

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 October 25, 2012 at 9:00 a.m.

**PRESENT:** DEAN BULLOCK, COMMISSIONER  
STEVEN STIENMETZ, COMMISSIONER  
DAVID MASON, COMMISSIONER  
RAY H. WILLIAMS JR., COMMISSIONER  
ANGIE ELQUIST, DISTRICT ATTORNEY  
GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR  
ROGENE HILL, FINANCE  
SOVIEDA ROBINSON, HUMAN RESOURCES  
CATHY MYERS, DEPUTY CLERK

**ABSENT:** BRIAN GARNER, COMMISSIONER

**9:00 A.M.**

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of four 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 Mason, the motion was voted and carried. **APPROVED**

**APPROVAL OF MINUTES**

**OCTOBER 11, 2012 – REGULAR SESSION**

Commissioner Williams moved to approve the minutes of October 11, 2012 regular session as corrected. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

## OCTOBER 24, 2012 SPECIAL SESSION

The minutes for the October 24, 2012 Special Session were not ready for review.

### COMMISSIONER REPORTS

Commissioner Williams reported on his time spent working with J-U-B Engineers trying to resolve the issues with the Austin Airport Fuel System. There is now another issue with diesel fuel tanks requiring three phase power. Eureka County is in the process of advertising for a diesel fuel tank, and when we can get those specifications we can compare notes. He also reported on the NACO Land Board meeting that was held on Monday, October 22, 2012. It was reported that the Governor's Sage Grouse Committee has recommended that the work with the sage grouse be sent to the Local Conservation District. Commissioner Williams also reported the Halloween Carnival will be held at the Austin School on October 25, 2012. The EMT Applicants for the Austin Ambulance Service were supposed to be in on October 23, 2012 and he hasn't heard anything on that. There is a lot of planning going into the NACO Conference and Commissioner Williams feels it will be well attended. Commissioner Williams asked Mr. Etcheverry about a bill draft coming up and there being two different meetings with Legislative Counsel during that session. He requested the verbiage to get it worked out.

Mr. Etcheverry answered by saying it is simple and takes you through the different requirements such as vacation of roads and the process for boundary line adjustments. He has not heard back from Legislative Counsel.

Commissioner Williams spoke with Ira Hansen and he is on board. He also mentioned his discussions with the Health Department regarding service dogs.

Commissioner Mason reported on his attendance of the Coalition Luncheon in Battle Mountain. He asked Mr. Etcheverry to explain what that was all about.

Mr. Etcheverry explained the Frontier Communities Coalition is a group that are trying to wrap their arms around youth issues and community issues that sometimes get lost in the mix of things. They are very active with the Leadership Training for Youth at the High School. They also try to get their arms around family and community issues that affect us all.

Commissioner Mason stated he was impressed with the turn out of the luncheon and the High School students who are involved in the program.

### STAFF REPORTS

Executive Director, Gene Etcheverry, reported on contact with Stantec Engineering and Shaw Engineering on the Austin Loneliest Highway Visitor's Center. November 15, 2012 we will be advertising, and the Pre-Bid Conference will be held in Austin, November 27, 2012 at 1:00 p.m.,

so the site can be visited at the same time to discuss any issues. The bids will be due on December 20, 2012 at 3:00 p.m.

Commissioner Williams questioned the involvement of Shaw Engineering on the Austin Loneliest Highway Visitor's Center.

Mr. Etcheverry explained when the Construction Documentation Manual came through, as normal; there are certain revisions to that manual that need to take place. They had to tie up Shaw Engineer's involvement and either Mr. Etcheverry or Stantec Engineering will do those revisions and the Documentation Manual will be complete.

#### **PAYMENT OF THE BILLS**

No bills to be approved at this time

#### **PAYROLL CHANGE REQUESTS**

No Payroll Change Requests at this time.

#### **PUBLIC COMMENT**

No Public Comment.

#### **FINANCE**

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, updated the Board that the on sight portion of the audit is complete. The Audit Exit Conference was Wednesday, October 17, 2012 and it sounds like the news is pretty good. The report will be presented to the Board on December 12, 2012. At the time of the exit conference there was no apparent NRS violations, but they will need to look at financial statements for over expenditure. There are always issues to discuss to make the financial system better or to identify risks. The General financial operations in the County are going as they do and the annual expenditures have been entered on the books and are in order. **UPDATE**
  
- 2) **Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-22, A Resolution Directing Apportionment Of Net Proceeds Received On October 12, 2012 & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, stated Resolution 2012-22 is to direct the apportionment of a Net Proceeds payment received October 12, 2012. The total amount is \$1,649,068.45 and this apportions the entire amount to the County Budget, but \$839,540.50 shall be apportioned to Lander County's CCP Fund 005 for the funding of infrastructure projects.

