

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 July 23, 2009 at 9:00 A.M.

**PRESENT: CHUCK CHAPIN, COMMISSIONER
BRYAN SPARKS, COMMISSIONER
STEVEN STIENMETZ, COMMISSIONER
RAY H. WILLIAMS, JR., COMMISSIONER
WILLIAM E. SCHAEFFER, DEPUTY DISTRICT ATTORNEY
GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR
JOY SWEENEY, HUMAN RESOURCE DIRECTOR
ROGENE HILL, FINANCE DIRECTOR
DONNA J. BOHALL, DEPUTY CLERK**

ABSENT: CHRIS SCHMIDT, COMMISSIONER

Chairman Chuck Chapin called the meeting to order.

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

Cindy Benson led the Pledge of Allegiance.

APPROVAL OF AGENDA NOTICE

The Notice of Posting was reviewed and found to be in order. Commissioner Sparks moved to approve the Agenda Notice, as posted. Seconded by Commissioner Williams, the motion was voted and carried. **Approved.**

APPROVAL & ACCEPTANCE OF MINUTES

Regular Session Of June 25, 2009

Commissioner Williams moved to approve the minutes of the Regular Session of June 25, 2009, as presented. Seconded by Commissioner Stienmetz, the motion was voted and carried with Commissioners Williams, Stienmetz and Chapin voting "AYE" and with Commissioner Sparks abstaining from the vote. **Approved.**

Special Session Of June 26, 2009

Commissioner Williams moved to approve the minutes of the Special Session of June 26, 2009, as presented. Seconded by Commissioner Stienmetz, the motion was voted

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**Provide Safety, Quality Service & Responsible Fiscal Management
For Present & Future**

Meeting of July 23, 2009

and carried with Commissioners Williams, Stienmetz and Chapin voting “AYE” and with Commissioner Sparks abstaining from the vote. **Approved.**

Special Session Of July 7, 2009

Commissioner Sparks moved to approve the minutes of the Special Session of July 7, 2009, as presented. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**

Regular Session Of July 9, 2009

Commissioner Sparks moved to approve the minutes of the Regular Session of July 9, 2009, as presented. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**

Special Session Of July 20, 2009

Commissioner Stienmetz moved to approve the minutes of the Special Session of July 20, 2009, as presented. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

CORRESPONDENCE

The Board reviewed the following correspondence that is retained in the Clerk’s Office:

ROBERT D. WILLIAMS, NV FISH & WILDLIFE OFFICE, to INTERESTED PARTIES, regarding initiation of status review for Western Population of Northern Leopard Frog.

DR. GERALD A. LENT, NV BOARD OF WILDLIFE, to EDWARD MONNIG, HUMBOLDT-TOIYABE NATIONAL FOREST, regarding extension of comment period for Northeastern Nevada Travel Management Plan.

STEVEN WILLIAMS, HUMBOLDT-TOIYABE NATIONAL FOREST, AUSTIN RANGER DISTRICT, to INTERESTED PARTY, regarding forest transportation system decisions, environmental effects & alternatives.

REPORTS

The Board reviewed the following reports, which are retained in the Clerk’s Office:

LANDER COUNTY CLERK - Monies Collected - June 2009.

LANDER COUNTY CLERK - Monies Collected - Quarter Ending June 2009.

AUSTIN JUSTICE OF THE PEACE - Monies Collected - June 2009.

ARGENTA JUSTICE COURT - Financial Statement - Quarter Ending June 2009.

ARGENTA JUSTICE COURT - Fines & Forfeits - June 2009.

LANDER COUNTY RECORDER - Monthly Report - June 1-30, 2009.

COMMISSIONER REPORTS

Commissioner Stienmetz updated the Board regarding a Convention and Tourism meeting he attended recently on behalf of Lander County.

Commissioner Chapin addressed the following concern:

"The farmers on their power - they're making them turn off at peak two hours everyday. I talked to some farmers last night and now the power company is turning their pumps off without telling them in the afternoon when it's hot. It's messing them up. That's a big issue for our farmers."

Commissioner Sparks requested an update on the status of the RFQ for operation of the Battle Mountain Landfill. Executive Director Gene Etcheverry explained that the RFQ is almost complete and should be released within the week.

Commissioner Sparks requested clarification concerning the agreement between Lander County and the School District as it relates to the entity responsible for maintenance of the baseball fields. Executive Director Gene Etcheverry explained that the school is responsible for maintenance of the baseball diamond.

Commissioner Sparks requested an update on the status of the Battle Mountain housing project. Executive Director Gene Etcheverry stated that the project is currently in the financing stage.

Commissioner Sparks requested clarification concerning the proposed water rate increase for the arsenic mitigation project. Finance Director Rogene Hill explained that the proposed rate increase will be implemented in 5% annual increments, which will be ongoing forever to keep up with the cost of doing business.

Commissioner Williams updated the Board regarding the status of the Antelope pesticide site; requested that this item be placed on a future Commission meeting agenda for discussion and possible action; and presented testimony in favor of asking the District Attorney to write a letter to BLM concerning this matter.

