

The Honorable Board of Lander County Commissioners met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada on August 9, 2012 at 9:00 a.m.

**PRESENT:**     **DEAN BULLOCK, COMMISSIONER**  
                  **STEVEN STIENMETZ, COMMISSIONER**  
                  **DAVID MASON, COMMISSIONER**  
                  **JAMES BARNES, DEPUTY DISTRICT ATTORNEY**  
                  **GENE P. ETCHEVERRY, EXECUTIVE DIRECTOR**  
                  **ROGENE HILL, FINANCE DIRECTOR**  
                  **SOVIEDA ROBINSON, HUMAN RESOURCES**  
                  **SADIE SULLIVAN, COUNTY CLERK**  
                  **MOLLY GONZALEZ, DEPUTY CLERK**

**ABSENT:**     **BRIAN GARNER, COMMISSIONER**  
                  **RAY H. WILLIAMS JR., COMMISSIONER**

**9:00 A.M.**

Commissioner Bullock called the meeting to order.

Let the record reflect a quorum of three Commissioners.

Commissioner Stienmentz 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**

**July 26, 2012 – Regular Session**

Commissioner Stienmentz moved to approve and accept the minutes of July 26, 2012 regular session. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

## **COMMISSIONER REPORTS**

Commissioner Mason reported he went to Austin, Gillman Springs and Kingston for an inspection of the newly paved streets on August 7, 2012. He said they all have been beautifully done. He said he also went to ORMAT on August 7, 2012. He said ORMAT was producing electricity, that day, at 26 megawatts. Commissioner Mason said ORMAT will be holding an Open House on August 30, 2012. Commissioner Mason also reported on his attendance of the Planning Commission meeting on August 8, 2012 at 6:00 p.m. He said the Planning Commission approved an agricultural 100 kilowatts wind turbine, a business license for a janitorial service in Austin, deferred a two parcel split due to a question on water rights, and denied a variance permit for C-1 zoning in Battle Mountain.

Commissioner Stienmentz reported on his attendance of the BB-Q in Kingston. He said he also looked at all the roads in Kingston, Austin and Gillman Springs, and looked at the park in Austin and said it looks very nice.

Commissioner Bullock reported on a conference call he was involved in with Mr. Etcheverry, Joe Lindsey, Anna Penola, Kim Davis and Members of FEMA. He said they discussed the levee and said they will be provided with some new information and hopes the levee is back on track. He said the main problem is with the culverts under the freeway, they are under size.

## **STAFF REPORTS**

Executive Director, Gene Etcheverry, said he did go to Austin to look at the park. He said there are mixed reviews, depending on who you talk to in Austin, but it turned out nice. He said the black top in Austin also looks good. He said there were a few small things, but Burt was looking into those. Mr. Etcheverry also reported on the FEMA Conference call. He said there will be some meeting in the coming weeks with the Ferman Group and Summit Engineering, and in Pioche they will hold the Tri County Meeting for the Resource Advisory Council (RAC). Mr. Etcheverry said they still don't have clearance to move ahead and go out to bid for the Austin Loneliest Highway Visitor's Center. He said the big stumbling block is with Historic Preservation and the Yomba Tribe, located southwest of Austin, has indicated interest in representation of some of the interpretive panels for the Austin Visitor's Center. Mr. Etcheverry said under section 106, if a Tribe does so indicate, their request must be considered. He said they are still trying to make the date of August 15, 2012, to go out to bid on this project.

## **PAYMENT OF THE BILLS**

Jane Bianchi presented the Board with bills to be ratified.

Commissioner Bullock questioned the payment for the unmarked graves, and the amount paid to an employee. Mr. Etcheverry said he would speak with the Treasurer and have that persons supervisor talk with them.