Commissioner Stienmetz moved to approve and adopt Resolution No. 2012-22, a Resolution directing apportionment of the Net Proceeds of Mineral taxes received on October 12, 2012, in the total amount of \$1,649,068.45, and allocating the Lander County portion, in the amount of \$839,540.50, to CCP Fund 005 for the funding of infrastructure projects. Seconded by Commissioner Williams, the motion was voted and carried. **APPROVED**

- 3) **Discussion For Possible Action Regarding Write-Off Of Uncollectible Lander County Ambulance Billings & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, presented two (2) Ambulance billings to be written off. Ambulance Run #2012031, in the amount of \$46.00, date of service April 17, 2012, and Ambulance Run #2012083, in the amount of \$100.00, date of service June 30, 2012. These have been deemed uncollectible. The total amount of the write-off is \$146.00.

Commissioner Williams moved to approve the write-off of the ambulance billings for Ambulance Run #201231 and Ambulance Run #2012083, in the amount of \$146.00. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

#### **ROAD & BRIDGE SOUTH**

- 4) **Discussion & Update On Road & Bridge South Projects & Other Matters Properly Related Thereto:** There was no report from Burt Ramos, Road and Bridge South, to present today.

#### **ROAD & BRIDGE NORTH**

- 5) **Discussion & Update On Road & Bridge North Projects & Other Matters Properly Related Thereto:** Donnie Negro, Road and Bridge North, updated the Board that the paving is coming to a close. They did seventeen miles of paving this year on a budget of \$3.8 million. There are streets that still have to be sealed, but they are running out of weather. The deadline was October 19<sup>th</sup> on the paving and they finished on October 15<sup>th</sup>. There is one road where there is an issue with the easements. Mr. Negro took a moment to thank Gina Little on helping his department with the easements. They went through and made sure the sixty foot easements were on all the roads and they were up to spec.

Mr. Negro also reported they took delivery of their CAT skid steer on October 9<sup>th</sup> and cross trained all the departments on the skid steer. The Kenworth Transport truck will start being built on November 5<sup>th</sup>. The weed spraying will begin, when there is a little more moisture, on the right-of-ways. They have started working on their 2013-14 paving projects plan. Mr. Negro also informed the Board they will be taking possession of a Snow CAT from NV Energy to assist Search and Rescue and the Sheriff's Office. This

Snow CAT is being donated to Lander County. He is in the process of finding Snow CAT training. They have also inherited the repeater stations on Mount Lewis, with the Sheriff's Office.

Commissioner Williams asked Mr. Negro about him looking at the herbicide container in Antelope Valley that was being reclaimed.

Mr. Negro informed Commissioner Williams they are just drilling it to test. They didn't tell him much about what they are doing or what they are finding. **UPDATE**

### **PUBLIC WORKS**

- 6) **Discussion & Update On Public Works Projects & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, updated the Board on the Park Projects. Borealis Park was in the process of being demolished, and Spring Canyon and Lyons Park have already been demolished. The park equipment was scheduled to be delivered this week. The parks will all be similar in the equipment but have different designs. He spoke with Mr. Keith Westengard and they will be trying to get some training on how to keep the parks up to par.

Mr. Edgar also reported the well came out of the ground on Tuesday and it was worked on Wednesday. They will video it today (Thursday) and see what is exactly going on with the well casing. It will be shipped back to Fresno, CA and the pump has been sent back to Reno, NV. Jay Fisher will be taking video and pictures and will be sitting down with the Engineer to find a viable solution to the problem.

Commissioner Williams asked if Mr. Edgar had been in contact with Kingston regarding park equipment. Mr. Edgar answered that he had not. He spoke with Shannon early on and she stated she was looking into grants. Mr. Edgar provided her with an internet site for grants, but has not heard from her since. Commissioner Williams said he would follow up with her.

Mr. Edgar reported they have been winterizing all the bathrooms and they have had a pipe at Lyons Park freeze already. They will be looking into getting some spray in foam insulation next year to see if that will help. The soccer field bathroom and Elquist Park bathroom will stay open unless there are issues.

They have winterized the Racetrack bathroom. The Racetrack lighting and fencing projects have been started. The building department has been going through the shop drawings and submittals, and things look good.

The golf course paving has been done and they are working on the Sports Complex paving now. Mr. Edgar thanked Mr. Negro for helping him with the parking lot at the

golf course. Mr. Edgar stated they are looking for a way to cover the greens for the winter. They were supposed to get free tarps for them, but that feel through. It would cost \$54,000.00 to purchase covers for the green and they would have to be made, so he is looking for other options to protect the greens. **UPDATE**

- 7) **Discussion & Update On The Status Of The Battle Mountain Water System Well #9 Project & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, updated the Board that he did not have much to report. He feels, in the future, it is still viable for another well, but feels until they solve the issues with wells #7 and #8 before they make a big push at #9. **UPDATE**

### **COMMISSIONERS**

- 8) **Discussion For Possible Action Regarding Approval/Disapproval Of Agreement Between Lander County & Hunewill Construction, Inc., In An Amount Not To Exceed \$665,144.00, For The Battle Mountain Water & Sewer Department Fifth Street Alleys Water & Sewer Replacement, Sports Complex Waterline & Parking Lot Project & Other Matters Properly Related Thereto:** Jake Edgar, Public Works Foreman, thought this Agreement had already been done. This is the same project that was approved previously; the agreement just needs to be signed.

