



Elko County Board of Commissioners

Commissioners

Demar Dahl

Glen Guttry

Charlie Myers

Warren Russell

R. Jeff Williams

Elko County Manager

Robert K. Stokes

STATE OF NEVADA)
COUNTY OF ELKO) ss.

AUGUST 3, 2011

The Board of Elko County Commissioners met in regular session on Wednesday, August 3, 2011, at 1:30 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners Demar Dahl, Chair
Glen Guttry
Charlie Myers
Warren Russell
Jeff Williams
County Manager Robert Stokes
CFO/Asst Co Mgr Cash Minor
Deputy District Attorney Kristin McQueary
Deputy County Clerk Marilyn Tipton
Sheriff James Pitts
Planning/Zoning/NRMAC Randy Brown

Chairman Dahl called the meeting to order at 1:32 p.m.

Commissioner Guttry led the meeting participants in the Pledge of Allegiance.

I. COMMENTS BY THE GENERAL PUBLIC:

Meghan Brown, Nevada Cattlemen's Association Executive Director, submitted information last week to NRMAC on the National Wildland Fire Management Strategy Program put into place by the 2009 FLAME Act. She stated they were in a scoping process on the program and had received 4,000 public comments. Meghan Brown stated the three specific guiding principles for the program were: 1) restoring and maintaining resilient landscapes; 2) creating fire adaptive communities; and 3) responding to wildfires. She had a conference call with Joe Freeland, Ken Miller, and Shane McDonald of the Elko BLM office, and Jon Griggs, livestock operator to discuss some of the impacts to the local

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working groups in the region. Meghan Brown stated concern was expressed upon what they considered resilient landscape, healthy landscape, and adaptive management/active management, the process for ability of multiple users, and the impacts to the multiple users upon public lands. NCA was concerned that Western Watersheds Project and the Nature Conservancy were the only two groups that had participated and submitted comments. She reported that Katie Fite, of Western Watersheds Project, had supported native seed mixes and linked it all to climate change. Meghan Brown stated NCA had reiterated species, green stripping rehab, fire rehab and the importance of having resilient species such as crested wheat, etc., so there were fire adaptive communities on the range. She commented Ken Miller had spoken about post fire management flexibility and the need to have fire adaptive management of multiple uses, post fire. Joe Freeland was to integrate some of their comments into the comment process. Meghan Brown stated there would be a strategic group meeting in Denver next week and they would review the 4,000 comments. She had voiced concern that a national framework would make changes to the current partnerships. She stated Joe Freeland did not see that as an unintended consequence. Meghan Brown stated there were twelve guiding principles and core values that would be brought out in the national management strategy. She commented communication, adaptation, responsiveness, progressiveness and rewarding current behavior such as fuel management through grazing or green stripping around home was missing. She would submit comments to that effect and encouraged the Commission to submit their comments. Meghan Brown stated the bulk of the concern was with the communities adjacent to public lands and how that barrier was managed.

Commissioner Dahl inquired if there was a conversation upon grazing as a fuel management tool. Meghan Brown had suggested they not designate specific tools for active vegetation management and list it only as mechanical or biological controls and manipulations of vegetation to be decided upon by local resources and affected groups for specific goals. She stressed they would encourage healthy landscapes and active vegetation management.

Commissioner Dahl inquired if there was any reference to the historical fires. Meghan Brown stated the document did refer to frequency, what areas were more prone and some of that reference was tied to climate change. Commissioner Dahl inquired how far back in history was the fire research. He stated in 1980 they had 125th of the number of fires they have today and felt they should question why they there were so few fires then. Meghan Brown stated there was no date listed in the document.

Commissioner Russell read from the Declaration of Independence as follows: *“When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with one another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. - - That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.”*

Commissioner Russell stated they should consider the basis of which they should function as a government entity.

II. CERTIFICATE OF APPRECIATION:

Discussion and consideration of the presentation of a Certificate of Appreciation to Milt Grisham for 15 years of service on the Elko County Planning and Zoning Commission.

Robert Stokes commented that Milt Grisham was not present and requested they wait until Mr. Grisham was present.

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III. NEVADA OUTFITTERS AND GUIDES ASSOCIATION (NOGA):

Presentation, discussion and consideration of the NOGA project to provide to a U.S. Military Wounded Warrior a free Winecup Gamble Ranch elk tag, Leopold Stevens scope and a guided week-long Nevada hunting trip during the 2011 Fall Hunting Season including the adoption of **Proclamation 2011-H** supporting this program to honor a wounded Veteran. Elko County expresses appreciation to NOGA, the donating Guide member, the Winecup-Gamble Ranch, Leopold Stevens Optics and all that participate to make this project a reality.

Henry Krenka, Nevada Outfitters & Guides Association, read their letter into the record referencing a veteran receiving a week long guided elk hunt during the 2011-12 hunting season.

Keith Holcomb, Winecup-Gamble Ranch Manager, thanked them for this opportunity and stated Demar Dahl had facilitated their participation in this project. He thanked Elko County for welcoming him to the community. Commissioner Dahl thanked him for his contribution of the elk tag to this project.

Rachael Buzzetti, NOGA, stated the project was moving forward and gave an overview of sponsors of the project. She stated their goal was to reach \$10,000 for the project.

Dwight Lindquist, Nevada Outfitters & Guides Association, explained the creation of this project through Joe Snodgrass, a marketer for Leopold. He thanked Mr. Holcomb of the Winecup-Gamble Ranch for their donation of the elk tag. He informed the Board that a twenty-seven year old veteran, Sgt. Kenneth Dylan Gray, had been selected from Wadsworth to be recipient of the elk hunt. Dwight Lindquist had contacted Aaron Davidson, of Long Range Pursuit, who volunteered to upgrade the gun and furnish ammunition. He had spoke to NDOW in Reno, Nevada about taking an ad out in the 2012 brochure commending their sponsors for the hunt. Dwight Lindquist stated Sgt. Gray would bring his friend from the military, Sgt. Andy Frasure, on the hunt. Dwight Lindquist hoped they would again honor a veteran in 2012 with a similar project. He read portions of Sergeant Gray and Sergeant Frasure's acceptance letters.

Dwight Lindquist stated that Mike Morrison, of Humboldt Outfitters, had suggested they contact NDOW to obtain an elk tag next year rather than take one of the ranchers' compensation tags. Mike Morrison talked to some other ranchers but he would rather get the tag from NDOW. Commissioner Myers suggested the County Wildlife Advisory Board request NDOW participation in this process.

Commissioner Myers inquired if they would hold a welcoming before the hunt. Dwight Lindquist stated Newmont Mine was discussing a welcoming on a weekend before the hunt.

Commissioner Dahl presented a plaque to the Nevada Outfitters & Guides Association in appreciation of the Wounded Warrior Project.

MOTION: Commissioner Myers moved to support the NOGA project and adopt Proclamation 2011-H supporting this program to honor a wounded Veteran. Commissioner Guttry seconded the motion. The motion passed unanimously.

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IV. CITY OF ELKO:

Discussion and consideration of a report by City Councilman Jay Elquist on issues and activities of interest to the City of Elko.

Commissioner Guttry stated Jay Elquist was not in attendance.

V. ELKO COUNTY LIBRARY BOARD OF TRUSTEES:

Report and review of Board of Trustees activities and minutes including issues related to the continuing operation of the County Library.

Commissioner Dahl noted for the record no one was present from the Library to submit an oral report. A written report was previously submitted.

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VI. USFS MOUNTAIN CITY RANGER DISTRICT:

Discussion and consideration of comments regarding the Western

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Exploration, Inc., Wood Gulch Mineral Exploration Project proposal that may disturb up to 100 acres of public lands over the next ten years.

Robert Stokes gave an overview of the project and stated normally the County asks that any impacts to County roads be mitigated.

MOTION: Commissioner Russell moved to send a letter of support to the USFS Mountain City Ranger District regarding the Western Exploration, Inc., Wood Gulch Mineral Exploration Project proposal with the caveat that if any impacts to County roads they repair those roads. Commissioner Myers seconded the motion. The motion passed unanimously.

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VII. ELKO COUNTY NATURAL RESOURCES MANAGEMENT ADVISORY COMMISSION (NRMAC) / ELKO COUNTY WILDLIFE ADVISORY BOARD:

Discussion and consideration of a request for County Commission clarification regarding the duties and issues reviewed by the two County appointed boards including direction on cooperation when the same issue was reviewed by both committees.

Ken Wellington stated he was a member of the Elko County Wildlife Advisory Board and the NRMAC Board. He commented that both boards were reviewing the same material so there was a duplication of discussion. He asked for a clarification if the Wildlife Advisory Board was to handle the wildlife issues and the Natural Resource Advisory Board address resource issues. Kristin McQueary commented that the Wildlife Advisory Board was appointed by the County Commission to advise the State Wildlife Commission and NRMAC was appointed by the Commission to advise the County Commission. Ken Wellington referred to an agenda item on NRMAC regarding the Heritage project presentation which had not been given to the Wildlife Advisory Board. He believed there was “board shopping” for recommendations to be sent to the Commission.