**ADAM BEVERLAND**

Commissioner Stienmetz moved to ratify check #041453 in the amount of \$500.00 to Adam Beverland. Seconded by Commissioner Mason, the motion was voted and carried. APPROVED

**HOME DEPOT CREDIT SERVICE**

Commissioner Stienmetz moved to ratify check #041486 in the amount of \$1,021.11 to Home Depot Credit Service. Seconded by Commissioner Mason, the motion was voted and carried. APPROVED

**NATIONWIDE DRAFTING**

Commissioner Stienmetz moved to ratify check #041466 in the amount of \$707.84 to Nationwide Drafting. Seconded by Commissioner Mason, the motion was voted and carried. APPROVED

Commissioner Stienmetz moved to approve the submitted expenditures in the amount of \$201,589.20 from check #41504 thru #41605. Seconded by Commissioner Mason, the motion was voted and carried with Commissioner Mason abstaining from the vote on check #41554. APPROVED

**PAYROLL CHANGE REQUESTS**

1. Employee Change Request for employee number 1229, New Hire, Executive Secretary, \$15.12 per hour, effective August 13, 2012.
2. Employee Change Request for employee number 1441, New Hire, Appraiser Tech, \$15.19 per hour, effective July 23, 2012.
3. Employee Change Request for employee number 1494, Promotion/Level Change, Deputy Sheriff, \$18.95 per hour, effective August 20, 2012.

Commission Stienmetz moved to approve the employee change requests for employee 1229, employee 1441 and employee 1494. Seconded by Commissioner Mason, the motion was voted and carried. APPROVED

**PUBLIC COMMENT**

Joy Brandt said she was just informed that the Grand Opening for ORMAT will be sometime in October.

**FINANCE**

- 1) **Discussion For Possible Action Regarding Budget Review, Contracts, Financial Update & Other Matters Properly Relating Thereto:** Finance Director, Rogene Hill, updated the Board on accounts receivable for the month of July.

Water: \$5,756.00  
Sewer: \$5,275.00  
Water & Sewer Mic.: \$25,442.00  
Landfill: \$13,398.00  
Ambulance: \$37,761.00  
Active Accounts at Collections: \$17,099.00  
**TOTAL: \$104,731.00**

Commissioner Bullock asked Ms. Hill what miscellaneous was. Ms. Hill said it is the water hookup fees.

Ms. Hill said she has been working on the audit and said effective July 1, 2012 the County is now paying the contract for ambulance to the Hospital in the amount of \$30,000.00 a month. She said they had received a bill for two weeks' worth of fuel in the amount of \$909.00. She said they are also receiving bills from NORCO for the oxygen and cylinder rentals and OPI for the copier. She said she spoke with Mr. Etcheverry and it was suggested that when the next month payment is made that those items be deducted from that payment.

Commissioners Bullock asked where the \$30,000.00 came from. He said he thought the amount was supposed to be \$25,000.00. Mr. Etcheverry said yes it is \$25,000.00 a month.

Mr. Etcheverry said looking at the Memorandum of Understanding; fuel is outside of the agreement. He said repair and maintenance were taken into account but fuel was outside the agreement. He said he spoke with Ms. Hill and they decided, as those bills come in, it will just be reconciled off of what they pay the Hospital that ensuing month.

**UPDATE ONLY**

- 2) **Discussion For Possible Action Regarding Approval/Disapproval Of Resolution No. 2012-16, A Resolution Directing Apportionment Of Net Proceeds Received On July 26, 2012 & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry,

said Resolution 2012-16 schedules the amounts for appropriation from the Net Proceeds of Mines payment that was received on July 26, 2012. He said with approval of this resolution the Treasurer's Office will appropriate the different amounts in the schedule to the different funds. Mr. Etcheverry said there was a grand total of \$268,314.38 and, after the mandated, the discretionary for the County Budget is \$249,848.72.

Rogene Hill, Finance Director, said what was received was \$518,163.10 and the mandated amount was the \$268,314.38. Ms. Hill reviewed how the discretionary funds were divided and what funds the money was put into.

