(G), 17.60.010(G), 17.62.020(J), & 17.64.020(A) Of The Lander County Code To Only Allow Watchman's Quarters, Which Include, But Are Not Limited To, Recreational Vehicles (RV's), In Operating Mining Operations, Operating Farm & Ranch Districts (A3), Operating Commercial Districts (C-1, CT & C-2),**

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**& Industrial Districts (M); & Making Watchman's Quarters Subject To A Special Use Permit; & Other Related Matters:**

Joe Lindsey, Building Department, addressed the Board and explained the ordinance currently reads that an RV can be used as a watchman's quarters in Industrial Zoning only with a special use permit. This was taken to the Planning Commission about a year ago because they are finding people moving into A-2 zoning, five acre zoning, in the Hilltop area and smaller parcels. The Planning Commission looked at this and recommended if the ordinance is going to be looked at for watchman quarters it should be subject to Industrial, Commercial, and Agriculture subject to a special use permit. The District Attorney's Office revised the sections stated to include Commercial and eliminate the five acres. Special use permits would need to go through the Planning Commission before they are issued.

Ray Williams commented he is opposed to seeing any changes to 15.24.030. He does not see why anyone should care if people are parking their RVs or mobile homes in the middle of nowhere.

Commissioner Mason moved for the Commission to uphold the recommendation of the Lander County Planning Commission and propose and set for public hearing this ordinance amending Sections 15.24.020, 15.24.030(A)(1), 15.24.030(A)(4), 15.24.030(8), 17.38.010(A), 17.58.020(G), 17.60.010(G), 17.62.020(J), and 17.64.020(A) of the Lander County Code to only allow Watchman's Quarters, which include, but are not limited to, Recreational Vehicles (RV's), in Operating Mining Operations, Operating Farm and Ranch Districts (A3), Operating Commercial Districts (C-1, CT and C-2), and Industrial Districts (M); and Making Watchman's Quarters subject to a special use permit as presented. Seconded by Commissioner Stienmetz the motion was voted and carried unanimously.

**APPROVED**

Commissioner Mason amended his motion to read Operating Commercial District C-1, TC and C-2 instead of CT. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

**33) Discussion Fro Possible Action Regarding Approval/Disapproval Of The Agreement Between Lander County & H.E. Hunewill Construction Company, Inc., In An Amount Not To Exceed \$1,756,684.80, For The 2013 Battle Mountain Road Paving Project & Other Matters Properly Related Thereto:**

Donnie Negro, Road and Bridge North addressed the Board and explained this has already been approved, and the contract has been reviewed by the District Attorney's Office.

Commissioner Garner moved for the Commission to approve the agreement to between Lander County and H.E. Hunewill Construction Company, Inc., in an amount not to

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exceed \$1,756,684.80, for the 2013 Battle Mountain Road Paving Project. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

### **BOARD APPOINTMENTS**

- 34) **Discussion For Possible Action Regarding Appointment Of Jon D. Sherve To The 2013-2014 Category 3 Lander Economic Development Authority & Other Matters Properly Related Thereto:** Commissioner Garner moved to reappoint Jon Sherve to the 2013-2014 Category 3 Lander Economic Development Authority. Seconded by Commissioner Stienmetz, the motion was voted and carried unanimously. **APPROVED**

*Commissioner Bullock moved back to item #32 at this time.*

### **COURTHOUSE/ADMINISTRATION BUILDING PROJECT**

- 35) **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, addressed the Board and updated them on what the Building Committee has been discussing. Judge Bunch explained they are trying to decide between a one story and two story building.

Brad Van Woert, VanWoretBiggoti, addressed the Board and provided them with a presentation of the current design and floor plan they are working on for the new Courthouse/Administration Building. Mr. Van Woert explained the advantages of having a two story building.

It is the request of the Building Committee to get direction from the Commission on whether to work on the design and floor plan for a one story building or a two story building. It is the recommendation of the Building Committee is to do a two story building.

Commissioner Mason moved for the Commission to accept the two story concept. Seconded by Commissioner Garner, the motion was voted and carried unanimously. **APPROVED**

### **36) Correspondence/Reports/Potential Upcoming Agenda Items:**

1. FRANCISCO VEGA, P.E., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Mitch Geisler, Chief Operating Officer, Nevada Rae Gold, Inc., letter regarding Notice

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of Alleged Air Quality Violation and Order Nos. 2445, 2446, 2447, and 2448, Class II Air Quality Operating Permit AP1041-2646 (FIN A0411).

2. SALLY JEWELL, DEPARTMENT OF THE INTERIOR, to County Officials, letter regarding issuance of Payments in Lieu of Taxes (PILT) to eligible local governments on June 13, 2013.
3. KENNETH R. BROWN, WESTERN COUNTY ALLIANCE, to Lander County Commissioners, e-mail regarding FY 2012 Federal Mineral Royalty payments.
4. KENNETH R, BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioner, e-mail regarding FY 2013 Payment in Lieu of Taxes (PILT) payments.
5. MIKE BAUGHMAN, EXECUTIVE DIRECTOR, HUMBOLDT RIVER BASIN WATER AUTHORITY, to Steve Stienmetz, Lander County Commission, e-mail regarding cancellation of June 28, 2013 Humboldt River Basin Water Authority meeting due to scheduling conflict with the Nevada Association of Counties Board meeting and the first meeting of the Nevada Land Management Task Force.
6. PETE ANDERSON, NEVADA DIVISION OF FORESTRY, to Dean Bullock, Lander County Commission, letter welcoming Lander County to the Wildland Fire Protection Program.

Commissioner Bullock informed the Board that LEDA does not have a quorum and cannot meet.

#### **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 June 27, 2013. Seconded by Commissioner Garner, the motion was voted and carried. **ADJOURNED**

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Dean Bullock  
CHAIRMAN OF THE BOARD OF LANDER  
COUNTY COMMISSIONERS AND THE  
LANDER COUNTY LIQUOR BOARD

ATTEST: Sadie Sullivan  
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.*

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