Commissioner Russell stated NRMAC was formed to combine several boards to address all natural resources issues and wildlife was part of the natural resources. He suggested a memorandum of coordination between the two boards to reduce conflict. Commissioner Russell stated both chair people of the boards could come back with suggestions or recommendations to the Commission as issues arise.

Commissioner Williams commented there was a misunderstanding because NRMAC had not contacted Pat Laughlin to give a presentation to their board. He stated NRMAC would not deal directly with the Commission on issues dealing specifically with wildlife. Commissioner Williams commented NRMAC

would contact the County Wildlife Advisory Board on wildlife issues so the Wildlife Advisory Board could submit their recommendations to the County Commission. He noted if NRMAC had a difference of opinion on wildlife issues than the Wildlife Advisory Board then the Commission liaison could take that back to the entire County Commission. Ken Wellington stated on the NRMAC agenda there was an action item on a wildlife issue. He believed that should have gone to the Wildlife Advisory Board for their recommendation to be submitted to the County Commission.

Commissioner Myers recommended that any issues coming out of NRMAC concerning wildlife should be sent to the Wildlife Advisory Board for recommendations to be sent to the County Commission. He stated the Wildlife Advisory Board reviews many wildlife issues wherein NRMAC only had one or two experts in each area. He stated there would be difference of opinion from NRMAC because of the diversity of that board. Commissioner Myers stated it was the County Commission's responsibility to listen to recommendations from both boards to make the best decision. He encouraged both chairmen of the boards to discuss any wildlife issues that may come before both boards. Commissioner Williams supported the chairmen meeting but do not wish the chairmen to discuss setting policy of how wildlife issues should be addressed. Commissioner Russell voiced concern with board shopping.

Meghan Brown, representing herself, stated if issues were going to be voted upon on like the hunt quotas she felt that should not be discussed by NRMAC. She stated NRMAC did discuss issues regarding endangered species and sage grouse which had an effect upon other natural resources. Meghan Brown said if there was a specific action for NDOW to take upon then the issue should be through the Wildlife Advisory Board. Commissioner Williams suggested Randy Brown submits a draft agenda prior to the NRMAC final agenda to the NRMAC members so it can be revised, if needed.

Randy Brown stated they would develop a NRMAC draft agenda one week early which would be sent to NRMAC members and the Commission for review prior to the final agenda being posted. He stated if they have an emergency from the BLM or the Forest Service requesting a comment, then they reserve the right to put that upon the agenda.

Commissioner Myers noted a portion of Mr. Wellington's property was damaged during a recent fire. Ken Wellington publicly thanked the Sheriff and the NDF, BLM and the Forest Service firefighters for their quick response to save his home. Commissioner Williams noted John Legarza's blade operator helped with a fire break.

[2:29:35 PM](#)

VIII. USFS Mountain City, Ruby Mountains and Jarbidge District Travel Management Project:

A. Discussion and consideration of issues regarding the Mountain City, Ruby Mountains and Jarbidge District Travel Management Project FEIS including a request from the USFS to conduct a facilitated focused FEIS workshop in lieu of the County's request for a six month extension of the comment period.

Randy Brown, NRMAC, stated he had not seen the Final Environmental Impact Statement. Randy Brown stated Robert Stokes and Commissioner Myers had met with Tom Montoya.

Commissioner Myers stated the intent of the meeting with the Forest Service was to preclude the County's six month extension request of the comment period. He reported 137 miles of roads would be closed, ½ mile was granted for elk retrieval, dispersed parking would be two vehicle lengths bumper to bumper, and the Forest Service felt they had captured most of the disbursed camping sites and those would remain open. He voiced concern of enforcement through the BIA by flying the forest. Commissioner Myers felt enforcement may be an issue. He supported asking for the six month comment extension. He noted no other Commissioners were contacted. Robert Stokes stated the Forest Service had previously spoken to Assemblyman Ellison. He commented they were told there would be a two year grace period before enforcement would take place and that would be in the document. Randy Brown stated they were already issuing citations in Ely. Robert Stokes stated the FEIS should be in the federal register by last Friday.

Randy Brown commented the committee went through seven meetings with the Forest Service. Commissioner Myers noted the Forest Service walked away from the talks previously and wrote a letter to their superiors stating the County had been uncooperative. Commissioner Dahl commented the County negotiated in good faith with the Forest Service and settled on a mediator. The Forest Service took months to decide how to pay for their share of the mediator. He commented the County held numerous public meetings to gather information. Randy Brown's recommendation was to proceed with the six month comment extension which would give them sufficient time to review the FEIS.

Commissioner Williams supported seeking the six month extension and still accept their meeting invitation. Commissioner Dahl suggested they do this through correspondence. Commissioner Guttry noted the e-mail request from the Forest Service was for the Forest Service to conduct a facilitated workshop in lieu of the County's six month comment extension request.

Commissioner Dahl suggested they table action until they discuss all of agenda items VIII and IX.

IX. ELKO COUNTY NATURAL RESOURCES MANAGEMENT ADVISORY COMMISSION (NRMAC):

A. Wild Horse Management:

Discussion and consideration of costs associated with a proposal submitted by Great Basin Consulting related to environmental review of wild horse management.

1. Completion of an Elko County Environmental Assessment (EA) for management of “Wild Free-Roaming Horses and Burros” and/or feral horses or burros.

2. Completion of an Elko County Environmental Impact Statement (EIS) for management of “Wild Free-Roaming Horses and Burros” and/or feral horses or burros.

B. Discussion and consideration of costs associated with a proposal submitted by Great Basin Consulting related to “Completion of a proposed declaration in Elko County based on the failure of natural resource management by federal agencies.

C. Discussion and consideration of a NRMAC recommendation to the Elko County Board of Commissioners to invite Ken McAdoo, Larry Hyslop, Tina Mudd, Rhonda Heguy and BLM/USFS representatives to provide information and discussion concerning Noxious Weed Control.

Cliff Gardner stated previously GBC drafted the County an EIS on wild horses. He stated they had drafted a brief for an emergency Ordinance. He noted the Record of Decision would be coming out on the Forest Service’s Travel Management Plan. Cliff Gardner suggested that when the Record of Decision came out they should identify the inconsistencies. Commissioner Dahl noted the Commission had received a letter from Karen Budd-Falen. Cliff Gardner suggested that if the County was not satisfied with the federal agency complying with the NEPA requirements then they should contact the Council of Environmental Quality. He stressed their communication with the Forest Service be verified by a paper trail. He noted the Forest Service interprets their conversation with notes which they take to court. Cliff Gardner stated they have a 45 comment period with which GBC would send off letters asking them to comply with NEPA in the Travel Management Plan and be consistent with the local plan. Cliff Gardner suggested three steps: 1) the County proceeds with an EA, EIS process; 2) adopt an Ordinance; or 3) the continuation of his and Floyd’s involvement within the coordination process. Cliff Gardner stated the proposals that GBC had submitted was under \$25,000 and would address all three of those issues.

Commissioner Guttry suggested they isolate the issues and inquired if the action on the Ordinance was upon the agenda. Kristin McQueary stated they could address it under IX B.

Commissioner Guttry stated if the intended use of the EA or EIS was to hand it to the BLM, the document would be perceived to be by the County but it was drafted by a lifetime rancher. He said the document may not have a lot of credibility with the BLM but it provided general information to the County. He questioned whether they needed an EIS.

Cliff Gardner stated the federal agencies were mandated to work with local agencies within the NEPA process. He stated historically the federal agencies do a summary EA to determine if there had to be a final EIS. He stated if the County writes an EA and calls for an EIS the federal agency may want to participate. Commissioner Guttry stated the BLM would still perceive it as being biased. Cliff Gardner's concept was the County, as a cooperative agency, would have just as much authority as the federal agency, and they would have a referee. Commissioner Guttry commented within Karen Budd-Falen's letter she stated if the BLM believes they complied with NEPA, the County did not have overriding authority. Cliff Gardner stated if the County did not agree, then the County could send documentation to the Council of Environmental Equality to vindicate that the BLM did not comply with NEPA. He stated the County would have to base their decision upon best commercial scientific data available. Commissioner Guttry requested clarification that if the County did an EA and if the BLM does not do the EIS then the County had to do the EIS to follow the environmental quality guidelines.