Commissioner Mason moved for the Commission to approve and adopt Resolution No. 2012-16, a resolution directing apportionment of the Net Proceeds of Mineral taxes received on July 26, 2012, in the total amount of \$518,163.10. Seconded by Commissioner Stienmetz, the motion was voted and carried. **APPROVED**

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

- 3) **Discussion & Update On Road & Bridge South Projects & Other Matters Properly Relating Thereto:** Bert Ramos, Road and Bridge Foreman South, provided a map showing the Board the roads he paved with the extra money left over from he approved paving projects. He said they didn't do the roads next in line for his five year plan because they didn't have time to prep them so they did the roads they could. **UPDATE ONLY**

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

- 4) **Discussion & Update On Road & Bridge North Projects & Other Matters Properly Related Thereto:** Donald Negro, Road and Bridge Foreman North, updated the Board on the progress of the paving projects. He said they are on schedule. Mr. Negro said the outside paving bid was awarded at the last Commission Meeting and the contract to approve was supposed to be on the agenda and somehow got missed. He asked if they could approve the contract in this meeting because the notice to proceed is Monday (August 13, 2012) and if they can't approve the contract it will be another two weeks.

Commissioner Bullock asked where it wasn't posted on the agenda if they could still approve the contract.

James Barnes, Deputy District Attorney, said it was not ideal by any means. He said he has reviewed the contracts and they look fine.

Gene Etcheverry said it came in the day after the agenda was posted. He said it is not ideal, but they could move ahead on bid award, sign the contract and can come back and have the Commission ratify the contract at the next meeting.

Commissioner Mason asked if the Board would be in trouble if the contract was to be signed. Deputy District Attorney, James Barnes, said probably not.

Commissioner Stienmentz moved to approve the contract to Hunewill Construction for \$2,209,926.48, per bid being awarded in previous Commission meeting, and to be ratified in the next Commission meeting. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

## **PUBLIC WORKS**

### **5) Discussion & Update On Public Works Projects & Other Matters Properly Related**

**Thereto:** Jake Edgar, Public Works Foreman, updated the Board on the progress of the golf course greens. He said 9,8,6,2 and 1 are pretty much completed. He said they will have grass (sod) put down in the next two weeks. Mr. Edgar said they checked water pressure around town.

Commissioner Stienmentz asked if they were repairing the water leak. Mr. Edgar said it was done; he said they have been looking for the water leak for over a year and came up with a different plan.

Commissioner Mason asked if the old water tank is useable at all to our new water system. Mr. Edgar said no because it would have been painted, disinfected and they would have to get a booster pump and back feed the two million gallon tank by the highway. **UPDATE ONLY**

### **6) Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Racetrack Fencing Project & Other Matters Properly Related Thereto:**

Executive Director, Gene Etcheverry, said this is on the agenda for the fencing project and item #7 is for the lighting project. He said they could open both items for discussion if it was the pleasure of the Board and make the motions at the end of the discussion specific to each item.

***Commissioner Bullock opened item #7 at this time.***

Mr. Etcheverry said amounts were awarded for both these projects during the budget process. He said the way the projects came together at the time of the award of bids there isn't enough money available for the entire project.

Jake Edgar, Public Work Foreman, said after Sierra Pacific and Shaw Engineering's bills there wasn't enough money to do both projects. He said they wanted to award the lighting project as is and try to negotiate with Tholl Fencing on a separate amount of fence to match the funds that would be left. Mr. Edgar said Steve Brigman of Shaw Engineering contacted Tholl Fencing and they are willing to negotiate and they would bring it back before the Board.

Commissioner Bullock said the original request was for the fencing then the lighting came about. He asked if the fencing was now the lesser prioritized.

Rod Smith of the Battle Mountain Stock Car/Moto Cross said part of the fence is fenced with the airport. He said the biggest issue with what they need fenced from Pit Road over to the spectator side and in between the airport. He said they could cut it down and fence what they can and possibly finish it next year. He said they can get the lighting done for next year's racing season and that would provide added safety to the drivers. Mr. Smith said it is hard to get the light poles and the cost fluctuates dramatically. He said the engineer told him they needed to get the poles while they can afford them because the project could go up twenty to thirty thousand dollars just on the poles. He said with the fencing they can make it secure enough to keep people out of the concession area, the pit area and away from the back side of the airport even by cutting the fencing project in half. He said he asked for some bids for an idea on what it would cost and those estimated bids came in at thirty to forty thousand dollars less than the actual bid.