Commissioner Williams updated the Board regarding his recent conversations with various hay farmers in the Antelope Valley area; addressed his concerns that Battle Mountain's second largest industry is about to "go under"; and presented testimony in favor of asking the Extension Service or UNR to do an impact study concerning this issue.

Commissioner Williams updated the Board regarding the status of the Austin Airport clean-up/weed abatement project.

Commissioner Williams made the following comment for the record:

"Talking with our Assessor's Office - she's authorized me to work with her County surveyor to help resolve some boundary disputes in a commercial area in Austin that's been going on for a long time. Once we sit down with the property owners and work it out on paper, we'll get with Deborah Teske's Office to work out a proposal. There could be some money involved. It could cost some surveying money and cause some boundary line adjustment fees. At that time it would be a prerogative to come to the Commission to ask for a waiver of some of those fees to help resolve the problems. It's not really the owner's problem as everybody has a deed. There's a feud between the Mountain Motel, Pony Canyon Motel and my brother's place, which is the turquoise place."

STAFF REPORTS

Deputy District Attorney William Schaeffer made the following comment for the record:

"I printed out what I originally had come up with for items 8 & 9 and passed it out to you. My understanding was that we were going to put the Public Works Director under the Executive Director, so the recent printouts do that. Gene's don't do that, that is the ones in your packets. I don't know which one you want to do, but that's why there's a differentiation. Item 10 is just clean-up to adopt the 2003 standards rather than the '94 or '97 standards we've been operating under for building codes. I don't know if it'll work - I made it so it's easier in the future to update by resolution. I have to check to see if the state has a problem with that."

Commissioner Williams responded to Mr. Schaeffer's comment, as follows:

"Changing these by resolution takes the right of the people away to be notified. There's a reason you go through this public process to do these notifications. I know the Board has passed this for other issues, but I'm thoroughly against taking any rights of information from the public. They have a right to be here to comment on these buildings. These types of things cost money and sometimes they cost time and delays."

Executive Director Gene Etcheverry provided the following staff report to the Board:

- τ An Energy Efficiency & Conservation Plan for LC was completed & submitted to the Governor's Energy Office recently;
- τ A Plan of Action for economic development was completed recently;
- τ The Rural Economic Development Department of NCED was eliminated July 10th;
- τ The Executive Director has been working with the Public Works Department to change the hours of operation at the BM Landfill per Commission direction;
- τ The Executive Director has been working on what needs to be done to establish a rural co-op in BM;
- τ The Austin Loneliest Highway Visitor's Center project is proceeding.

PAYMENT OF THE BILLS

Commissioner Stienmetz moved to approve payment of the bills, check numbers 29945 through 30046 in the amount of \$317,991.01. Seconded by Commissioner Sparks, the motion

was voted and carried with Commissioners Stienmetz and Chapin voting "AYE" and with Commissioner Sparks abstaining from the vote on check number 30033 payable to the Tire Factory in the amount of \$4,712.29 and Commissioner Williams abstaining from the vote on check number 30043 payable to himself in the amount of \$216.60. **Approved.**

NV State Grazing Board - 2008-2009 Grazing Fees

Commissioner Stienmetz moved to approve payment to the Nevada State Grazing Board, in the amount of \$778.47, for the 2008-2009 grazing fees. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

Wells Fargo Remittance Center - County Credit Card

Commissioner Stienmetz moved to approve payment to Wells Fargo Remittance Center, in the amount of \$188.10, for various purchases made on the County credit card. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

Younger Agency - Professional Services - LEDA

Commissioner Stienmetz moved to approve payment to the Younger Agency, in the amount of \$3,600.00, for professional services rendered in connection with LEDA's Phase II scope of work. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

William T. O'Donohue, PhD - District Court

Commissioner Stienmetz moved to approve payment to William T. O'Donohue, PhD, in the amount of \$8,400.00, for services rendered in connection with a District Court juvenile case. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

PAYROLL CHANGE REQUESTS

Payroll Change Request - Shawna Mabe - Public Works/Pools

Request for approval to hire Shawna Mabe, 1st Year Lifeguard/Austin, at a salary of \$7.25 per hour, effective July 7, 2009, was approved by consensus of the Board. Let the record reflect that the Public Works Department has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

Payroll Change Request - Joshua Barney - Public Works/Pools

Request for approval to hire Joshua Barney, 5th Year Lifeguard/Austin, at a salary of \$9.11 per hour, effective July 9, 2009, was approved by consensus of the Board. Let the record reflect that the Public Works Department has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

Payroll Change Request - Kelsey R. Williams - Public Works/ Pools

Request for approval to hire Kelsey R. Williams, 1st Year Lifeguard/Austin, at a salary of \$7.25 per hour, effective July 12, 2009 was approved by consensus of the Board, with Commissioner Williams abstaining as this individual is his granddaughter. Let the record reflect that the Public Works Department has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