Commissioner Dahl cited from Karen Budd-Falen's letter as follows: *"Federal law mandates that federal agencies work jointly with local governments to consider and protect the environment as well as the customs, culture and economic stability of the local citizens during the federal agency decision making process. Specifically, pursuant to the regulations implementing the National Environmental Policy Act or NEPA, local governments are to be given joint planning authority. Joint Planning Authority means that the local government has the ability to: 1) develop alternatives to the proposed federal action, 2) require consideration of mitigation measures, 3) require consideration of local custom and culture, 4) hold joint local public hearings, 5) conduct joint environmental studies, and 6) assist in development of environmental assessments (EA) or environmental impact statements (EIS)."* Commissioner Dahl cited from the California Supreme Court Case, Coastal Commission vs. Granit Rock Company: *"State land use planning is allowed by federal lands as long as such land use planning does not include zoning. Federal agencies cannot claim constitutional*

supremacy if the agency can comply with both federal law and the local land use plan.” He understood that if the County had a land use plan the federal agency would comply as long as the County plan did not violate any federal laws.

Cliff Gardner informed the Board that he had sent their findings of their past years of research to the U.S. Fish and Wildlife Service, NDOW, the Forest Service and the BLM and requested the agencies to send any data showing that their research was incorrect. He stated Great Basin Consulting had also sent a letter requesting all their documentation supportive of their planning process on the Travel Management Plan. He had received a copy of a disc from the federal agency.

Commissioner Guttry inquired if this would be a continuation of the draft that the Commission had received over three weeks ago on the wild horses. Cliff Gardner stated that was a suggestion of what could be done.

Commissioner Williams questioned if the County was under a contract previously and asked if this would need to go to competitive bids. Kristin McQueary replied the threshold for the Local Government Purchasing Act was \$50,000. She stated below that amount they should seek informal bids but there were exceptions for professional information.

Commissioner Myers had reviewed their request, Karen Budd-Falen’s letter and Kristin’s memo. He stated the County had not sufficiently supported their point of view with good sound science in the past. He commented wild horses were a huge issue for Elko County, the state and supported an EA from Great Basin Consulting or another company as long as it provided more up-to-date information with regards to damage to the lands, repercussions to ranching, etc. Commissioner Myers did not recommend that they take immediate action on the EIS based upon what came from the federal agencies. He did not support an emergency ordinance because he didn’t want to put their ranching community in jeopardy through the listing of a species. Commissioner Myers believed emergency ordinances came under the state’s jurisdiction.

Cliff Gardner had contacted various ranchers to receive affidavits from them to document their testimony. He stated with regards to the species the agencies were required to monitor and during the planning process the federal agencies were to research needs. He stated some of the studies had been done previously but they may request site specific studies.

Kristin McQueary reviewed NRS 332.039 1. (c) of the Local Government Purchasing Act with the County Commission. Commissioner Guttry suggested they address each task separately to remain under the \$25,000 amount. Commissioner Russell stated the difference in opinion between counsel and the researchers should be resolved prior to their decision.

MOTION: Commissioner Guttry moved hiring Great Basin Consulting for task one, which was the completion of an Elko County EA for management of wild and free roaming horses and burros and/or feral horses or burros at the cost of \$6,000 and also to add that there could be additional costs for attorney services at the rate of \$220 per hour up to \$6,600 for all four tasks.

Commissioner Guttry inquired about the amount of attorney fees. Cliff Gardner could not quote a specific amount for attorney fees.

Commissioner Guttry amended his motion to hire Great Basin Consulting at \$6,000 for the EA.

Commissioner Guttry stated if there were attorney fees they could bring it before the Commission as a Change Order.

Commissioner Myers seconded the motion.

Kristin McQueary would review the Great Basin Consulting attorney fees being submitted and it would not directly come before the Commission. Commissioner Russell noted that counsel had specific objections to the writing form of the documents. Kristin McQueary explained the editing issues should be under the Chicago Manual of writing style with regards to citing their references.

Commissioner Guttry amended his motion to include the comments made by the District Attorney as guideline for the type of form she wants to be used. Commissioner Myers seconded the amendment.

Kristin McQueary clarified it was not a form but a writing style wherein research would be cited and the quotes would be attributed to the speaker.

Floyd Rathbun stated Cliff Gardner did the research and gathered the factual information. He stated they would make sure the citations to reference material were properly identified.

Cliff Gardner stated Randy Brown would create a website for viewing of their documents.

Ken Miller, BLM District Manager, stated this discussion was important to them. He disagreed with some of the statements that Mr. Gardner had made but accredited Cliff Gardner for the amount of work he had performed. Ken Miller had previously requested that NRMAC give serious consideration to the documents they were looking at because it contained lots of opinions, it has some value, history, etc. Ken Miller stated they deal with opinions and biased science sometimes. He noted the BLM did a good job on NEPA and presently they have a wild horse gather proceeding because of their EA and the legal case would continue through litigation. Ken Miller inquired what the purpose was of the County document; if the purpose was to say there were too many horses

upon public lands. Ken Miller stated there were documents that say how many horses should be upon a specific land. He agreed with Cliff Gardner there were too many horses impairing the range health in general. Ken Miller stated the BLM has different laws and they were addressing the inability to pursue appropriate Animal Management Levels.

Commissioner Dahl commented the public did not understand the problems and that was the reason for the County's EA. Commissioner Dahl voiced concern with the creation of wild horse refuges.

Ken Miller encouraged the County to contemplate what the purpose of the document was. He questioned if it was an EA or if it was a review of the current management practices and recommendations. Commissioner Myers stated it could be a position paper. Commissioner Dahl believed the EA would bring out the crisis situation. Ken Miller asked what the action was they were examining, and what the alternatives were.

Commissioner Guttry felt the BLM did everything in their power to control the horse numbers under the circumstances despite the continuing litigation. He wanted the County document to tell him where the damage was occurring, how much damage and was it repairable and what it would take to repair that damage. Commissioner Guttry felt the document could become part of a land use plan.

Ken Miller stated the NEPA process was working in Elko County. He agreed permitting was taking too long for the mines but they have EAs and EISs that were standing up to significant challenges. Ken Miller stated the County was a cooperator and their input was considered.

The motion passed unanimously.

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X. SPRING CREEK/LAMOILLE MASTER PLAN PROPOSED AMENDMENT:

In accordance with Public Notice 26-2011, conduct a Public Hearing on a proposed amendment to the Spring Creek/Lamoille Master Plan upon request by Ruby Vista Ranch, LLC (Redstone) inclusive of relocation of the proposed lighted intersection on SR 227 at the Corral Lane/Spring Creek High School to a roundabout controlled intersection at the Boyd Kennedy Road location to include realignment of Corral Lane with Boyd Kennedy Road and the realignment of commercial and residential zoning districts related to the relocation related to the relocation within the NE ¼ of Section 3, Township 33, North, Range 56 East, M.D.B.&M.

Randy Brown reviewed the recommended approval by the Planning Commission with recommendations of staff as follows:

“Staff recommends that the Planning Commission sends their recommendation of approval to the Elko County Board of Commissioners for amendment to the Spring Creek/Lamoille Master Plan as follows:

Relocation of the proposed Corral Lane intersection with SR 227 as depicted within the Spring Creek/Lamoille Master Plan to the Boyd-Kennedy Road location with the construction of a roundabout intersection and the realignment of commercial and residential zoning districts related to the relocation as depicted within the Redstone Master Plan as revised May 6, 2011, with the following conditions and restrictions:

A. At the time of any development, the developer shall comply with all applicable provisions of NRS and Elko County Code for development criteria that pertain to the proposed residential, commercial and industrial development.

B. At the time of any development, the developer shall comply with all applicable development criteria and requirements of the Nevada Department of Transportation that pertains to the proposed residential, commercial and industrial development pertaining to ingress/egress to SR 227.

C. Changes to the existing zoning with legal descriptions for each individually zoned project area within Ruby Vista Ranch (Red Stone) areas are required.”

Randy Brown stated they were not proposing moving Corral Lane at this time. He explained due to problems with the Army Corp of Engineers they decided to move this development into the Boyd-Kennedy area to eliminate the mitigation process with the EDP and the Army Corp of Engineers. Randy Brown stated this process did meet the statute requirements.

Commissioner Williams voiced concern with snow removal in the roundabouts. Randy Brown stated NDOT had approved this project and had made a presentation to the Spring Creek Association last week. He stated statistics supported the roundabouts rather than coming to complete stops in ice or snow and snow removal was engineered into the project. He stated Corral Lane would be left alone until such time as the development gets into the phase project. He stated the Corral Lane section within the development will be paved to another intersection.

Commissioner Williams stated they were talking about rerouting Corral Lane but the County had expended money on that road because of the increased traffic from Spring Creek. He noted that in the back of the report it stated Corral Lane would be another option for the Spring Creek residents to access the highway. He noted the further development would increase the traffic on Corral Lane. He asked if the Spring Creek Association or the developer would reimburse the County for the damage to Corral Lane with the increased traffic.

Randy Brown stated anytime they do realignment and put in turning lanes they decrease the traffic flows. Commissioner Williams disagreed because there would be a commercial area next to that highway. Randy Brown stated that would bring more money into the area and the commercial area would be utilized by the region. Commissioner Williams inquired who would maintain Corral Lane. Randy Brown stated they had talked to Redstone about General Improvement Districts and Maintenance Districts.