Mr. Edgar explained to the Board that the Race Track is already fenced it just needs a better more secure fence. If it needs to be done in two years it will still get done.

Commissioner Bullock asked Rogene Hill, Finance Director, where the \$217,000.00 in CCP from Net Proceed went. Ms. Hill said it went into the ending fund balance. It is not allocated.

Mr. Etcheverry said people who don't usually do these kinds of projects don't always understand the fluctuation of labor and materials.

Commissioner Bullock said he feels they should take some of the funds they just got in and do the whole project. It was stated that the projects is short forty-five thousand dollars. Ms. Hill said she could go back and see if the funds could come out of the Battle Mountain Town fund. She said even if they did the lighting out of the Battle Mountain Town fund and redirected the fencing out of Fund 29.

Commissioner Stienmentz moved to proceed with the Lighting Project to be paid out of the Battle Mountain Town Fund and the Fencing Project as written out of Fund 29 and to accept both bids at the amounts stated. Seconded by Commissioner Mason, The motion was voted and carried. **APPROVED**

7) **Discussion For Possible Action Regarding Award Of Bid For The Battle Mountain Racetrack Lighting Project & Other Matters Properly Related Thereto:**

*Motion was made for this item on item #6*

8) **Discussion For Possible Action Regarding Award Of Bid For The "Battle Mountain Parks & Playground Equipment – Lions, Borealis, & Spring Canyon Parks, Inclusive" Project & Addendum #1 & Other Matters Properly Related Thereto:**

Jake Edgar, Public Works Foreman, said there was a total of five bids. He said the lowest bid came in late and the next lowest changed the bid specs on their own and cut out some linier footage. Mr. Edgar said he recommends the bid be awarded to Kruss Craft at \$246,180.02. This is for all three parks, Lions, Borealis and Spring Canyon.

Commissioner Stienmentz moved to award the bid for "Battle Mountain Parks and Playground Equipment, Lion, Borealis and Spring Canyon Parks, Inclusive" project Addendum #1 to Kruss Craft for \$246,180.02. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**10:00 A.M.**

**\*CLOSED LABOR SESSION PURSUANT TO NRS 288.220\***

9) **Closed Labor Session With Management Representative To Discuss Upcoming Labor Negotiations:**

**COMMISSIONERS**

10) **Possible Action Regarding Items Discussed During Closed Labor Session:** Commissioner Stienmetz moved that Commission proceed with decertification of Operating Engineers, Local 3 (OE3) for representation of the County Employees. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

**Discussion For Possible Action Regarding Adoption & Passage Of A Resolution Declaring A State Of Drought & Wildfire Emergency In Lander County & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, read #6 under "Now, Therefore, Be It Resolved" which states;



*"The Board of Lander County Commissioners hereby requires that before a federal land management agency imposes drought related grazing restrictions including changes in livestock stocking rates or seasons of permitted use, federal agencies in coordination with grazing permittees must identify and implement all economically and technically feasible livestock distribution, prescribed grazing systems, water hauls and developments, livestock salting/supplementing plans, and establishment of riparian pastures and herding."*

Mr. Etcheverry said with that he presents the Resolution, but suggests giving a lot of attention to #6. He said this isn't a Resolution that allows the rule making or suspending of the rule making process by the federal land managers and requires the involvement of the permittee.

There was some discussion on protecting the permittees and the BLM and Forest Service doing what they want regardless of what the Commission thinks. Commissioner Bullock said if we admit we are in a drought situation we are listed for sage grouse. He said he doesn't understand why it needs to be stated that Lander County was in a drought state.

Mr. Etcheverry said there are two reasons for the Resolution. One is to get the Governor to declare a State of Drought Emergency, and two it would request the Governor to contact our Delegation in Washington and solicit their assistance in gaining whatever federal aid maybe out there. Commissioner Bullock said he didn't know what federal assistance would be needed here. He said as far as he could see here the alfalfa is still growing and the sprinklers are still working, and he doesn't see where Lander County is affected.