Payroll Change Request - Debbie Slade - Sheriff's Office

Request for approval of a wage increase for Debbie Slade, Head Cook, from a salary of \$12.71 per hour to a salary of \$13.10 per hour, effective July 13, 2009, was approved by consensus of the Board. Let the record reflect that the Sheriff's Office has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

Payroll Change Request - Patsy Waits - Austin Justice Court

Request for approval of a 2.5% negotiated salary increase for Patsy Waits, Court Clerk/Office Manager, from a salary of \$13.15 per hour to a salary of \$13.48 per hour, effective July 13, 2009, was approved by consensus of the Board. Let the record reflect that the Austin Justice of the Peace has approved the payroll change request and it has been reviewed by the Finance/Human Resource Department. **Approved.**

PUBLIC COMMENT

There was no one present for public comment.

- 1) **Budget Review & Update:** Let the record reflect the presence of Austin via telephone conference. Finance Director Rogene Hill presented the following update to the Board:

"We're working on audit preparations. Golf course green fees came in at \$156.00 less than June of last year, while trail fees were \$30.00 higher. Accounts receivables are as follows for the month of June: water/sewer - \$7,097.00; ambulance - \$79,736.00; landfill - \$5,530.00; water/sewer miscellaneous - \$14.00 for a total of \$92,377.00. \$8,378.00 was moved from the collection services current accounts, due to the six month rule, to the old account list."

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

PUBLIC HEARING

- 2) **Public Hearing & Approve/Disapprove Ordinance No. LC 2009-06, An Ordinance Providing For Reasonable Setback Limits For Property Bordering Dedicated Alleys; & Other Matters Properly Relating Thereto:** Chairman Chuck Chapin called the public hearing to order. Let the record reflect the presence of Austin, via telephone conference, and Building Official Joe Lindsey for this discussion. The Board reviewed and discussed proposed Ordinance No. 2009-06, an ordinance providing for reasonable setback limits for property bordering dedicated alleys, as presented by Deputy District Attorney William Schaeffer. Commissioner Stienmetz moved to open the hearing for public comment. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

Mr. Lindsey presented testimony regarding the County's current setback requirements. Commissioner Stienmetz moved to return back to the normal meeting and go out of public hearing. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

Commissioner Williams moved to adopt Ordinance No. LC 2009-06, an ordinance providing for reasonable setback limits for property bordering dedicated alleys. Seconded by Commissioner Sparks, the motion was voted and carried. **Ordinance Adopted.**

COMMISSIONERS

- 3) **Discussion & Possible Action Regarding Central Nevada Regional Water Authority FY 2010 Member Assessment In The Amount Of \$7,500.00:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- τ The CNRWA FY 2010 member assessment, in the amount of \$7,500.00, is presented for consideration;
- τ The 2009-2010 budget for CNRWA was adopted at the meeting held March 27, 2009 in Ely, NV;
- τ The membership assessment remains the same as last year;
- τ CNRWA was formed in the Fall of 2005 to study water resources w/in the Central Hydrographic Region & provide partial oversight with regard to management of these water resources;
- τ Commissioner Williams & Gene Etcheverry are LC's voting members on CNRWA.

Commissioner Stienmetz moved to approve payment of the Central Nevada Regional Water Authority (CNRWA) FY 2010 membership assessment in the amount of \$7,500.00; and authorize payment from budgeted resources in the Lander County FY 2009-2010 budget. Seconded by Commissioner Williams, the motion was voted and carried. **Approved.**

PUBLIC HEARING

- 4) **Discussion & Possible Action Regarding Lander County Filing A Loan/Grant Application With USDA Rural Development Utilities Program For Purpose Of Financing Water System Improvements To Meet Present/Future Needs Of Town Of Battle Mountain Water System & Mitigate Arsenic In Water System:** Chairman Chuck Chapin called the public hearing to order. Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- τ This is the date & time noticed for discussion/public hearing regarding LC'S filing a loan/grant application w/USDA-RD utilities program for the purpose of financing water system improvements to meet present/future needs of the Town of BM water system & mitigate arsenic in the water system;
- τ Title 10, Chapter 16 of CFR requires that a noticed public hearing be held in the local jurisdiction of the entity filing an application to the USDA-RD utility program;
- τ LC's intent at this time is to write a letter to USDA saying *Thank you, but we've chosen to finance the water project on our own.*

Commissioner Chapin called for public comment at this time. Let the record reflect that there was no public comment received. Mr. Etcheverry expressed appreciation to staff and Shaw Engineering for their assistance in the loan application process. Let the record reflect that this matter was discussion only. **No Action - Discussion Only.**