Commissioner Russell disclosed that two and one-half years ago Redstone gave him a campaign contribution for reelection. He did not feel that would sway his decision one way or the other.

Commissioner Myers disclosed two and one-half years ago he met with this corporation as a member of the County Commission because he was the RTC Chairman and the County Highway Chairman.

Ken Krater, owner/developer of the Redstone project, stated the project originally approved a 1,400 acre project from the Spring Creek High School to the boundary of Licht Parkway. He had worked with the Army Corp of Engineers on the wetlands analysis. The NDEP Branch Chief in Reno gave them a Jurisdiction Determination everything was good but six months later they received a letter from the EPA in San Francisco who disagreed with the Reno decision. Ken Krater commented after the EPA analysis the 24 acres of wetlands across from the high school went to 120 acres of wetlands which were designated aquatic resources of national significance. He stated that made it impossible to put the main entrance across from the Spring Creek High School. He stated the EPA wanted Redstone to pursue a Least Environmentally Damaging Practical Alternative (LDEPA). Ken Krater had redesigned the project to avoid all the wetlands and relocated the access to come in across from the Boyd-Kennedy Road. He stated the new design met several general concerns in the Spring Creek Master Plan such as maintaining the highest possible speed on the Lamoille Highway; commercial property developed only at the existing intersections along the corridor and providing secondary access to the commercial development. Ken Krater said the Master Plan stated the commercial development should not encroach into the flood plain. He stated the Boyd-Kennedy Road approach was better for the schools' access. He stated they could put in a simple frontage road along the front of the middle school and the high school to the main point of access at the Boyd-Kennedy. Ken Krater had worked with NDOW, Elko County School District, and Elko County personnel. Ken Krater stated at the school board meeting, he committed Redstone to do all the design work on the frontage road for the School District. He acknowledged there was concern by people living on Corral Lane. Ken

Krater stated Corral Lane would remain open until the people were familiar with the roundabout route. Ken Krater noted NDOT submitted a letter to the Planning Commission which supported the proposal. Ken Krater stated once the project was built out there would be four points of access: Boyd-Kennedy Road, Wells Lane, Licht Parkway at the south end, and the western access onto the Jiggs Highway. He stated they plan to go through the BLM procedure to get one more point of access onto the Jiggs Highway as an emergency access.

Ken Krater apologized to Jack Skivington because he had used an old exhibit in his application that did not show Mr. Skivington's commercial property.

Ken Krater stated NDOT did look at snow removal within the roundabout. He stated roundabouts were better than traffic signals because traffic was only flowing in one direction so it was easier to work the plow through the roundabout and the people were forced to slow down in the roundabout. Commissioner Russell stated another issue from Spring Creek was safety for pedestrians but statistically pedestrians were safer in roundabouts.

Commissioner Williams stated there would be additional traffic on Corral Lane and inquired who would address those costs. Ken Krater stated they would pay the costs to improve Corral Lane and pave it to their property line. Commissioner Williams stated the traffic would come from Spring Creek down Corral Lane to hit that commercial area. Ken Krater stated they would pave Corral Lane to the boundary of their property and they would have a paved roadway to Licht Parkway. Commissioner Guttry inquired about the timing of the roundabout compared to the development. Ken Krater stated they committed to build the roundabout prior to development of the project.

Meghan Brown, citizen, stated their property was at the end of Corral Lane and there was a significant increase in traffic during construction and since the roundabout was built. She expressed concern with children living in the area. Meghan Brown noted maintenance had increased on Corral Lane.

Commissioner Russell noted the increased traffic dealt with people living in the Spring Creek area. Megan Brown stated the Spring Creek people that did not want to deal with the roundabout took Corral Lane. Commissioner Russell stated over the last four years the County improved maintenance on Corral Lane because of the complaints by the residents and as they improved conditions on the road more Spring Creek Association people traveled that road. Commissioner Russell noted the Sheriff did more patrols in that area.

Ken Wellington, Spring Creek resident, agreed the people were avoiding the roundabout by taking Corral Lane and Lower Lamoille Road. He stated the County Road Department could not keep up with the maintenance on Lower Lamoille Road because of the increase in traffic. He said Commissioner Guttry

had a good point that they should do the roundabout prior to the development coming in and noted Coyote Springs went bankrupt.

4:19:52 P.M.

The FTR recorder was interrupted during this portion of the minutes.

Jack Skivington asked why they did not go south, stay with the original Master Plan, and go through the Big W which had a road across the creek. He stated when they have more right or left turns it takes the traffic away from his commercial property.

4:20:47 A.M.

FTR Gold recorder was interrupted for several seconds transcribed from backup DSS player.

Jack Skivington stated the old map was totally different than the new map. Jack Skivington pointed out the location of his thirty acres of commercial property. He believed that Ken Krater was spot zoning. Jack Skivington inquired if the property owners along the road would have access. Ken Krater stated there had been a letter sent to M. Skivington's attorney to work with Jack Skivington on access.

Jack Skivington asked about water and sewer access. Ken Krater stated they would annex into the Spring Creek utility district and the sewer and water would be through the public system of Spring Creek Utilities. Jack Skivington stated he would have to hook into the Spring Creek Utilities.

Jack Skivington suggested a roundabout by the Big W entrance were the original commercial zoning was and not spot zone.

Mike Gleason, owner of the commercial parcel between Boyd-Kennedy and Trescartes, stated it was zoned commercially in the region and supported the amendment to the Master Planning.

Commissioner Russell noted previously there had been a problem with flooding in that area. He asked that Mike Gleason speak with Randy Brown in that area. Mike Gleason stated he was working on retention at this time

Commissioner Williams stated roundabout would be asset because of church and other commercial development in the area.

Randy Brown encouraged them that if they were going to revise the Spring Creek Master Plan they include staff recommendations.

MOTION: Commissioner Williams moved to approve the Spring Creek Master Plan amendment as recommended by the Planning Commission under page one of their agenda item with staff recommendations. Commissioner Myers seconded the motion. The motion passed unanimously.

4:27:25 PM

RECESS:

Chairman Dahl called a recess at 4:27 p.m.

[4:44:10 PM](#)

RECONVENE:

Chairman Dahl reconvened the meeting at 4:44 p.m.

Robert Stokes requested clarification upon agenda item VIII B.

VIII. USFS Mountain City, Ruby Mountains and Jarbidge District Travel Management Project:

B. Discussion and consideration of costs associated with a proposal submitted by Great Basin Consulting related to development of the Elko County response to US Forest Service Travel Management Plan.

Floyd Rathbun, GBC, stated at the release of the final EIS there would be a public comment period. He suggested the County call for a resolution of any inconsistencies that can be identified in the plan. He stated the Forest Act, NEPA and FLPMA all require coordination to resolve inconsistencies which was separate from the cooperative status under NEPA. He suggested their recommendations be made in the form of a draft letter for the use of the Commission. Commissioner Dahl inquired about the associated costs. Floyd Rathbun stated the costs were already discussed within their first proposal.

Commissioner Myers asked Randy Brown to come back with what they would provide to the Commission.

Commissioner Guttry noted this tied into the two day workshop rather than the six month comment extension period. Commissioner Williams suggested both the workshop and seek the six month extension comment period.

Commissioner Myers stated staff needed the opportunity to review the Final EIS prior to awarding a contract. He suggested Randy Brown and Cliff Gardner discuss this after the FEIS comes out.

MOTION: Commissioner Myers moved to direct staff to put together for the Chairman's signature a request for a six month extension to the comment period and if the Forest Service still wants to meet for a two day workshop on the Final Environmental Impact Statement; they do not have an issue doing that if the Commissioners could work it into their schedule, but it would not be in lieu of the Commission applying for a six month extension. Commissioner Russell seconded the motion. The motion passed unanimously.

[4:51:58 P.M.](#)

IX. ELKO COUNTY NATURAL RESOURCES MANAGEMENT ADVISORY COMMISSION (NRMAC):

C. Discussion and consideration of a NRMAC recommendation to the Elko County Board of Commissioners to invite Ken McAdoo, Larry Hyslop, Tina

Mudd, Rhonda Heguy and BLM/USFS representatives to provide information and discussion concerning Noxious Weed Control.

Meghan Brown, NRMAC member, volunteered to sit on that committee.

Commissioner Myers stated the RAC of the Forest Service approved for the HWCWMA management area weed proposal \$68,515. He stated for the USFS weed treatments \$94,115 was approved for areas bordering the Forest. He stated two groups submitted plans and they were given approximately \$160,000 in weed management.

Randy Brown stated Caleb McAdoo, of NDOW, gave a brief presentation to NRMAC and suggested the BLM and the Cooperative Extension Agent give a presentation to the County. Commissioner Dahl requested that they invite them.

[4:55:28 PM](#)

The FTR recording was momentarily interrupted this portion transcribed from DSS Player.

Randy Brown stated he would like Mary Winter to participate on the noxious weed project.

Commissioner Myers commended the Northeastern Nevada Stewardship Group on their sage grouse study and recommended they incorporate some of that material into their documents.