Bert Paris said he has a ranch in Antelope Valley and said we have a drought but we don't have an emergency. He said we live in a desert and we have been through this before and we will handle it. He said he doesn't feel it is an emergency.

Sheriff, Ron Unger, said the issues in southern Lander County would still be issues regardless if there is a drought or not. The fires are in the juniper trees that are up high and there is a lot of feed up there, but regardless of drought or not there would have been a fire cause of a lightning storm.

Marianne Filippini said the Farm Service Agency (FSA) has a route to go if you need help. She said you have fifteen days after you know you're in trouble to apply for help.

Commissioner Mason said he agrees this is a drought not an emergency.

No motion was made at this time. **NO ACTION**

**EXECUTIVE DIRECTOR**

**11) Discussion For Possible Action Regarding Contracting For Project Management Services For The Lander County Courthouse/Administration Project & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said they are in the rating process for the finalists on the CMAR candidates to build the new Courthouse/Administration Building. He said it is currently scheduled for selection by the Commission during the next Commission meeting (August 23, 2012). He said one of the needs for this project, a contract for Project Management Firm or individual to provide Project Management Services to this project, would need Commission approval and funding. He said the Quality Assurance and Quality Control (QA&QC) are already aside from this project.

Commissioner Mason said he thought they wanted the CMAR in place to have someone run things. Commissioner Stienmentz said they (CMAR) are for the pre-constructions stuff. Mr. Etcheverry said they are for the pre-con and construction, but having Project Management would be on the side of the owner. They would make sure the project is moving as it should and to make sure they are getting the best out of each contract value wise.

Peter Booth, Harris and Associates, said he works for an Engineering Firm and they are specialists at making sure projects come together. He said CMAR is fairly new and is "Construction Manager At Risk", which means there's still risk. CMAR is basically a contractor. Mr. Booth said the Contractor doesn't always look out for the owner's best interest, they look out for their own best interest. He said they (Harris and Associates) would represent the owner and make sure the project is moving along properly, effectively and that the price being paid for the project is fair and reasonable.

Ed Cook of Harris and Associates said there would be a contract with the selected CMAR group and they (Harris and Associates) could review that contract to see if there are problems from their experience in CMAR projects and other large building projects. He said they would help in getting the Judges, the Commissioners, the District Attorney, the Sheriff, and all the other people together to determine what everyone wants. He also said the County would have to hire an Architect.

Mr. Etcheverry said the pre-construction services, which is half of what the CMAR provides, is a construction delivery method. He said the Architect selection process is under CMAR. Mr. Cook and Mr. Booth said CMAR is looking to make a buck and they will look out for their own interests not the interest of the owner.

Justice of the Peace, Max Bunch, said when CMAR comes in and we come down to the contract it is an open book. He said they cannot add anything in there unless the Commission and the Building Team decide things can be added. Judge Bunch said these type of gentleman (Mr. Booth and Mr. Cook) are used in a Design/Build Project. He said he has contacted a few of the Contractors to see if they use these types of people in a CMAR process, and most places are not using them. He said there are many projects that are done just with the Commission and the Building Team and whoever the Commissioners decide to put in charge. He said if they needed him to go over every day he will.

Commissioner Mason asked if they choose to go with someone like Harris and Associates, if the Building Team would be replaced. Mr. Etcheverry said they would work together. Commissioner Mason asked if they needed to use them. Judge Bunch said, in his opinion, they don't need to use them right now but if they find down the road they need to then they can. Judge Bunch also said they have already brought the Sheriff, the Commission and the Elected Officials together to look at what they all want and need. He said he feels they need to get their CMAR on board and the Architect selected then decide what they want to do. Judge Bunch said it may be a good idea to have them take a look at the contracts, but he doesn't want to spend more money on this project then would be necessary.

Mr. Cook said one thing he brought up to Mr. Etcheverry was they can work on a task order basis. The Board could issue them a task order to review the contracts, help with the Architectural selection or anything else they may need assistance with.