COMMISSIONERS

- 5) **Discussion & Possible Action Regarding Nevada Rural Housing Authority's Request To Transfer Lander County's 2009 Private Activity Bond Cap Allocation To NRHA:** Let the record reflect the presence of Austin, via telephone conference, and Gary Longaker, Nevada Rural Housing Authority, for this discussion. The Board reviewed the following brochures/materials as presented by Mr. Longaker: **a)** the Home At Last Program; **b)** the Nevada Rural Housing Authority 2008 Annual Report; **c)** the Nevada Rural Housing Authority fact sheet; **d)** the Nevada Rural Housing Authority publication; and, **e)** the Nevada Rural Housing Authority Battle Mountain Development Plan project update. Mr. Longaker requested that the Board transfer Lander County's

2009 Private Activity Bond Cap allocation to Nevada Rural Housing Authority and adopt Resolution No. 2009-11, a resolution providing for the transfer of the County's 2009 Private Activity Bond Cap to NRHA. The Board reviewed and discussed draft Resolution No. 2009-11, as follows:

RESOLUTION NO. 2009-11

RESOLUTION OF THE BOARD OF COMMISSIONERS OF LANDER COUNTY, NEVADA, PROVIDING FOR THE TRANSFER OF THE COUNTY'S 2009 PRIVATE ACTIVITY BOND CAP TO THE NEVADA RURAL HOUSING AUTHORITY; & OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to the provisions of Ch. 348A of Nevada Revised Statutes ("NRS") and Ch. 348A of Nevada Administrative Code ("NAC"), there has been allocated to Lander County, Nevada (the "County" and the "State", respectively), the amount of \$293,901.15 in tax-exempt private activity bond cap for calendar year 2009 ("2009 Bond Cap"); and

WHEREAS, Nevada Rural Housing Authority ("NRHA") has requested that the County transfer its 2009 Bond Cap to NRHA for the purpose of providing a means of financing costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income ("Single Family Programs"); and

WHEREAS, the County is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of NAC provides a procedure whereby the County may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2009 Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), NRHA is an instrumentality, local government and political subdivision of the State; and

WHEREAS, NRHA is located within Lander County, pursuant to NRS 315.963, which defines NRHA's area of operation as "any area of the State which is not included within the corporate limits of a city or town having a population of 100,000 or more" ("Area of Operation"); and

WHEREAS, it is the intent of NRHA, to the extent tax-exempt private activity bond cap is available ("NRHA Bond Cap"), to match the 2009 Bond Cap transferred to NRHA pursuant to this Resolution for Single Family Programs in County in accordance with the terms and conditions herein contained.

NOW, THEREFORE, the Board of Commissioners of the County does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Cap. Pursuant to NAC 348A.180, County hereby transfers 2009 Bond Cap in the amount of \$293,901.15 to NRHA for its Single Family Programs.

Section 3. Conditions on Transfer. The transfer made in Section 2 is subject to the conditions contained within this Section. Prior to using the 2009 Bond Cap outside of County, NRHA shall, through its Single Family Programs, for a period of ninety (90) days make a commercially reasonable attempt to originate loans or issue mortgage credit certificates, as applicable, within County in an amount at least equal to the 2009 Bond Cap, plus any matching NRHA Bond Cap. After ninety (90) days of NRHA's using the 2009 Bond Cap for issuance of single family mortgage revenue bonds, or in exchange for the authority to issue mortgage credit certificates, all geographic conditions imposed by County on NRHA's use of the 2009 Bond Cap shall terminate, and NRHA shall be free to originate loans anywhere within its Area of Operations. NRHA will use the 2009 Bond Cap for single family purposes in calendar year 2009, or carry forward any remaining amount according to the tax code for such purposes.

Section 4. Representative of County. Pursuant to NAC 348A.180(1), the Director may contact Richard F. Jost, Esq., on behalf of Jones Vargas, Special counsel to County regarding this resolution at (702) 862-3383 or in writing c/o Jones Vargas, 3773 Howard Hughes Parkway, Third Floor South, Las Vegas, Nevada 89109.

Section 5. Additional Action. The Chairman and Clerk of the County are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2009 Bond Cap, and carry out the duties of County hereunder, including the execution of all certificates pertaining to the transfer as required by NAC Ch. 348A.

Section 6. Direction to NRHA. NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2009 Bond Cap.

Section 7. Representative of NRHA. Pursuant to NAC 348A.180(3), the Director may contact Richard F. Jost, Esq., on behalf of Jones Vargas, counsel to NRHA regarding this resolution at (702) 862-3383 or in writing c/o Jones Vargas, 3773 Howard Hughes Parkway, Third Floor South, Las Vegas, Nevada 89109.

Section 8. Obligations of County. This Resolution is not to be construed as a pledge of faith and credit of or by the County, or of any agency, instrumentality, or subdivision of the County. Nothing in this Resolution obligates or authorizes the County to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution. This resolution shall go into effect immediately upon its passage.