D. Discussion and consideration of a NRMAC recommendation to the Elko County Board of Commissioners to initiate an integrated vegetation/weed control management plan in Elko County.

Randy Brown stated they should listen to the presentation prior to making a decision. Commissioner Russell felt they should document what was on the ground now. Commissioner Myers agreed they should be managing weeds through a plan and allocate funding according rather than by districts.

Commissioner Williams stated the noxious weeds were starting to impact the economy of Elko County. He stated they want to begin with a public educational process and take it to an integrated situation through a plan with funding.

F. Update report on the Triple B Horse Gather:

Ken Miller gave an overview of the gather and the numbers gathered to-date. He stated there were a few observers and wild horse advocates attending. He reported they were responding to a Congressional inquiry about observers' adequate access to the gather. He stated they were hauling water to horses at Cherry Springs, east of Ruby Marshes. He stated there were lots of horses drinking and they would keep them watered so there was less stress when they gather them. Commissioner Guttry inquired about the horses inbreeding with genetic deformities. Ken Miller stated on the Henneke Scale (Henneke System

of Body Condition Scoring) most of the horses were at a four rating. He stated during the hot time of the summer they were getting two and three ratings on some of the horses which were very thin.

[5:08:29 PM](#)

E. Discussion and consideration of a preliminary Draft EIS for the Arturo Mine Project recommendation to the Elko County Board of Commissioners to send a letter of support for mine development as long as AUM and grazing loss concerns are addressed to the 25 Ranch's satisfaction.

Randy Brown stated the 25 Ranch had been working with the BLM on the proposed AUM loss. He commented NRMAC had recommended a letter of support for the project with the caveat the 25 Ranch supported it.

MOTION: Commissioner Russell moved to send a letter of support for mine development as long as AUM's and grazing allotment concerns are addressed to the 25 Ranch's satisfaction. Commissioner Myers seconded.

Commissioner Myers inquired why this draft came this way. Randy Brown replied this was a draft; they were trying to work out the 25 Ranch AUM issue.

The motion passed unanimously.

[5:11:01 PM](#)

G. Discussion and consideration of issues reviewed by NRMAC at its last meeting.

Randy Brown stated NRMAC was moving their meeting date to the last Monday of the month.

Randy Brown reported the Heritage Foundation issue was rescheduled to September because of scheduling conflicts.

Randy Brown stated NRMAC had heard several items from the BLM.

Commissioner Myers asked for information on the number of people on the NRMAC board and upon the County Wildlife Advisory Board and the time frame of their appointments. Robert Stokes would submit that information.

[5:14:22 PM](#)

XI. ELKO COUNTY WATER RESOURCE ISSUES:

Discussion and consideration of water resource management and water rights issues that may impact Elko County including possible discussion related to the Southern Nevada Water Authority pipeline project and the Central Nevada Regional Water Authority activities and issues.

Randy Brown stated the CNRWA meeting would be held in October on the pipeline project. He stated their concern was over pumping in Spring Valley and the impacts it may have on the southeastern portion of Elko County. Randy Brown stated they may make suggestions of monitoring wells in the northern region of White Pine County to show impact on the water table.

Commissioner Dahl stated the BLM on SNWA's EIS would be discussed in Elko on August 10th at the Red Lion. Commissioner Russell stated he would attend that meeting. Commissioner Dahl stated there would be some hearings held in September before the State Water Engineer. He had spoken to South Coast Water District upon the cost to supply water.

[5:17:07 PM](#)

XII. EL PASO GAS CORPORATION/ RUBY PIPELINE PROJECT:

Discussion and consideration of issues related to the Ruby Pipeline Project including possible discussion with Company representatives regarding the agreement to fund the removal of grazing leases and other activities on public lands.

Commissioner Dahl noted they have had problems with the road agreement and felt that should be an agenda item.

Commissioner Guttry had talked to Gary Botts today. Commissioner Dahl stated his previous concern was enforcement of the agreement. Kristin McQueary stated they had utilized a standard road agreement for people who utilize the county roads for industrial use. She stated they would have to discuss the impacts and how far the County wanted to take it. She noted the company had previously performed maintenance on the roads.

Commissioner Russell believed that Mr. Botts anticipated the road to be in a better condition than before the pipeline was in the region. Secondly, he believes the time the company was on the road was shifted and road degradation was more due to the change in weather. Commissioner Russell stated if the company had chosen another timeline, then the County has a basis for recourse. Commissioner Williams inquired who the contract was with because there were several subcontractors. He believed Otis was having issues with one of the subcontractors under the general contractor. Commissioner Russell replied Ruby Pipeline was the contractor in the agreement.

[5:21:44 PM](#)

XIII. COMMISSION APPOINTMENT CONSIDERATIONS:

Discussion and consideration of the impacts of Commission member participation with regard to changes to the Open Meeting statutes from the 76th Session of the Nevada Legislature including possible adjustments to Commissioner assignments as liaisons and committee assignments.

Robert Stokes stated there were two Commissioners appointed to several committees and some committees do not post agendas. He requested the Commissioners decide who would continue as the liaison.

Commissioner Myers stated that Commissioner Williams agreed to take the Sheriff's Department. He stated they may want to reconsider one liaison for the jail. Robert Stokes requested the affected Commissioners decide who would sit

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on those committees and let him or Michele know. Commissioner Myers suggested they appoint a primary and alternate to those committees. Kristin McQueary reviewed the legislative amendment. Commissioner Myers suggested they ask for clarification on voting by a five member board. Robert Stokes stated the Attorney General had sent out a letter to the various people that serve upon the State boards. He suggested the Attorney General's Office give a clarification upon the quorum issue. Commissioner Williams suggested the AG office give a presentation on this law at the NACO Convention.

[5:31:38 PM](#)

XIV. COMMISSION AND COMMITTEE REPORTS:

Reports from Commission members regarding various committee, liaison or agency issues.

Demar Dahl, District 1 Commissioner:

Commission Chair, Liquor Board Chair, Wells, West Wendover, Jackpot, and Montello Liaison – He stated the Town of Montello would start a letter writing campaign to keep their Post Office open.

Central Nevada Regional Water Authority (CNRWA) – He stated they had previously talked about the hearings coming up in September and August 10, 2011.

Humboldt River Basin Water Authority – He stated Commissioner Guttry attended the last meeting.

Natural Resource Management Advisory Commission Liaison (Alternate) – He suggested a shorter agenda.

Western Counties Alliance – He stated Ken Brown made them aware that HR 1581 that was designed to release the Wilderness Study Areas and terminate Secretarial Order 3310 on Wildlands. There was a Senate companion to that bill.

Nevada Association of Counties (NACO) Board – He stated there was a meeting on Friday which he and Robert Stokes would attend.

Charlie Myers, District 2 Commissioner:

Elko County Economic Diversification Authority (ECEDA) – He stated they would award a video project for the County which would look at the industrial parks, development opportunities and then send the disc to the scoping groups.

Nevada Commission on Economic Development – He stated the County's appointment to this position was over on June 30, 2012 because it would become a board set up by the Governor and elected officials.

Wildlife Advisory Board / Wildlife Arbitration Board – He stated the next meeting was on Wednesday.

Budget Committee – He stated they met without Commissioner Russell and discussed the communication system and gave recommendations on the Judge's situation with the Juvenile. He stated a decision had to be made regarding going

to narrow band and suggested an overview. He stated it was a 2.5 million dollar project and there was a safety issue for the law enforcement officers. Cash Minor stated there was concern with interoperability. Commissioner Myers stated Ken had explained to him there would be interoperability with the Elko Police and Ambulance Service.

USFS-RAC – He reported RAC allocated funding to Hage’s weed proposal of \$68,515 and the second Forest Service weed proposal was \$94,115. He stated the Meadow Creek Road repair was allocated \$90,000 if Commissioner Dahl can convince the rancher to divert the creek off the road. He stated the owner of the property would have to remove the beaver dam. Commissioner Myers stated Mountain City campground hosts were allocated \$8,940; Jarbidge Trails Project was allocated \$10,250, with nothing going to the adoptive management process. He stated the historical weed photography survey was allocated \$12,500. He commented RAC’s total award was \$284,320. He stated \$5,000 was retained for monitoring of the weed programs.

[5:41:46 PM](#)

Glen Guttry, District 3 Commissioner:

Elko Senior Activity Programs Board Liaison- He stated the Senior Ball would be held on Saturday night. Commissioner Myers commented the Republican picnic and NRA meeting was also this Saturday.

Fire Science Academy Liaison – He stated on August 24th he and Robert Stokes would meet in Las Vegas with the steering committee. Commissioner Myers suggested a briefing on the Fire Science Academy.