There was discussion of the time line on the project and certain standards that are required as far as the Courts and the Sheriff. It was stated that they plan to break ground next March. Commissioner Mason requested to have a standing agenda on this project to hear how the progress is coming every two weeks.

Mr. Booth and Mr. Cook provided a Statement of Qualifications. They said they would be happy to talk with the Board and the Building Team to discuss any matters they may have questions about. **DISCUSSION-NO ACTION**

- 12) Discussion For Possible Action Regarding Ratification Of The Emergency Facilities & Land Use Agreement Between Lander County & The Bureau Of Land Management (BLM) For Use Of The Austin Airport As A SEAT (Single Engine Air Tanker) Base By BLM During The 2012 Fire Season & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said this agreement was sent to him by the BLM on July 20, 2012 and it was a timely agreement so he signed it. He said they needed it pretty badly

because as of yesterday (August 15, 2012) another addendum to this agreement was signed which was the pre-use inspection. Mr. Etcheverry said he conducted this on the 27<sup>th</sup> of July in the anticipation of needing the airport as a SEAT Base. He said this is just an Emergency Facilities Land Use Agreement between Lander County and the BLM for the use of the Austin Airport as a Single Engine Air Tanker Base only for this fire season. He said the benefit beyond that is the BLM is open for a permanent agreement in Austin for a span of three to five years, and updating the agreement in Battle Mountain for a period of years. Mr. Etcheverry asked the Board to ratify the agreement between Lander County and the BLM for the use of the Austin Airport as a SEAT Base during the current 2012 fire season.

Commissioner Mason asked what the County is giving up for the BLM to use the airport. He asked if the BLM would have control over who lands there and who doesn't. The answer was no it is still a public airport and they are just asking to use it. Mr. Etcheverry said they will pay \$1 a day and pay for any increase in electricity or other usage.

Commissioner Stienmetz moved for the Commission to ratify the Emergency Facilities and Land Use Agreement between Lander County and the Bureau of Land Management (BLM) for use of the Austin Airport as a SEAT (Single Engine Air Tanker) base by BLM during the 2012 fire season. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

#### **AUSTIN CHAMBER OF COMMERCE**

**13) Discussion For Possible Action Regarding Placement Of A Pony Express Silhouette On County Property Below Town Of Austin Along Highway 50 & Other Matters Properly Related Thereto:** Executive Director, Gene Etcheverry, said the Chamber of Commerce is in possession of this sculpture. Larry Bijorn in Ely has produced these for several communities along the Pony Express route. He said it is fairly large at nine and a half feet tall and ten and a half feet long. He said part of this request is for the Road and Bridge South department to build the pedestal and placement of the metal silhouette.

Bert Ramos, Road and Bridge South said this is the first he has heard of it. Mr. Ramos asked where this was planned to be placed.

*Let the record reflect the presence of Dee Helming and Phillip Williams of the Austin Chamber of Commerce via telephone conference.*

Dee Helming, Austin Chamber of Commerce, said they wanted to place it down on the corner of the property, just on the edge of Lander County Property, along Highway 50. She said it would be past the right-of-way just past the NV Energy Building. Ms. Helming

said the Pony Express Territory did have the money to pay for the concrete to put it in. She said what they needed from the Road and Bridge was to build the pad area to put it on. Mr. Ramos said he would have been more prepared with some sort of plan if there had been some communication. He said before they move forward on this they need to work on the location. Ms. Helming said the silhouette has already been paid for by Pony Express Territory and she believes they still have the money for the concrete. She said they just need the permission from the Commission to place it on County property and a little help from the Road and Bridge.

Phillip Williams, President of the Austin Chamber, gave a little more clarification where they wanted to place the silhouette. Mr. Ramos said he is not familiar with where it is and he would like to make sure where they are asking to place it.