Commissioner Stienmetz moved to approve Nevada Rural Housing Authority's request to transfer Lander County's 2009 Private Activity Bond (PAB) Cap allocation to NRHA, adopt Resolution No. 2009-11, a resolution of the Board of Commissioners of Lander County, Nevada, providing for the transfer of the County's 2009 Private Activity Bond Cap to Nevada Rural Housing Authority and request the Lander County Clerk to sign the Certificate of Transfer of Volume Cap. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

- 6) **Discuss & Approve/Disapprove Contract Between Lander County & Performance Computing/PC Internet For Computer Support Services For Various Departments In Lander County:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- τ A contract between LC & Performance Computing/PC Internet for computer support services for various departments in LC is presented for consideration;
- τ The contract is for a one-year period commencing August 1, 2009 & expiring July 31, 2010;
- τ Services include on-site maintenance support on a regular, once-a-month basis & emergency response service provided five days per week (M-F) anytime between 9am & 6pm;
- τ The cost of the agreement is \$5,490.00, to include travel of one round-trip per month;
- τ Additional network technician time requested which is over the six (6) hours provided in the basic monthly scheduled maintenance will be billed at \$65.00 per hour;
- τ Emergency response service time will be billed at \$95.00 per hour during "regular" hours between 9am & 6pm on weekdays;
- τ Emergency response service time requested after "regular" hours & during "regular" hours on weekends will be billed at \$125.00 per hour;
- τ Emergency response service time requested outside "regular" hours will be billed at \$175.00 per hour.

The Board reviewed and discussed the contract between Lander County and Performance Computing/PC Internet, as presented by Mr. Etcheverry. Deputy District Attorney William Schaeffer noted the following for the record:

"This contract doesn't have any provision for breach or early out. Since it doesn't take affect until August 1st, you can approve it in concept and I'll try to get one of those provisions added to it."

Commissioner Stienmetz moved to approve the contract between Lander County and Performance Computing/PC Internet for computer support services for various departments in Lander County, as presented, for the term of one year beginning August 1, 2009 and expiring July 31, 2010, with the stipulation to add the ability to get out of the contract; and authorize the Executive Director to sign the contract documents. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

- 7) **Discussion & Possible Action Regarding Advertisement Of Public Works Director Position:** Let the record reflect the presence of Austin via telephone conference. Commissioner Williams made the following comment for the record:

"I'd like to see some costs. We talked the other night about pulling the lead man out of road & bridge and making him a foreman. Do we have to replace the lead man if we were to do road & bridges separate from the Public Works Supervisor here in Battle Mountain? We talked about all these different issues. We don't know what we'd pay this person whether it be a Public Works Director or Public Works Supervisor. We've talked about these different scenarios. I want to see it work better. I'm not concerned about the money if it costs a little bit more. We're looking at a long-term change here. We're also looking at a tough economic period for the next couple of years. We've got an opportunity, if we can, to restructure this so it may be more feasible. I'm not a real advocate of middle management."

Finance Director Rogene Hill noted the following for the record:

"I have a worksheet we did up based on creating the foreman positions. We were using a salary of \$55,000.00. When you get your benefits and that, it comes to for each person \$80,470.15. You were talking in the Monday meeting of doing three. One in Austin, one at Battle Mountain for road and bridge and one that would basically be sewer/water & culture/recreation. If you went that route with the three foreman, that's what you're looking at for costs times three."

Commissioner Sparks stated his support for a Public Works Superintendent position. Commissioner Stienmetz made the following comment for the record:

"I think we need that supervisor over them. If you bring all them up to a lead, then you're bringing three guys up to almost what you're paying your public works guy."

Commissioner Chapin made the following comment for the record:

"I agree in concept, but we kind of decided at our meeting the other night to go with this Public Works Superintendent. We were going to separate road & bridge from that and bring up our road & bridge people in Austin and Battle Mountain to a higher level. We were supposed to talk to the union to see if we could do that. I think we need this Public Works Supervisor to get grants and oversee everything, but road & bridge has to be separate."

Commissioner Stienmetz concurred with Commissioner Chapin. Commissioner Williams made the following comment for the record:

"It'll build a position that won't fail. The position you had is just too broad when you look at the whole 6,200 miles of county we have. I was looking at this Public Works Supervisor to handle the sewer/water and cultural stuff in Battle Mountain. If we split the road & bridge out, it'd be another line between the Executive Director and road & bridge department because they don't have a place to go. So the road & bridge with two supervisors would come in under the Executive Director."

The Board reviewed and discussed a modified organizational chart, as presented by Mr. Etcheverry. There was general discussion regarding the following issues: **a)** the need to advertise for three supervisor positions - Austin Road & Bridge, Battle Mountain Road & Bridge/Landfill, and Public Works Supervisor; and, **b)** the qualifications needed for each position. Deputy District Attorney William Schaeffer requested that agenda items 8 & 9 be deferred to a future Commission meeting. The Board directed staff to advertise for the positions of Road & Bridge Supervisor/Austin, Road & Bridge/Landfill Supervisor/BM, and Supervisor for Public Works/BM over water/sewer and cultural/recreation. Commissioner Williams so moved for the direction given. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**