[5:43:02 PM](#)

R. Jeff Williams, District 4 Commissioner:

Commission Vice-Chair

Carlin, Mt. City, Midas, Owyhee, Jarbidge & Tuscarora Liaison – He stated Mountain City had lost their Post Office and they would discuss this issue tomorrow. He stated they stopped the Midas fencing project because of the issues with people threatening lawsuits. He stated Randy Brown stopped the order on the material and NDF crews were placed on hold. Commissioner Williams explained there was a house located outside of the project.

Mining Sustainability – He suggested Commissioner Dahl take that liaison. Commissioner Dahl volunteered to be the alternate.

Museum Board - He stated Barrick Mine would develop a mine exhibit.

California Trails Center Board Liaison – He stated there were lots of displays.

BLM/USFS Liaison – Commissioner Williams will be alternate and Commissioner Dahl the primary liaison.

Natural Resource Management Advisory Commission Liaison – Commissioner Dahl stated that was an agenda meeting so there were no changes.

Nevada Association of Counties (NACO) Board (Alternate) – He was going to the Fallon meeting.

Juvenile Department Liaison – He will be the alternate with Commissioner Dahl as the primary.

Sheriff Department Liaison – Commissioner Williams will be the liaison. Commissioner Myers will discuss splitting the liaison with Robert Stokes. Commissioner Williams had met with the Sheriff on the overage on his budget. He had talked to the Sheriff about Midas, Tuscarora and Mountain City's emergency situations. He stated the Sheriff had suggested training individuals in those areas under a special Deputy designation. He had suggested breaking the jail away from the Sheriff's Office and the Sheriff believed that was a bad idea.

Library Board of Trustees Liaison – He was still involved.

NNSG – He stated the group was studying weeds among other things.

Warren Russell, District 5 Commissioner:

Highway Board – He stated the Forest Service was over two weeks behind on their projects and left Jarbidge taking their equipment. He noted they might not be able to do the project on Deer Creek Grade. He and Otis had spoken to the Manager on the Diamond A Ranch and the ranch real estate representative. They had discussed a trade of the easement for the road through headquarters. He stated the alternative was condemnation. He asked if they were interested in getting the road south from top of Deer Creek Grade to the Forest Service boundaries plus the easement on Deer Creek Grade in exchange. He stated if there was an emergency the ranch had agreed to their using the road through the ranch headquarters which would become part of the written trade agreement. He would continue with discussions if there were no objections. There were no objections to that proposal.

Regional Transportation Commission (RTC) – Commissioner Russell stated Jackpot was asking for RTC funds but it had not gone before the RTC Commission. Robert Stokes stated the individual RTC members can request their allocated monies and report it later to the RTC. He stated in this case the County Commission must approve allocation of those monies for Jackpot.

[5:57:14 PM](#)

Commissioner Williams departed from the meeting room.

Commissioner Myers reviewed the allocation of the individual funding.

Spring Creek Association Liaison – He stated they had a presentation by the Ruby Vista Ranch/Redstone people.

[5:58:07 PM](#)

XV. COMMISSION MEETING CALENDAR:

August 8, 2011 – 3:00 p.m. --BOC – P&Z Appeal Hearing -- Nannini Admin Bldg, Suite 102

August 17, 2011 – 6:30 p.m. -- Jarbidge and Jackpot

September 7 & 8, 2011 – Elko — Nannini Admin Bldg., Suite 102

September 13, 2011 – Special Congressional Election

September 19, 2011 – Monday – BOC Meeting & Election Canvass – Elko – Nannini Admin Bldg. Suite 102

September 21, 2011 – Meeting rescheduled to September 19, 2011 in Elko

[5:58:42 PM](#)

Commissioner Williams returned to the meeting room.

Robert Stokes had contacted Montello and Wendover to advise them they were not coming.

Commissioner Russell suggested going to Jackpot first on August 17th and have lunch and then continue to Jarbidge. He commented there were signs at the restaurant in Jarbidge that stated “no guns allowed” and would not patronize that establishment as long as that sign remained. Robert Stokes commented for years hunters had patronized that establishment.

MOTION: Commissioner Myers moved to approve the Commission Meeting Calendar. Commissioner Guttry seconded the motion. The motion passed unanimously.

[6:02:33 PM](#)

XVI. CONSENT AGENDA:

A. Presentation and review of claims for approval

B. Approval of minutes: July 6, 2011, and July 7, 2011

MOTION: Commissioner Williams moved to approve the Consent Agenda. Commissioner Guttry seconded the motion. The motion passed unanimously.

[6:03:00 PM](#)

XVII. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:

Robert Stokes commented upon the quick response to the Spring Creek fire last Friday afternoon.

Commissioner Myers suggested a Thank You be sent to Randy Brown for the Family Night Out community event.

Commissioner Myers suggested they send a letter on the Wounded Warrior Project expressing appreciation.

[6:04:58 PM](#)

XVIII. COMMENTS BY THE GENERAL PUBLIC:

No public was in attendance.

[6:05:03 PM](#)

XIX. ADJOURNMENT:

**MOTION: Commissioner Myers moved to adjourn the meeting.
Commissioner Guttry seconded the motion.**

No public was in attendance to submit comments.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 6:05 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk



Elko County Board of Commissioners

Commissioners

Demar Dahl

Glen Guttry

Charlie Myers

Warren Russell

R. Jeff Williams

Elko County Manager

Robert K. Stokes

STATE OF NEVADA)
COUNTY OF ELKO) ss.

AUGUST 4, 2011

The Board of Elko County Commissioners met in regular session on Thursday, August 4, 2011, at 1:30 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners Demar Dahl, Chair
Glen Guttry
Charlie Myers
Warren Russell
Jeff Williams
County Manager Robert Stokes
CFO/Asst Co Mgr Cash Minor
Deputy District Attorney Kristin McQueary
Deputy County Clerk Marilyn Tipton
Public Works Director Lynn Forsberg
Planning/Zoning/NRMAC Randy Brown

Chairman Dahl called the meeting to order at 1:31 p.m.

Commissioner Russell led the meeting participants in the Pledge of Allegiance.

[1:33:18 PM](#)

I. COMMENTS BY THE GENERAL PUBLIC:

Commissioner Russell read from the Declaration of Independence as follows: *"That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light*

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and transient causes; and according all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.”

Commissioner Dahl commented upon the stock market's decline.

Paulette Cummins, of BVR, stated NDOT was performing a survey for future planning regarding people with low income, people with disabilities, of people over sixty and people needing to get to work. Ms. Cummins stated the survey had to be completed by the 10th of August and submitted the address.

[1:34:35 PM](#)

II. SUMMIT AIR AMBULANCE:

Presentation and discussion regarding Summit Air Ambulance activities, actions and business plans.

Jonathan Collier, CEO of Summit Air Ambulance, gave an update upon their services to the County inclusive of a review of their general operation improvements, their benefit to community, and improvements they brought to patient care services. He commented upon the equipment upgrades such as night vision goggles, SkyConnect GPS locators, and infrared to see through the clouds. Jonathan Collier reported they met the FAA's Notice of Proposed Rule Making for air providers except for the Helicopter Training Avoidance Warning system (HTAS). He stated with the elevation difference it was better to use night goggles to fly safely. Jonathan Collier reported they acquired an additional helicopter for this region with a max gross weight kit to fly a greater range. He stated their communications center interacts with Central Dispatch for consistent availability. Commissioner Russell inquired if a helicopter was out of service then do they substitute it for a fixed wing. Jonathan Collier replied they had a back up helicopter. He explained prepayment of a membership and stated the hospital had continued that membership program.

Jonathan Collier introduced Rolando Gomez, their clinical manager, and reported they have regional agreements with the University of Utah for ongoing training and certification of the crew. He reported they meet on a regular basis with the hospital and Elko County EMS to provide better service for the County.

[1:49:05 PM](#)

III. ELKO COUNTY DISTRICT ATTORNEY'S OFFICE:

Discussion and consideration of approval of Resolution 12-2011 that requests assistance from the Nevada Attorney General's Office for criminal prosecution pursuant to NRS 228.130 due to conflict of interest in the District Attorney's Office.

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Kristin McQueary stated Mark Torvinen had previously submitted a letter explaining the conflict of interest.

MOTION: Commissioner Myers moved to adopt Resolution No. 12-2011, a request from the District Attorney's Office for assistance from the Nevada Attorney General's Office for criminal prosecution pursuant to NRS 228.130. Commissioner Russell seconded the motion. The motion passed unanimously.

[1:50:40 PM](#)

IV. JACKPOT TOWN BOARD:

Highway 93 Fencing Project:

Discussion and consideration of funding for the fencing project in Jackpot utilizing the Town of Jackpot RTC allocation as approved by the Jackpot Advisory Board.

Lynn Forsberg stated widening Highway 93 and installing the storm drainage had destroyed the fencing. He stated there was an agreement with NDOT to maintain that fencing and they previously requested RTC funding for this project. Lynn Forsberg reported the ISTE A grant was for fence to only allow pedestrian access at the controlled intersections. He stated due to the "rural nature" of Jackpot, they only light the intersections.