Commissioner Stienmetz moved for the Commission to approve the agreement Lander County and H.E. Hunewill Construction, Inc., in an amount not to exceed \$665,144.00, for the Battle Mountain Water and Sewer Department Fifth Street Alleys Water and Sewer Replacement, Sports Complex Waterline and Parking Lot Project. Seconded by Commissioner Mason.

Commissioner Williams questioned Article #3 in the contract where it says Engineer. He doesn't feel that language is appropriate to be in the contract they sign because Shaw Engineering has resigned and will not be representing Lander County.

Angie Elquist, District Attorney, asked if Shaw was staying on this project. Commissioner Williams answered that they were not. The letter of resignation was accepted and Shaw was removed from all projects.

Commissioner Stienmetz withdrew his motion and Commissioner Mason withdrew his second.

Executive Director, Gene Etcheverry, stated they would need to work to find someone to do the R.E. on this project. Mr. Edgar said they are currently working on this project.

There were discussions on the Engineering issue of the contract and Commissioner Mason suggested hiring Shaw back for this one project. Commissioner Bullock and Commissioner Stienmetz were in agreement.

Commissioner Stienmetz restated his motion and moved for the Commission to approve the agreement Lander County and H.E. Hunewill Construction, Inc., in an amount not to exceed \$665,144.00, for the Battle Mountain Water and Sewer Department Fifth Street Alleys Water and Sewer Replacement, Sports Complex Waterline and Parking Lot Project. Seconded by Commissioner Mason, the motion was voted and carried.  
**APPROVED**

- 9) **Discussion For Possible Action Regarding Contract Between Lander County & Vaisala Inc., To Provide Maintenance Service On The Automated Weather Observation System (AWOS) At The Battle Mountain & Austin Airports & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board they have received the contract from Vaisala. The District Attorney's Office has forwarded a copy of Lander County's contract format for Vaisala to review and sign. This is not ready for approval at this time.

Commissioner Williams moved to defer until they get the contract back. Seconded by Commissioner Stienmetz, the motion was voted and carried. **DEFERRED**

- 10) **Discussion For Possible Action Regarding Status Of Official County Map & Lander County Mapping Project & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, informed the Board they have received a proposal from Mr. Jim McGuire, Summit Engineering, to build upon the prior contract, that they have termed as the "Lander County Fuel Tax Mileage Road Inventory Project", and expand that catalog of County Maintained Road to include all roads presumed to be public regardless of condition or maintenance. The scope of work, as proposed, is an amount not to exceed \$49,000.00.

There was discussion on what was received from the first contract, where the information is and what the difference is between what they have now and what they are asking for now.

Commissioner Williams shared his concerns that they are getting a map made up before all of the RS 2477 Roads or other County Roads are identified.

Commissioner Stienmetz moved to defer to November 8, 2012 Commissioner meeting. Seconded by Commissioner Mason, the motion was voted and carried. **DEFERRED**

- 11) **Discussion For Possible Action Regarding Publication Of Position Announcement For Assistance To The Lander County Finance Director & Other Matters Properly Related**

**Thereto:** Executive Director, Gene Etcheverry, stated there had been discussions of staff succession back in May. It was brought to their attention, by the external auditors, that they facilitate the transition of the Finance Director to the person who would take it over with a substantial amount of time as an understudy. Mr. Etcheverry presented a proposed position announcement to put out to publication and post. It is the desire to get a person, which has the qualifications, to assume the Finance Director's position on or before December 31, 2013.

There was discussion of this being stated as a probationary position for one year and the different areas of this position that would need to be learned.

Commissioner Mason moved for the Commission to approve the publication of a position announcement for an Assistant to the Lander County Finance Director. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

- 12) Discussion For Possible Action Regarding Update By Phil Hanna, Battle Mountain General Hospital CEO, On The Emergency Medical Services In Lander County, Under Administration By The Lander County Hospital District (LCHD), & Other Matters Properly Related Thereto:** Commissioner Bullock stated that due to the fact the Hospital Administrator was not present, this item would be deferred. **DEFERRED**

- 13) Discussion For Possible Action Regarding The Terms & Conditions Of The Resignation Of Gene Etcheverry As Executive Director Of Lander County, Nevada:** Commissioner Bullock read the following; Gene Etcheverry has agreed to resign from his position as the Lander County Executive Director, therefore Commissioner Bullock made the following motion for approval.