DISTRICT ATTORNEY

- 8) **Discussion & Possible Action Regarding Ordinance To Modify Duties/Powers Of Lander County Public Works Director; & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference. Commissioner Stienmetz moved to direct the District Attorney's Office to modify Lander County Code with respect to the duties of the Lander County Public Works Director position. Seconded by Commissioner Williams, the motion was voted and carried. **Approved.**
- 9) **Discussion & Possible Action Regarding Ordinance To Modify Duties/Powers Of Lander County Executive Director; & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin via telephone conference. Commissioner Williams moved to request the District Attorney to review the ordinance and update it to reflect the direction for the Lander County Executive Director. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**
- 10) **Discussion & Possible Action Regarding Proposal Of Ordinance To Adopt 2003 International Code For Building Officials (ICBO); & Other Matters Properly Relating Thereto:** Let the record reflect the presence of Austin, via telephone conference, and Building Official Joe Lindsey for this discussion. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- τ Proposal of an ordinance to adopt the 2003 International Code for Building Officials (ICBO) is presented for consideration;
- τ This item was discussed during the December 13, 2007 Commission meeting;
- τ Staff was directed to proceed with meeting the requirements set forth in NRS 244.105(1) & 244.105(2);
- τ Due to information not being available at the time, specific public notice requirements could not be met;
- τ Subsequently, an ordinance to adopt the 2003 ICBO was never drafted.

The Board reviewed and discussed a draft ordinance to adopt/update the latest Uniform Building Codes, as presented by Deputy District Attorney William Schaeffer. The Board reviewed and discussed a draft 2003 IBC Building Codes, adapted from Lyon County and Carson City, as presented by Mr. Lindsey. There was general consensus in favor of deferring this item to a future Commission meeting to allow time for the Board to review all documentation provided in this matter. Commissioner Williams moved to defer this item to the next meeting. Seconded by Commissioner Sparks, the motion was voted and carried. **Deferment Approved.**

EXECUTIVE DIRECTOR

- 11) **Discussion & Possible Action Regarding Rejection Of All Bids Received For Battle Mountain Runway 12/30 Repair, AIP #3-32-0001-19:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- τ A proposal to reject all bids for the BM Airport Runway 12/30 repair is presented for consideration;
- τ Bid proposals were opened June 9, 2009 with two bids being received;
- τ Greg Riley, PE/RS&H, recommended that both bids be rejected due to inconsistencies in the proposals;
- τ The sand seal application process prescribed per Technical Specification P-609 was not clear in the bid specifications & led to vastly different application methodologies;
- τ The re-bid specifications will clearly state the application methodology & process required to meet Technical Specification P-609;
- τ The responding contractors are aware that this project is recommended for re-bid.

Commissioner Stienmetz moved to reject all bids received for the Battle Mountain Airport Runway 12/30 Repair Project, AIP #3-32-0001-19. Seconded by Commissioner Williams, the motion was voted and carried. **Bids Rejected.**

- 12) **Discuss & Approve/Disapprove Approval For Rebid Of Battle Mountain Runway 12/30 Repair, AIP #3-32-0001-19:** Let the record reflect the presence of Austin via telephone conference. Commissioner Stienmetz moved to approve re-bid of the Battle Mountain Airport Runway 12/30 Repair Project, AIP #3-32-0001-19. Seconded by Commissioner Williams, the motion was voted and carried. **Approved.**

COMMUNITY DEVELOPMENT

- 13) **Discussion & Possible Action To Declare Various Items Surplus:** Let the record reflect the presence of Austin, via telephone conference, and Community Development Specialist Deborah Teske for this discussion. The Board reviewed and discussed a July 23, 2009 memorandum from the Community Development Department requesting four items be declared surplus, as presented by Executive Director Gene Etcheverry. Commissioner Williams asked if the Commissioners were allowed to bid on the County's surplus items. Deputy District Attorney William Schaeffer answered in the affirmative. Commissioner Sparks moved to approve it. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**

PLANNING COMMISSION

- 14) **Discuss & Approve/Disapprove Parcel Map For Donald Haines, 122 Toiyabe Street & 1&2 Hiko Court, Kingston, APNs 003-091-33, -34 & -53, Combining Three (3) Parcels Into One (1):** Let the record reflect the presence of Austin, via telephone conference, and Community Development Specialist Deborah Teske for this discussion. The Board reviewed and discussed the parcel map for Donald Haines, 122 Toiyabe Street and 1 & 2 Hiko Court, Kingston, APNs 003-091-33, -34 and -53, combining three parcels into one, as presented by Ms. Teske. Commissioner Stienmetz moved to accept the recommendation of the Lander County Planning Commission and approve the parcel map for Donald Haines, 122 Toiyabe Street and 1 & 2 Hiko Court, Kingston, APNs 003-091-33, -34 and -53, combining three parcels into one; and authorize the Chair to sign once all signatures have been obtained. Seconded by Commissioner Williams, the motion was voted and carried. **Approved.**

YUCCA MOUNTAIN REPOSITORY PROGRAM

- 15) **Discuss & Approve/Disapprove Contract With Lander County & Gnomon, Inc. To Provide Geographic Information Services For Lander County Yucca Mountain Oversight Program:** Let the record reflect the presence of Austin, via telephone conference, and DOE Consultant Rex Massey for this discussion. The Board reviewed and discussed the Professional Services Agreement between Lander County and Gnomon, Inc., in an amount not to exceed \$50,000.00, as presented by Mr. Massey. Deputy District Attorney William Schaeffer made the following comment for the record:

"I'd like to add under Suspension & Termination - *The client shall have the right to suspend or terminate this contract upon 7 days written notice.* I don't think they'd object to that. That would be the only change and it'll be quick and easy to do."