Commissioner Stienmentz moved for Bert Ramos to work with the Chamber of Commerce to make sure the placement of the silhouette is where he would like it and make sure it is on County property. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

#### **BOARD APPOINTMENTS**

**14) Discussion For Possible Action Regarding Appointments To The 2012-2013 Advisory Board, Categories 1, 2, 3 & 4, & Other Matters Properly Relating Thereto:** Executive Director, Gene Etcheverry, said they have letters of intent to serve received as follows:

1. Mr. Franklin B. Whitman is asking for reappointment as a member of the Lander County Public Land Use Advisory Planning Commission.
2. Mr. John Williams, Jr. is asking for reappointment as Chairman to the Lander County Planning Commission.
3. Mr. Monte Price is asking for reappointment to the Lander County Planning Commission.
4. Mr. Rod Davis is asking for reappointment as an alternate to the Lander County Planning Commission.

Commissioner Bullock asked if the Commissioners appoint the chairman for the Planning Commission. He was told no it is up to the Planning Commission to choose who will be the Chairman.

Commissioner Stienmentz moved for the Commission to accept the letters of intent as received and reappoint Franklin B. Whitman to the Lander County Public Land Use Advisory Planning Commission, reappoint John Williams, Jr. to the Lander County Planning Commission, reappoint Monte Price to the Lander County Planning Commission and reappoint Rod Davis as an alternate member of the Lander County Planning Commission. Seconded by Commissioner Mason, the motion was voted and carried. **APPROVED**

## **COMMISSIONERS**

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

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

1. STEVEN L. SPANGLE, US FISH & WILDLIFE SERVICE, to Interested Parties, letter regarding proposal to revise Southwester Willow Flycatcher Critical Habitat.
2. GENE SEIDLITZ, BUREAU OF LAND MANAGEMENT, to Permittee, letter regarding current drought conditions within the Winnemucca District, the District's strategy for identifying issues and/or resource concerns, and identification of potential actions to mitigate the effects of drought.
3. FRANCISCO VEGA, P.E., NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, to Loren Hunewill, H.E. Hunewill Construction Co., Inc., letter regarding Stop Order No. 2013-01, Class II General Air Quality Operating Permit AP 1442-0090.02 COLA #2315 (FIN A0037).

Commissioner Bullock said Hunewill got a notice from Environmental Protection to close down the plant. He asked Mr. Negro if Mr. Hunewill got everything taken care of. Mr. Negro said Mr. Hunewill had them (Environmental Protection) back out there and they certified it on August 6, 2012.

Executive Director, Gene Etcheverry, said they are coming up on the time when a Bill Draft Request needs to be put before the Legislative Counsel Bureau, if they are going to do so. He suggests, with all issues with the maps and lot lines in Austin, to use their one BDR to get some special dispensation. The Board provided Mr. Etcheverry with the direction to move forward.


Commissioner Bullock said he would like it put on the agenda to hear a report on how the ambulance is going from Phil Hanna. Mr. Etcheverry said it is required quarterly but Mr. Hanna agreed to give a report monthly.

**PUBLIC COMMENT**

Gail Utter (telephonically) asked if Battle Mountain Hospital, in the agreement, was supposed to provide service to Austin, Kingston and Gillman Springs. She also asked if it was supposed to start July 1, 2012. Commissioner Bullock said that was the understanding in the MOU. Ms. Utter said there had been some Ambulance runs in the past week. She said the Ambulance from Round Mountain had to respond to one and care fight responded to the other. She asked if they were going to get service from Battle Mountain and will there be EMTs in Austin. Commissioner Stienmetz said they are working on getting volunteers down in Austin to get trained so they can have an ambulance service. Ms. Utter said that was something they should have thought about before they entered into the agreement. Commissioner Stienmetz said they couldn't do anything before July 1, and they are working on it and trying to get people trained but no one wants to volunteer.

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Stienmetz moved to adjourn the meeting of August 9, 2012. Seconded by Commissioner Mason, the motion was voted and carried. **ADJOURNMENT**

  
\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF LANDER  
COUNTY COMMISSIONERS AND THE  
LANDER COUNTY LIQUOR BOARD

ATTEST:   
\_\_\_\_\_  
LANDER COUNTY CLERK

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