Commissioner Bullock moved that the resignation of Gene Etcheverry as an employee of Lander County to be effective December 31, 2012, be approved subject to the following terms and conditions. Lander County agrees to purchase an additional one year and eleven months of regular member service for Gene Etcheverry from PERS on or before December 31, 2012. Next, Lander County agrees to pay Gene Etcheverry the sum of \$6,200.00 to help Mr. Etcheverry purchase Health Insurance after his resignation on December 31, 2012. Next, all claims will be waived, by either side, arising out of Mr. Etcheverry's employment with Lander County and finally the Board will allow him (Chairman Bullock) to sign an agreement to this written effect. Seconded by Commissioner Williams.

Commissioner Mason stated he didn't want this to happen and he doesn't think it was a right way to do things. He also stated the Mr. Etcheverry's career has no blemishes, that he knows of and said he feels Mr. Etcheverry will be missed.

Commissioner Stienmetz wished Mr. Etcheverry the best of luck.



The motion was voted and carried with Commissioners Bullock, Williams and Stienmetz voting "AYE" and Commissioner Mason voting "NAY". **APPROVED**

**14) Discussion For Possible Action Regarding Future Positions, Duties & Responsibilities Of The Administrative Office For Lander County & Other Matters Properly Related Thereto:** Commissioner Bullock stated he brought this forward, not to make decisions on it, but to look at how they need to move from this point forward. They need to take a look at who will answer to whom. Will the department heads answer to the Commission or do they need another go between? In the past there was a Human Resource Administrative Assistants position that was the assistant to the Commissioners and to Human Resources.

Joe Lindsey, Building Department, stated there was no Executive Director when he started with the County. He explained that all the department heads would attend the Commission meetings and basically answered directly to the Commissioners. Mr. Lindsey felt it worked out well at that time and the Commission stayed well informed.

Commissioner Williams shared some of his ideas. One being the possibility a Chief Administrator who would answer directly to the Commission and handle their paperwork. That was what Mr. Etcheverry did, but his responsibilities were much broader than that. Commissioner Williams shared his concern that Mr. Etcheverry controlled the agendas, and if he chose not to put something on the agenda he had the authority to remove it. Commissioner Williams also suggested a good strong Administrative Assistant, working under the Commissioners. All the consultants would come before the Board.

Executive Director, Gene Etcheverry, stated there are a lot of Departments that drive themselves very well. Mr. Etcheverry provided examples of these departments.

Commissioner Bullock feels the heads of these various departments are hired to be the Directors of their areas of expertise. They need to be able to make decisions and accept the responsibility for those decisions.

Patsy Waits, Austin, shared her concerns of the loss of knowledge with the resignation of Mr. Etcheverry. She questioned the continuing of education on the various Governments. Commissioner Bullock stated that there is at least one Commissioner who attends those same meetings that Mr. Etcheverry would attend.

There was more discussion on ideas of creating a new position and what that position would be responsible for.

Commissioner Williams expressed his concerns for a lot of duplication. He stated that, by Statutes, the County Clerk is the secretary to the Commissioners. He said the Clerk was also responsible for the agendas, collecting all of the data and keeping the records.

It was pointed out that this is not to be misconstrued as a department shake up. **NO ACTION – DISCUSSION ONLY**

**15) Correspondence/Reports/Potential Upcoming Agenda Items:**

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

- 1) CHRISTOPHER J. COOK, FIELD MANAGER, BUREAU OF LAND MANAGEMENT, to Reader, letter regarding the Mount Hope Project Final Environmental Impact Statement (FEIS).
- 2) KENNETH E. MILLER, DISTRICT MANAGER, BUREAU OF LAND MANAGEMENT, to Interested Public, letter regarding the proposed Environmental Assessment (EA) for management of livestock and wild horses within Elko District during drought conditions.
- 3) KENNETH R. BROWN, WESTERN COUNTIES ALLIANCE, to Lander County Commissioners, e-mail regarding Wild Horse Burro Advisory Meeting to be held October 29-30, 2012 in Salt Lake City, Utah.

Executive Director, Gene Etcheverry, asked if anyone would be attending the Wild Horse Burro Advisory meeting in Salt Lake City, Utah on October 29-30.

Executive Director, Gene Etcheverry, discussed the upcoming agenda items.

**PUBLIC COMMENT**

Ann Miles, Kingston Town Board, introduced herself and gave an update on things they have been working on in Kingston, and her desire to open a medical clinic. She invites people to visit Kingston and look at how things have changes the past few years.

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of October 25, 2012. Seconded by Commissioner Williams the motion was voted and carried. **ADJOURNMENT**



**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.*