Commissioner Sparks moved to approve the contract between Lander County and Gnomon, Inc., to provide geographic information services for the Lander County Yucca Mountain Oversight Program for a period of one year from August 1, 2009 to July 31, 2010, with noted changes from the Assistant DA. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**

EXECUTIVE DIRECTOR

- 16) **Discuss & Approve/Disapprove Acceptance Of Grant Award In The Amount Of \$82,217.00 From State Of Nevada Community Development Block Grant Program-Recovery Funds (CDBG-R) To Assist In Relocation Of Sewer Ponds In Austin:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- τ Notice of Grant Award CDBG/08/R/PF/456, in the amount of \$82,217.00, is presented for acceptance;
- τ This CDBG grant is funded through the State CDBG Program using stimulus funds;
- τ The grant is provided as partial funding for the Austin Sewer Treatment Plant Relocation Project.

The Board reviewed and discussed the Notice of Grant Award for the Austin Sewer Treatment Plant Relocation Project, in the amount of \$82,217.00, as presented by Mr. Etcheverry. Mr. Etcheverry noted the following for the record:

"The acceptance letter was sent back. We just need approval and signature by the Chairman on the grant award to accept it."

Commissioner Sparks so moved. Seconded by Commissioner Stienmetz, the motion was voted and carried. **Approved.**

- 17) **Discuss & Approve/Disapprove Acceptance Of Grant Award In The Amount Of \$197,783.00 From State Of Nevada Community Development Block Grant Program (CDBG) To Assist With Relocation Of Wastewater Lagoons & Construction Of Lined Treatment Ponds In Austin:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- τ Notice of Grant Award CDBG/09/PF/010, in the amount of \$197,783.00, is presented for acceptance;
- τ This CDBG grant is funded through the State CDBG Program public facilities allocation;
- τ The grant is provided as partial funding for the Austin Sewer Treatment Plant Relocation Project.

The Board reviewed and discussed the Notice of Grant Award for the Austin Sewer Treatment Plant Relocation Project, in the amount of \$197,783.00, as presented by Mr. Etcheverry. Mr. Etcheverry noted the following for the record:

"The letter was sent back that we'd accept the grant. We need formal acceptance by the Chairman's signature."

Commissioner Williams so moved. Seconded by Commissioner Sparks, the motion was voted and carried. **Approved.**

LANDER ECONOMIC DEVELOPMENT AUTHORITY

- 18) **Ratify & Acceptance Of Grant Award No. LDGP-1 From Nevada Commission On Economic Development In The Amount Of \$50,000.00:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- τ Grant Award No. LDGP-1, in the amount of \$50,000.00, is presented for consideration;
- τ LDGP, administered by NCED, provides operational funding for economic development authorities throughout the state;
- τ LEDA submitted a grant application for \$50,000.00 in operating funds from LDGP & received full funding;
- τ The Notice of Grant Award for the funding was signed by the Executive Director on July 10, 2009 in order to return the document to NCED within the prescribed time frame.

The Board reviewed and discussed Grant Award No. LDGP-1, in the amount of \$50,000.00, as presented by Mr. Etcheverry. Commissioner Williams moved to ratify acceptance of the 2009-2010 Local Development Grant; and authorize the Chairman to sign. Seconded by Commissioner Sparks, the motion was voted and carried. **Ratification Approved.**

SENIOR CENTER

- 19) **Ratify & Acceptance Of Grant Award No. 09-000-57-NX-09 From Nevada Division For Aging Services For Nutrition Services Incentive Program In The Amount Of \$5,351.00:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry provided the following update to the Board:

- τ Grant Award No. 09-000-57-NX-09 from NV Division for Aging Services for the nutrition services incentive program, in the amount of \$5,351.00, is presented for ratification;

- τ The Executive Director signed the Notice of Grant Award to accept funding in order to meet the prescribed time frame for acceptance.

The Board reviewed and discussed Grant Award No. 09-000-57-NX-09 from Nevada Division for Aging Services, in the amount of \$5,351.00, as presented by Mr. Etcheverry. Commissioner Williams moved to ratify acceptance of Grant Award No. 09-000-57-NX-09 from State of Nevada. Seconded by Commissioner Sparks, the motion was voted and carried. **Ratification Approved.**

- 20) **Ratify & Acceptance Of Grant Award No. 09-000-10-BX-09 From Nevada Division For Aging Services Older Americans Act For Transportation In The Amount Of \$18,447.00:** Let the record reflect the presence of Austin via telephone conference. Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

- τ Grant Award No. 09-000-10-BX-09 from NV Division for Aging Services for transportation, in the amount of \$18,447.00, is presented for consideration;
- τ The Executive Director signed the Notice of Grant Award to accept funding in order to meet the prescribed time frame for acceptance.