Lynn Forsberg reviewed the four bids received: Butte Fence Inc. of Twin Falls, Idaho in the amount of \$35,042.30; Taylor Made Fence of Kimberly, Idaho \$45,142; Mountain States Fence of Salt Lake City, Utah, \$48,552 and Lamoille Fencing, Lamoille, Nevada, at \$59,941.00.

MOTION: Commissioner Myers moved to approve the funding from an RTC allocation for Jackpot in the amount of \$37,000 for the Highway 93 fencing project. Commissioner Williams seconded the motion. The motion passed unanimously.

[1:56:43 PM](#)

ADJOURNMENT:

Chairman Dahl adjourned the Jackpot Town Board at 1:56 p.m.

[1:56:58 PM](#)

V. COMMISSION APPOINTMENTS:

1. Elko County Debt Management Commission:

Discussion and consideration of the appointment of a "member at large" to the Elko County Debt Management Commission.

Robert Stokes reviewed the letters of interest received from Paul Patel and Lynne Volpi. Commissioner Williams inquired about the recommendation from the Debt Management Board. Robert Stokes stated this commission had not met recently.

MOTION: Commissioner Russell moved to appoint Lynne Volpi to the Debt Management Commission. Commissioner Myers seconded the motion. The motion passed unanimously.

[1:58:52 PM](#)

2. Elko County Planning & Zoning Commission:

Discussion and consideration of the appointment of a member to the Elko County Planning and Zoning Commission.

Robert Stokes stated due to the vacancy of Milt Grisham they received letters of interest came from Richard Genseal and John Garrard.

MOTION: Commissioner Myers moved to appoint Richard Genseal to the County Planning and Zoning Commission. Commissioner Guttry seconded the motion.

Commissioner Russell inquired what the representation upon the board was. Kristin McQueary stated one was from Western Hills, one from Wells, one from Lamoille, two from Spring Creek and she did not know where Commissioner Hough was from. Commissioner Russell noted most issues were outside of the Cities of Elko, Wells or Carlin and asked in the future that they consider where the individual would represent.

The motion passed unanimously.

[2:02:23 PM](#)

3. Elko Senior Activities Program:

Discussion and consideration of the appointment of a member to the Elko Senior Activities Program Board.

Robert Stokes stated the Senior Center Advisory Board had recommended Ray P. Smith to be appointed.

MOTION: Commissioner Williams moved to appoint Ray P. Smith to the Senior Center Advisory Board. Commissioner Guttry seconded the motion. The motion passed unanimously.

[2:03:22 PM](#)

VI. NEVADA HEALTH CENTERS, INC:

A. Discussion and consideration of approval of an agreement with Nevada Health Centers for Community Health Services.

Cash Minor stated Kristin McQueary had reviewed both this and the next agreement on the agenda. She had requested proof of the liability insurance.

MOTION: Commissioner Myers moved to approve an agreement with Nevada Health Centers for Community Health Services. Commissioner Russell seconded the motion.

Commissioner Myers requested an overview from the Director of the number and classification of their patients. Commissioner Williams had taken a tour of the facility. Cash Minor stated Tom Chase was the new CEO and he

would request a presentation. These agreements did not address dental care.

The motion passed unanimously.

B. Discussion and consideration of approval of an agreement with Nevada Health Centers for Primary Care Services.

MOTION: Commissioner Williams moved to approve an agreement with Nevada Health Centers for Primary Care Services. Commissioner Guttry seconded the motion.

Cash Minor explained the public health nurse employee went away and the County contracted to have local public health services. Roberts Stokes noted the State withdrew their public health nurse due to budget cuts. Commissioner Williams stated funding came from the federal government, grants and they treat 13% of the Medicare for 1% of the state money. Commissioner Guttry suggested a review of the financials.

The motion passed unanimously.

[2:13:10 PM](#)

VII. NEVADA RURAL HOUSING AUTHORITY (NRHA):

Consideration of Resolution No. 13-2011, entitled: **RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELKO COUNTY, NEVADA PROVIDING FOR THE TRANSFER OF THE COUNTY'S 2011 PRIVATE ACTIVITY BOND CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO.** Said resolution transfers Elko County's Private Activity Bond Cap to the NRHA to be used for financing housing for low to moderate income individuals and families.

MOTION: Commissioner Myers moved to adopt Resolution No. 13-2011, entitled: RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELKO COUNTY, NEVADA PROVIDING FOR THE TRANSFER OF THE COUNTY'S 2011 PRIVATE ACTIVITY BOND CAP TO THE NEVADA RURAL HOUSING AUTHORITY. Commissioner Russell seconded the motion. Commissioners Myers, Guttry, Williams and Dahl voted aye. Commissioner Russell voted nay. The motion passed by a 4-1 majority vote.

[2:14:29 PM](#)

VIII. U.S. POSTAL SERVICE - POST OFFICE CLOSURES:

Discussion and consideration of a letter to the U.S. Postal Service requesting that a public information / notification process be utilized by the Postal Service when possible closures are being considered in Elko County.

Robert Stokes stated there were two programs: 1200 program – 1,200 post offices studied for closures (one being Mountain City), and 3,700 program – 3,700 post offices across the nation were being studied with Deeth, Tuscarora and Montello being considered for closure in Elko County. He submitted the

Board a draft of the letter to be sent. Robert Stokes commented the County had not been notified of the potential closures. He stated the Jarbidge Post Office was not scheduled for closure but there were testing issues with the part-time personnel. Commissioner Williams had received three e-mails from residents of Jarbidge. Commissioner Dahl stated new technology degraded the importance of postal service and commented there was a long tradition of providing postal service. He stated Montello residents expressed concern that 244 Post Office boxes were utilized and voiced concern with the distance to go to Wendover for postal service. He commented upon the distance to a Post Office if they close the Deeth Post Office. Commissioner Williams noted the Post Office had a hearing in Mountain City but the Post Office personnel had their minds made up prior to the hearing. He stated it lacked sound science because the carriers go through Mountain City for delivery to Owyhee.

Commissioner Russell inquired why the Postal Service had not considered different alternatives such as limited hours or delivery only open five days a week which would be more effective. Commissioner Williams stated those topics were discussed at the Mountain City hearing but the Post Office personnel claimed they would be saving money. They stated there would be Post Office mail boxes available in Owyhee but there were insufficient mail boxes in Owyhee. He stated they would have delivery to a cluster box but some medications can't be delivered to the cluster box because they were time sensitive.

Commissioner Myers felt there was management issues and suggested mail delivery once a week to rural areas. Commissioner Williams encouraged that local government be notified of their hearings and be able to review their science and submit public comments during the closure process.

MOTION: Commissioner Myers moved to send a letter to the US Postal Service requesting public information/notification of the process with possible closures being considered in Elko County. Commissioner Guttry seconded the motion. The motion passed unanimously.

[2:25:15 PM](#)

IX. ELKO COUNTY PLANNING AND ZONING:

Parcel Map Roadway Dedication Request:

Discussion and consideration of approval of a Parcel Map Roadway Dedication Request for Jordanelle Third Mortgage, LLC for Four Mile Trail near Hamilton Stage and Bullion Roads.

Randy Brown displayed the map to board and meeting participants. He stated staff recommended acceptance of the roadway dedication for public purposes but not for County maintenance.

MOTION: Commissioner Russell moved to approve a Parcel Map Roadway Dedication Request for Jordanelle Third Mortgage, LLC for Four Mile Trail near Hamilton Stage and Bullion Roads for public purposes but not for public maintenance. Commissioner Myers seconded the motion. The motion passed unanimously.

[2:29:27 PM](#)

X. ELKO COUNTY OWNED PROPERTY SALE / LEASE REQUESTS:

A. Discussion and consideration of County Staff concerns with a request to lease County property at the old Lamoille landfill site.

Robert Stokes stated previously they had a request to lease the property and staff had reviewed the landfill closure documents. He stated the County closed smaller landfills because of fiscal issues to meet the federal regulations of Subtitle D. He stated during the closure of the Lamoille landfill site there was no extensive cover/surfacing or testing requirements. Robert Stokes stated after reviewing NDEP documentation on the closure, staff had some concerns with the liability if the County was to lease the property to be used on a regular basis. Robert Stokes stated staff recommended the County not lease this property because if they leased this out there was a potential that they would have to close the landfill pursuant to Subtitle D regulations.

Commissioner Myers inquired if there were any other closed landfills prior to Subtitle D that was used in the state or the nation. Robert Stokes understood some were parks but those had strict requirements for cover and monitoring program which was expensive.