The Board reviewed and discussed Grant Award No. 09-000-10-BX-09 from Nevada Division for Aging Services, in the amount of \$18,447.00, as presented by Mr. Etcheverry. Commissioner Stienmetz moved to ratify acceptance of Grant Award No. 09-000-10-BX-09 from the State of Nevada, Division of Aging Services Older Americans Act for the transportation in the amount of \$18,447.00. Seconded by Commissioner Williams, the motion was voted and carried. **Ratification Approved.**

COMMISSIONERS

- 21) **Discussion & Possible Action On The Following Projects/Services:** Let the record reflect the presence of Austin via telephone conference.

Airport Projects: Executive Director Gene Etcheverry updated the Board regarding the status of the Austin and Battle Mountain airport projects. There was general discussion regarding the August 22nd date for the Austin Airport Fly-In. Mr. Etcheverry noted for the record that a fixed wing air ambulance service is currently based at the Battle Mountain Airport. **No Action - Update Only.**

Ambulance Service: Executive Director Gene Etcheverry updated the Board regarding the status of the Battle Mountain Ambulance Service; and noted that he is currently working to place an Austin ambulance in Kingston. **No Action - Update Only.**

Economic Development: Executive Director Gene Etcheverry provided the following update to the Board:

"LEDA had a meeting yesterday. They had a lot of issues on the table that were somewhat aside from their scope of work. As of July 10th the Commission on Economic Development did away with the rural economic development division. We've not received any formal word about who's taking over the local development grant program."

No Action - Update Only.

Public Lands: Executive Director Gene Etcheverry updated the Board regarding this matter, as follows:

"We have to be aware that BLM is beating the drum on a fire agreement. It hasn't been the Commission's pleasure to entertain the fire agreement BLM would like us to entertain. They've had meetings with our Fire Chiefs. We need an agreement that works for everybody."

No Action - Update Only.

Water/Sewer Projects: Executive Director Gene Etcheverry provided the following update to the Board:

"We received a letter from NDEP regarding the BM Wastewater Treatment Plant. I talked to Dora Wren at lunch today. Shaw will begin working on this and ask for a reasonable time frame to get this accomplished. The letter basically says we need to submit a plan for pond de-commissioning for the old ponds at the BM Wastewater Treatment Plant by August 28th. They want us to excavate all former pond locations and take the sludge out. Before we dispose of the sludge, we'll have to analyze it, take test samples for metals and then dispose of it. They want this done by October 16th."

There was general discussion regarding the possibility of declaring old aerators at the Battle Mountain Wastewater Treatment Plant surplus and selling them at public auction. Mr. Etcheverry updated the Board regarding the status of the Battle Mountain water project. **No Action - Update Only.**

Street/Road Projects: Executive Director Gene Etcheverry updated the Board regarding the status of the street/road project in Battle Mountain; and noted the following for the record:

"We have costs from Shaw Engineering on three streets added with reserve money from CCP. Muleshoe Road is \$285,000.00, Wilson Avenue is \$191,675.00, and Eighth Street is \$37,625.00. The Eighth Street tie-in takes that whole area of bad road, fixes it, and ties in this year's project with last year's project. These numbers leave us about \$250,000.00. At this point we don't know if we're going to get stimulus money or not. If we do get stimulus money, it's not likely we'll be able to do those programs this

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year. With an unknown amount we may have to come up with for the sewer ponds, my suggestion is to hold back on that \$250,000.00. I have a terrible feeling we're in for hundreds of thousands of dollars at that wastewater treatment plant."

No Action - Update Only.

Culture & Recreation: Executive Director Gene Etcheverry updated the Board regarding the status of the motorcycle event scheduled in Battle Mountain next weekend. **No Action - Update Only.**

Legislative Issues & Bills/BDRs: Executive Director Gene Etcheverry updated the Board regarding various legislative issues of interest to Lander County. **No Action - Update Only.**

Contracts: The Board reviewed and discussed a July 23, 2009 memorandum from Finance Director Rogene Hill concerning past due county contracts, as submitted. There was general discussion regarding the possibility of putting the County's lawn care service and golf course management contracts out to bid. Commissioner Williams made the following comment for the record:

"The one that gets my attention is the airport management agreement. I think a long time ago this was designed to go out to private industry because there's a lot of people who like to do fixed base things and they come in and pay you money to use the facility. I know we've put it out for competitive bids and there's certain FAA things that becomes involved in that."

No Action - Update Only.

ADJOURNMENT

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of July 23, 2009. Seconded by Commissioner Sparks, the motion was voted and carried. **Meeting Adjourned.**

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

ATTEST: _____

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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.