Randy Brown stated the minimum standards on the Lamoille landfill was for a passive type of use such as ground traffic. He stated excavation to 46 feet and back fill of sand/clay fill stops the leaching. He commented horse pounding would bring about leaching. He stated the landfill was covered according to NDEP and Army Corp of Engineers standards which were minimum standards at that time. He stated to make it safe for the requested use it would require more cover and the County would never be released of the liability. Commissioner Myers inquired what the County would have to do to lease it. Randy Brown replied comprehensive soils testing and core sampling. He stated if they get into a HAZMAT or toxic waste situation it would require a further cap. Randy Brown stated a clay cap on five acres would be approximately \$50.00 to \$75.00 per yard, with a minimum depth of five feet; it would be approximately \$200,000 in material. Commissioner Myers noted they would have to have it mitigated before they could remove the material. Commissioner Dahl inquired about the current coverage. Randy Brown noted Otis Tipton said there was six inches to three feet in cover. Robert Stokes commented it was native material. Randy Brown stated

there was a basin on the east side and on the west side there was a berm so the site had been used for waste storage and the entire five acres would need soil testing. Randy Brown stated it would cost \$2,000 per acre for testing.

Commissioner Russell stated when the Commission started getting complaints they had Otis Tipton do a cover to eliminate the obvious protruding steel so it was safe if public walked across the land. They seeded it as an alternative to the weeds on the property.

Ed Hintz acknowledged the property was a dump and they could not build upon. He inquired if it could be utilized for a pasture or arena. He understood their concern with the liability. Ed Hintz questioned whether the entire five acres was landfill. He stated if an area 200' x 300' would be sufficient for an arena the rest would be utilized by cows grazing or horses grazing. He stated it would benefit the County to lease that land. Commissioner Russell stated when he walked that ground with Otis Tipton there was debris near the surface over most of the five acres.

Commissioner Guttry recommended that they remove it all and take it to the Elko landfill rather than do the testing. He would not go against legal staff recommendations because it was not worth the legal liability.

Commissioner Dahl inquired how deep the landfill was. Lynn Forsberg stated that landfill was operated with a backhoe so it may be less than 12 feet deep. He stated they covered it in 1997 with three feet but that had settled and it was not covered with three feet presently. He stated it was seeded with a wildland pasture mix with crested wheat such as NDF utilized for reclamation. Lynn Forsberg stated four years ago they completed a water investigation in the neighboring wells but could not find influence in the groundwater. He stated to actually maintain it the cover should be renewed, and reseeded.

Commissioner Myers noted in the future they may have to do something which would be more expensive to remediate. Lynn Forsberg noted the Sparks landfill was developed into a rodeo arena. He stated the Division of Water Resources would not want to allow them drilling a well for a stock well.

Commissioner Russell stated there was no budget for redevelopment of the landfill and questioned further discussion.

Ed Hintz stated the property was large enough to put in an arena but their intent was not for the County to spend money to redevelop the land. Commissioner Dahl suggested he investigate what Sparks did to convert their landfill into an arena.

Connie Harlan stated regardless if the property was used for an arena there was building in the region and the County would have liability if they do anything now or later. She suggested the County address the liability issue.

Robert Stokes noted the landfill was closed in keeping with the regulations at the time and because they were in arid weather there was less of a liability. He stated the County did testing several years ago; it was a shallow landfill site. He stated they may look at putting an additional cover on the site.

Commissioner Russell asked the neighbors to contact the Commission if the weeds start to appear. Connie Harlan stated the property had high weeds and grass and when it dries out there would be fire danger.

Commissioner Williams understood the County did not have funding to remedy this situation now. He suggested they not sell it or lease it due to the liability but recommend that staff research what should be done.

Commissioner Russell would view the area tonight and talk to staff to address the weeds.

[3:05:11 PM](#)

RECESS:

Chairman Dahl called a recess at 3:05 p.m.

[3:19:18 PM](#)

RECONVENE:

[3:19:23 PM](#)

B. County Property Lease Request Public Hearing:

In accordance with Public Notice 30-2011, conduct a Fair Market Value Hearing in combination with one appraisal of said property to determine if lease of said property is in the best interest of the county. If property leasing is deemed in the best interest of the County, a resolution with description of the property to be leased, minimum pricing and terms will be approved, posted, and published for 3 consecutive weeks before the lease is approved. Such a request has been received by the Elko County Board of Commissioners for property described as follows: **Portions of Sections 3 & 4, T.33N., R.56E., and Section 33, T.34N., R.56E., M.D.B&M, County of Elko, Nevada, approximately 6 acres, APN 006-310-00. This property is located in Spring Creek.**

If determined in best interest of the County, consideration of approval of Resolution 14-2011 to continue the lease process of County property.

Randy Brown stated this parcel was 35 acres and only 6 acres were to be leased for mine parking. He stated there was an increase in the lease amount for the larger area. Robert Stokes stated the lease was first with Bald Mountain Mine and now was with Barrick Gold Mine. Kristin McQueary read NRS 244.283 to the Commission and meeting participants regarding the appraisal and bidding process.

MOTION: Commissioner Guttry moved to adopt Resolution No. 14-2011 and continue the process of leasing County property as

submitted in the Agenda. Commissioner Russell seconded the motion.

Eric Lattin, of Tetra Tech RTW, asked what the appraised fair market value was. Robert Stokes stated the minimum bid was \$900.00 per month as per the appraisal. Eric Lattin asked to reserve the right for oral auction at the later time. Kristin McQueary stated they have to submit a written notice. Eric Lattin stated they had submitted an e-mail to the County Manager and inquired if that was satisfactory. Robert Stokes acknowledged he had received that e-mail.

Commissioner Russell inquired what would happen if someone submitted a bid for a different use. Kristin McQueary stated they can submit a written bid to be opened at the meeting or five days before bidding give written notice to Robert Stokes of their intent to orally bid. Randy Brown stated their lease agreement was published as part of the Resolution which specifies a purpose.

The motion passed unanimously.

[3:29:27 PM](#)

C. County Property Sale Request Public Hearing:

In accordance with Public Notice 30-2011, conduct a Fair Market Value Hearing in combination with one appraisal of said property to determine if sale of said property is in the best interest of the county. If property sale is deemed in the best interest of the county, a resolution with description of the property to be sold, minimum pricing and terms will be approved and posted and published for 3 consecutive weeks before sale is approved. Such a request has been received by the Elko County Board of Commissioners for property described as follows: **A portion of Sections 8 and 17, T.34N., R.55E., M.D.B&M, County of Elko, Nevada, approximately .283 acres, APN 006-09C-011. This property is located at the intersection of Sundance and Mountain City Highway in Elko.**

If determined in best interest of the county, consideration of approval of Resolution 15-2011 to continue sale process of county property.

Kristin McQueary stated this was under NRS 244.282 and they had to go through a similar appraisal/bid process as the foregoing agenda item, except this property was for sale. Randy Brown stated this property was adjacent to city property. Kristin McQueary stated the use of the property, once annexed by the City would be determined by the City.

Randy Brown stated the direct proximity to the intersection limited the type of use on the property which affected the appraisal. Randy Brown stated the appraisal was at \$5,000. He stated the property was adjacent to commercial development upon both sides.

MOTION: Commissioner Russell moved to approve Public Notice 30-2011,

conduct a Fair Market Value Hearing in combination with one appraisal of said property to determine if sale of said property is in the best interest of the county. Commissioner Myers seconded the motion.

Commissioner Guttry inquired if they need approval of the Resolution.

Commissioner Russell amended his motion to adopt Resolution No.15-2011 to continue the sale process of County property in Sections 8 and 17, T34N, R55E., MDB&M I the County of Elko, Nevada, approximately .283 acres, APN 006-09C-011. Commissioner Myers seconded the amendment to the motion. The motion passed unanimously.

[3:33:37 PM](#)

XI. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:

Robert Stokes stated he would attend the NACO meeting tomorrow in Carson City. Commissioner Dahl would also be in Carson City at the meeting.

[3:36:16 PM](#)

XII. COMMENTS BY THE GENERAL PUBLIC:

Don Adair stated he had been a resident of Nevada since May 1998. He stated he collected antique trucks and reported there were issues in Oasis with numerous vandalisms. He understood taking salvage metal over \$250 was a felony and if the property was not fenced and posted they can plead ignorance. Don Adair stated his property had been surveyed and fenced to keep people out and posted a sign "no trespassing" yet two vehicles had been stolen. He stated June 6, 2006 was the first incident and on June 12, 2011 he filed a report because nothing had been done. He stated the people who stole the vehicle drove through his neighbor's yard. Don Adair stated that the deputy did not take any pictures or pursue the person that was passing them going in the other direction. He stated the vehicles were found in the State of Utah sitting in a yard waiting to be savaged. Commissioner Dahl inquired if he had gone to the Sheriff's Department. Don Adair had filed a police report and had gone to the District Attorney's Office.

Kristin McQueary stated there was an open case on the vehicles and the District Attorney's office had requested supplemental investigation by the Sheriff's Department. She commented there was no charging decision made yet.

Don Adair commented he could not get visitation rights to his children and had been filing motions. He commented upon the stringent building codes within the County.

[3:44:33 PM](#)

XIII. ADJOURNMENT:

MOTION: Commissioner Williams moved to adjourn the meeting. Commissioner Myers seconded the motion. The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 3:44 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk