



# 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.

JUNE 15, 2011

The Board of Elko County Commissioners met in regular session on Wednesday, June 15, 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  
Deputy District Attorney      Kristin McQueary  
Deputy County Clerk      Marilyn Tipton  
Planning/Zoning/NRMAC      Randy Brown  
Deputy Comptroller      Debbie Armuth  
Adm. Deputy Treasurer      Cheryl Paul  
Sheriff      James Pitts

Chairman Dahl called the meeting to order at 1:30 p.m.

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

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## **I. COMMENTS BY THE GENERAL PUBLIC:**

Cliff Gardner, Great Basin Consulting, stated since 1974 there were situations where large numbers of horses were starving and dying from thirst and displayed a series of pictures depicting dead wild horses that had starved through lack of water and forage. He stated in 1981 and 1982 over 50% of the horses were lost due to starvation in Elko, White Pine and Eureka Counties. Cliff Gardner stated they had recorded several instances from Las Vegas to the western portion of the State of where the horses had died. He stated under

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present conditions their concern were the horses trampling the water holes. Cliff Gardner stated in some of the gather areas they took off over 2,000 horses where there were only to be 300 head of horses which accounts for the horses starving. He questioned what would happen if they create a sanctuary and the horses were brought up in numbers to run on the range year around. Cliff Gardner stated one of the threatened species was the Columbia Spotted Frog wherein Elko County was identified as critical habitat. He stated with the horses on the range they would trample the water ways and springs destroying the vegetation that the frogs depend upon. He noted when the federal agencies want to stop a rancher or miner from doing something they use endangered species. He commented in the horse situation they have moved forward with no consideration of the endangered species. Cliff Gardner suggested the Commission look at developing its own EIS or EA or suggest to the federal agency that they follow through an EIS. He recommended the County gather data showing the abuse and suffering of the wild horses over the years. Commissioner Myers noted that the BLM District Manager had stated they would do an EA. He suggested the County gather information and submit it as part of their testimony on the EA. He commented Cliff Gardner made a good point that the horses would be on the range 24 hours a day, seven days a week. He questioned who had the responsibility for the horses when they got out of the fencing. Commissioner Myers stated there would be major damage if a motorist hit a horse. Cliff Gardner noted the proposed sanctuary was in the same area that the mule deer and sage grouse winter in.

Commissioner Dahl requested that this issue be placed upon the July agenda.

Commissioner Myers submitted POW-MIA literature regarding Bowe Bergdahl, a POW. He stated the County Manager gave authorization for a commemoration on the front lawn of the Courthouse on June 30, 2011.

Betsy Brian gave an overview of the POW-MIA '*The Ribbon Project*' events leading up to June 30<sup>th</sup> commemoration.

Les Brown, POW-MIA Director, stated Summit Raceway was putting on a special race on June 25<sup>th</sup> "Riding for Bowe" and the racecars would wear special stickers to bring in awareness of Bowe's second year in captivity.

Commissioner Myers stated David Tilger's barbeque would also be held on June 25, 2011 at the Convention Center at 6:00 p.m.

Mike Pedersen, Cathy McAdoo and Brian Boatman were in attendance. Cathy McAdoo stated PACE wrote a grant to fund the Wendover Against Intoxicated Teens (WAIT) Program. She reported that \$5,000 of grant funding was awarded for that program. Cathy McAdoo stated PACE had purchased a

passive alcohol sensor for the WAIT program. Brian Boatman gave a demonstration of the alcohol detector. Cathy McAdoo stated in August PACE would send seven people from Elko County to Orlando for training in enforcing underage drinking law. Cathy McAdoo stated PACE would provide ID checks and wristbands for anyone 21 and over that would purchase alcohol at the Motorcycle Jamboree venue. She had solicited bars downtown and they would assist with the wristbands.

Commissioner Williams inquired if hand sanitizer would warrant an arrest. Brian Boatman stated if the detector reacted they would separate them from the other children and question them. He stated alcohol remains a longer time on an individual's breath than hand sanitizers.

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## **II. SPRING CREEK UTILITIES CO.:**

Discussion and consideration of a report on the status of the Arsenic Remediation Program for the water system in Spring Creek.

Wendy Barnett stated they have changed from going for new source water to a treatment methodology due to the NDEP compliance deadline of December 31, 2011. She stated she re-evaluated the arsenic remediation and consulted with seven experts; six consultants recommended coagulation filtration and one recommended iron based absorption. Wendy Barnett stated they hired Sunrise Engineering from Utah and Chilton Engineering of Elko to resolve the problem. It was decided to make the treatment site specific because a central treatment facility would cost \$7.4 million dollars versus \$6 million, site specific. She stated those were preliminary numbers based on both capital costs and operation/maintenance costs over a 20 year life for coagulation filtration. Wendy Barnett stated iron based absorption came in at \$7.9 million dollars for site specific treatment. Wendy Barnett stated new source water would come in at \$10.2 million dollars. She noted the treatment facilities would be placed upon already disturbed land and they did an Environmental Assessment at those sites. She noted they leased or owned the land so there would be no need for land acquisition or for water rights to be transferred. Wendy Barnett stated they would present this project to the Spring Creek Homeowners Association and seek their feedback. She stated they would amend their Integrated Resource Plan and present it to the Public Utilities Commission with a preliminary engineering report on Friday which then could be accessed from the PUC website. Wendy Barnett stated they had advertised for Request for Proposals for the equipment with four vendors responding. Wendy Barnett stated they were evaluating the proposals to make sure they meet the specifications and if they could meet the deadline to bring water to the 200 Tract. She stated in August the second bidding process

would be for installation of the equipment. She stated they would need building permits but no special permits.

Commissioner Russell questioned the cost of the treatment because small African villages have arsenic issues and they put rusty iron in the water tank to eliminate arsenic. Wendy Barnett stated arsenic here was considered hazardous waste so there were costs associated with the backwash process, the filtering process and the disposal of the sludge. She stated it was over \$4 million dollars in capital and the present worth value included the ongoing maintenance throughout the 20 year life of that equipment. Commissioner Russell inquired where they would dispose of the waste. Wendy Barnett stated hopefully the Elko landfill after it was dewatered. Commissioner Guttry inquired if individuals could treat the water through a conditioning system. Wendy Barnett replied reverse osmosis would pull all minerals out of the water at the point of use. Commissioner Guttry inquired when this started. Wendy Barnett stated in 2000 the EPA recommended the arsenic level be changed from 50 parts per billion to 10 ppb and was implemented in 2006. She stated compliance was to be by 2009 but they were working under an Administrative Order with NDEP in order to complete this by the end of this year. She commented the water quality in Spring Creek had not changed over the years.

Commissioner Williams noted the company had been dealing with NDEP to get the wells in place and put in the water structure and they had agreed to let the utility company go to option two because of the compliance deadline. Wendy Barnett stated with the unknown litigation, the condemnation, and the water rights protests, the new source water would not be available by the end of the year. Commissioner Williams inquired if they had the option of treatment previously. Wendy Barnett stated NDEP preferred new source water when viable but agreed it was not viable within the time frame. She stated when they went to the PUC their option was iron based treatment which was similar costs for new source water. She stated the PUC went with the option that was most widely known and environmentally safe. Wendy Barnett stated coagulation filtration was less costly.

Commissioner Russell inquired what the PUC had told them about recovery cost and what would the cost be to each homeowner. Wendy Barnett stated they have to file a rate case in June for recovering costs. She stated they requested a waiver because rate cases were expensive. Wendy Barnett stated PUC granted their waiver and the utility company will file at the end of the year so the PUC would decide what they can recover. She had not seen what the rates would be per rate users but it would be included in the Integrated Resource Plan (IRP) amendment that they hoped to file on Friday or Monday. Commissioner

Russell inquired what the rate of recovery was typically for capital expenditures. Wendy Barnett stated Greg Meinzer was their Project Manager. She commented that Mr. Meinzer previously worked for the PUC four years. Greg Meinzer replied typical recovery time was based upon 10 years but there were cases with the PUC wherein they had recovery over a 20 year period. Commissioner Russell noted that the ratepayers would pay \$740,000 per year to \$350,000 per year. He inquired how many people live in Spring Creek. Wendy Barnett stated they send out 4,500 monthly bills.

Greg Meinzer stated the centralized treatment was more expensive with three times the amount in maintenance and operational costs over coagulation treatment, site specific. He estimated the operational costs for a coagulation filter system was at \$140,000 to \$150,000, and the iron based treatment was approximately \$300,000 to \$400,000 per year. Commissioner Russell inquired if the operating costs were added on at a monthly basis. Wendy Barnett stated when they were awarded a rate case their expenses were returned dollar for dollar and they evaluate prudence. She stated on capital money they were allowed a return upon their investment. She noted in the rate case the rate of return was set and generally it was at ten percent for capital investment.

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### **III. ELKO COUNTY LIQUOR BOARD:**

Chairman Dahl called the Liquor Board to Order at 2:10 p.m.

Discussion and consideration of approval of a Liquor License for Tarah K. Duncan doing business as O'Carroll's in Lamoille, Nevada.

Sheriff Pitts stated they had performed the background check and recommended approval of the Liquor License.

**MOTION: Commissioner Myers moved to approve the Liquor License for Tarah K. Duncan dba as O'Carroll's in Lamoille, Nevada. Commissioner Guttry seconded the motion. The motion passed unanimously.**

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### **ADJOURNMENT OF THE LIQUOR BOARD:**

Chairman Dahl adjourned the Liquor Board at 2:11 p.m.

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### **IV. ELKO COUNTY TREASURER'S OFFICE:**

Tax Roll Amendments / Strike-off Uncollectable Amounts:

Discussion and consideration of approval of amendments to the tax roll to strike-off the amended tax amounts which were deemed uncollectable.

Cheryl Paul, Administrative Deputy Treasurer, was present.

**MOTION: Commissioner Myers moved to approve the tax roll amendments and strike off the uncollectable amounts. Commissioner**

Williams seconded the motion. The motion passed unanimously.

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#### **V. JACKPOT TOWN BOARD:**

##### **Jackpot Water System Improvements:**

Pursuant to Notice No. 19-2011, 2010 Water System Improvements Project – Phase II Rebid, bids were received and opened on June 7, 2011. Pursuant to bid review and tabulation results, consider awarding the bid to the lowest responsive/responsible bidder subject to USDA-RD approval.

Robert Stokes stated they received an e-mail from the consulting engineer and they had four responsive bidders with T&S Construction of Sacramento, California coming in with the lowest bid. The consulting engineer checked with the State Contractors Board and T&S Construction was in compliance. The engineer and Mr. Forsberg's recommendation was to award the bid to T&S Construction in the amount of \$1,256,100 for the base bid and the bid Alternative 'A' for the construction of the water line in Keno Drive; contingent upon USDA Rural Development approval and that the Chairman be given authorization to sign all loan documents.

**MOTION: Commissioner Myers moved to award the Jackpot Water Improvement Project bid to T&S Construction of Sacramento, California in the amount of \$1,256,100 for the base bid and bid Alternative 'A' under the two conditions that they have USDA Rural Development approval and that the Chair had the approval to sign for the Commission. Commissioner Guttry seconded the motion. The motion passed unanimously.**

Commissioner Williams inquired about 5% bidder preference to Nevada contractors. Kristin McQueary stated there was a current law on the books that the 5% was if they pay a certain percentage of Nevada taxes to qualify for that preference.

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#### **ADJOURNMENT OF THE JACKPOT TOWN BOARD:**

Chairman Dahl adjourned the Jackpot Town Board at 2:16 p.m.

#### **VI. ELKO COUNTY BUDGET / STATE BUDGET / LEGISLATIVE SESSION:**

A. Discussion and consideration of issues and a report by Assemblyman John Ellison related to the State Budget, and Legislative actions.

Assemblyman Ellison stated the Governor signed the Opened Meeting Law amendment bill pertaining to the School District issues. He commented the Second Amendment bill passed, excluding the college campus carry law. The Board discussed qualifying amendments to the bill for concealed carry.

Commissioner Dahl commented the Governor's position was no new taxes thirty days before the end of the session and they were about \$481 million dollars without add-backs. Assemblyman Ellison stated the Lake Tahoe bill passed and SRJ8 passed to streamline restrictions on filing mining claims. He stated there were amendments to the Modified Business Tax. Assemblyman Ellison reported there were changes to funding higher education. He reviewed the ability to file lawsuits under Chapter 40 within a ten year period from purchasing the home. Assemblyman Ellison stated there were changes to the PEDS and PERS for the new state hires. Commissioner Dahl inquired if the legislators felt they had the lost the opportunity to reduce government. Assemblyman Ellison noted numerous bills were proposed for new taxes. He reviewed the Puppy-mill Bill. Commissioner Williams inquired what happened to the bill to amend the law for a special license to work on mobile homes. Assemblyman Ellison stated the bill was killed but Manufactured Housing and the State Contractor's Board plan to implement some of the Bill's provisions through policy so an individual could pay for the license but they would be exempt from annual CED training. Commissioner Williams stated they could not work on mobiles without the test.

Commissioner Russell inquired about redistricting. Assemblyman Ellison stated they would lose an Assembly seat and a Senate seat for rural Nevada. He stated rural representation would be from Winnemucca all the way down to Nye County so the Assemblyman would represent 5 counties. Assemblyman Ellison stated Las Vegas would receive 2 more Assembly seats and 2 more Senate seats. Commissioner Ellison noted it took 8 hours to travel from Elko to Nye County. He stated Pete Goicoechea gave up his seat in Eureka County. Assemblyman Ellison commented there were two lawsuits filed against the redistricting formula. He stated the Republicans showed 8 minority districts and the Democrats showed 2 minority districts. He stated a federal judge would make the decision. Commissioner Dahl would attend the Board of Regents meeting tomorrow on Cooperative Extension. Assemblyman Ellison had spoken to the Governor about the reduction of 72%. Commissioner Dahl stated the distribution of the money put back to education would be at the discretion of the Board of Regents. Commissioner Dahl inquired if the State prison would close in six months. Assemblyman Ellison replied yes but the Wells Honor Camp would remain open.

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B. Great Basin College (GBC) "TEAM GBC" Committee:

Discussion and consideration of issues related to the financial impacts of proposed State Budget cuts to the continued operation of GBC programs.

Commissioner Guttry stated they would meet on June 28, 2011.

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C. UNR Cooperative Extension Program / UNR Proposed Budget Reductions:

Discussion and consideration of issues related to the financial impacts of proposed State Budget cuts to the continued operation of the Cooperative Extension Program and other UNR proposed budget reductions.

Commissioner Dahl stated he and John Carpenter would be at the UNR meeting tomorrow. Jill Tingey, UNR Extension Educator, stated the meeting would be at 1:00 p.m. tomorrow at Joe Crowley's Student Union. She noted President Johnson said to expect budget cuts to the Cooperative Extension at 72% but constituents were lobbying the Board of Regents. Commissioner Guttry asked what the different was between 72% and the 32% budget cut. Jill Tingey replied \$5.5 million dollars was the 72% and \$2.2 million dollars was the 32% budget cut. She stated at the 32% cut they would maintain 12 specialists positions, currently they have 30 specialists. Jill Tingey noted the UNR Provost proposal was to maintain six specialists. The twelve specialists would be paid at 75% and would have to seek grant funding for the remaining 25% of salary. She stated educational educators would be paid at 90% and 10% of their positions would be grant funded. Jill Tingey commented all the 4-H positions within the State will be reduced to half-time and they would not have a State 4-H Office. Jill Tingey stated they recently hired a part-time 4-H person due to budget concerns. Commissioner Myers inquired what the County's commitment was to Cooperative Extension. Cash Minor replied over \$200,000 per year. Robert Stokes stated that funded clerical positions. Jill Tingey stated previously the County paid one-half of the 4-H full time position salary. She stated the plan was for the County to continue to pay ½ of those positions and the State would make up the 2% of their position to bring them up to 21 hours and the State would pay for their fringe benefits. Commissioner Myers inquired if both positions would stay. Robert Stokes stated the Budget Committee would look at that. Commissioner Myers stated this Commission supported 4-H and stated the budget committee would bring back a recommendation. Jill Tingey stated she would attend tomorrow's meeting via the interactive site at Berg Hall Conference Room and invited the public to attend.

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D. Discussion and consideration of general issues related to the FY 2011/2012 Elko County Budget including possible action to amend the Adopted FY 2011/2012 Budget due to the State Budget.

Cash Minor had previously sent a spread sheet for review. He believed this year's fiscal impact from the state would be \$1.5 million dollars for this year and \$1.8 million dollars next year. He reported there was a budget meeting

scheduled on the 20<sup>th</sup> of June and would make recommendations on July 6, 2011 to the Commission.

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**RECESS:**

Chairman Dahl called a recess at 2:49 p.m.

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**RECONVENE:**

Chairman Dahl reconvened the meeting at 3:01 p.m.

**VII. US DEPT OF ENERGY/NV DEPT OF EMERGENCY MANAGEMENT:  
EMERGENCY PREPAREDNESS WORKING GROUP GRANT:**

Discussion and consideration of approval of a DOE/DEM/EPWG grant application for the West Wendover Fire Department for approximately \$32,000 for extrication and defibrillation equipment.

Debbie Armuth stated this was an on-going grant for additional equipment with no match involved. She stated the County retains the asset but it was housed in West Wendover and the equipment was able to be used countywide. Commissioner Guttry inquired if administration of the grant went through the County. Debbie Armuth stated it was a reimbursement grant and they purchase the equipment prior to reimbursement. Commissioner Williams inquired if this came under LEPC. Debbie Armuth replied no, and informed them this was Department of Energy funding.

**MOTION: Commissioner Williams moved to approve a DOE/DEM/EPWG grant application for the West Wendover Fire Department for approximately \$32,000 for extrication and defibrillation equipment. Commissioner Guttry seconded the motion. The motion passed unanimously.**

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**VIII. FY 2010-2011 YEAR END BUDGET ADJUSTMENTS:**

A. Review and approval of fiscal year end department account analysis and proposed adjustment pursuant to NRS 354.598005.

Debbie Armuth submitted the Year End Analysis for the County and the Jackpot Year End Analysis. She stated the transfers were being done within a function.

**MOTION: Commissioner Williams moved to approve the fiscal year-end department account analysis and proposed adjustment pursuant to NRS 354.598005. Commissioner Guttry seconded the motion. The motion passed unanimously.**

B. Review of Elko County Contingency Account and amounts allocated year-to-date and those amounts proposed for year-end adjustments.

Debbie Armuth stated the top three numbers were approved throughout the year and the Jail Department numbers were amended. She stated all were transfers in the General Fund with the exception of the Solid Waste Fund. She stated the item for the Broadcasting Association in the amount of \$8,340 for emergency broadcasting would be added to the worksheet. Kristin McQueary asked that they reference that item was approved at their last meeting.

Commissioner Guttry inquired if the contingency transfers were reviewed by the Budget Review Committee. Commissioner Myers replied yes.

**MOTION: Commissioner Myers moved to approve the Elko County Contingency Account which would include the Elko County Broadcasting Association previously approved at the last County Commission meeting for the emergency system in the amount of \$8,340 and including all the contingency accounts as well. Commissioner Russell seconded the motion. The motion passed unanimously.**

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C. Review and approval of **Resolution No. 08-2011**, entitled: **A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FROM THE CONTINGENCY ACCOUNT WITHIN THE 2010/2011 FISCAL BUDGET FOR THE COUNTY OF ELKO GENERAL FUND.**

**MOTION: Commissioner Guttry moved to adopt Resolution No. 08-2011, entitled: A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FROM THE CONTINGENCY ACCOUNT WITHIN THE 2010/2011 FISCAL BUDGET TO THE COUNTY OF ELKO GENERAL FUND. Commissioner Myers seconded the motion. The motion passed unanimously.**

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D. Review and approval of recommendations to augment the following funds as it relates to the Defeasance of Debt pursuant to Resolution No. 03-2011 inclusive of the Hospital Proceeds Fund, Bond Income Fund, and the Debt Service Fund.

**MOTION: Commissioner Russell moved to augment the following funds as it relates to the Defeasance of Debt pursuant to Resolution No 3-2011. Commissioner Myers seconded the motion. The motion passed unanimously.**

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E. Review and approval of **Resolution No. 09-2011**, entitled: **A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS**

**AND CASH FROM THE CONTINGENCY ACCOUNT WITHIN THE 2010/2011 FISCAL BUDGET FOR THE UNINCORPORATED TOWN OF JACKPOT GENERAL FUND TO THE JACKPOT RECREATION FUND.**

Debbie Armuth stated this was to purchase a mower and for the swimming pool.

**MOTION: Commissioner Russell moved to adopt Resolution No. 09-2011, entitled: A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS AND CASH FROM THE CONTINGENCY ACCOUNT WITHIN THE 2010/2011 FISCAL BUDGET FOR THE UNINCORPORATED TOWN OF JACKPOT GENERAL FUND TO THE JACKPOT RECREATION FUND. Commissioner Myers seconded the motion. The motion passed unanimously.**

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F. Review and approval of Resolution No. 10-2011, entitled: **A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF AN ENTERPRISE FUND WITHIN THE ELKO COUNTY TREASURY ENTITLED ELKO AREA TRANSPORTATION SYSTEM FUND.**

Debbie Armuth stated this would create a separate EATS enterprise fund.

**MOTION: Commissioner Russell moved to adopt Resolution No. 10-2011, entitled: A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF AN ENTERPRISE FUND WITHIN THE ELKO COUNTY TREASURY ENTITLED ELKO AREA TRANSPORTATION SYSTEM FUND. Commissioner Myers seconded the motion. The motion passed unanimously.**

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**IX. ELKO COUNTY PLANNING AND ZONING:**

**Right of Way Vacation Request:**

Discussion and consideration of setting a Public Hearing for a right of way vacation request submitted by Richard and Lynn Isaeff for the vacation of the alleyway located with Block "V" located in Gold Circle (Midas, Nevada).

Randy Brown stated this was to schedule a public hearing on the vacation request that was approved by the Planning Commission. He requested time to notify the thirty closest property owners and staff recommended the next available Thursday, July 7, 2011. Robert Stokes requested it be either on the 6<sup>th</sup> or 7<sup>th</sup> of July.

**MOTION: Commissioner Williams moved to set a public hearing on either the 6<sup>th</sup> or 7<sup>th</sup> of July for the right of way vacation request submitted by Richard and Lynn Isaeff of the alleyway located within Block "V" located in Gold Circle, Midas, Nevada.**

**Commissioner Guttry seconded the motion. The motion passed unanimously.**

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**X. BLM – TUSCARORA FIELD OFFICE:**

Discussion and consideration of comments on the Cole Creek Enclosures EA that is a riparian habitat improvement project along Cole Creek in the Pine Mountain Allotment south of Carlin, Nevada.

Robert Stokes stated they had contact with the Tomeras and their recommendation was for support.

**MOTION: Commissioner Russell moved to submit a letter of support of the Cole Creek Enclosures, a riparian habitat improvement project along Cole Creek, in the Pine Mountain Allotment south of Carlin, Nevada. Commissioner Guttry seconded the motion. The motion was passed unanimously.**

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**XI. US FOREST SERVICE:**

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

Discussion and consideration of issues regarding the Mountain City, Ruby Mountains and Jarbidge District Travel Management Project.

Randy Brown stated they had been working on this issue. He noted Tom Montoya would only be here for a week after the final EIS was out for comment.

Tom Montoya, Mountain City District Ranger, stated the final EIS for Travel Management would be out by July 15th for public review. He stated the comment period would be for 45 days. He believed the Record of Decision would be made by the first of September. Commissioner Myers had discussed Secured Rural Schools funding with Cash Minor today and the County had received the money from SRS III. He noted they have to make a report on what they use the SRS funding on and felt it would be used for the search and rescue items.

Commissioner Myers presented Tom Montoya with a cap on behalf of the Board.

Tom Montoya stated he would leave the last weekend in July. He did not know who would be his replacement and they were looking at folks on the District in an acting role for a 120 day period. He stated the job was advertised nationwide to find someone with experience in travel management, range management and minerals. Commissioner Williams publicly thanked Tom Montoya for his efforts to hold open conversations with the Commission.

Randy Brown recommended they ask for a six month extension of the comment period on the EIS. Commissioner Dahl stated they still had serious

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issues with the Travel Management Plan and they were looking at approximately 960 acres of land tied up as though it was nearly wilderness.

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## **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 Williams inquired if the road agreement was signed. Kristin McQueary stated the agreement was back and it went to the Chairman for signature. Commissioner Dahl stated he had signed the road agreement. He noted there was a new bill proposed to replace the Equal Access to Justice Act. He commented upon Jon Marvel's article in the newspaper on how that would cripple them. Commissioner Dahl inquired if the bill passed. Robert Stokes believed they were still looking for sponsors. Commissioner Williams stated they were seeking an audit on that money. The Board discussed the original sponsors of the bill in the House.

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## **XIII. 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.

Commissioner Russell stated they had received a report back from the field operative who had established monitoring wells throughout critical basins within the CNRWA area. He stated the CNRWA had approved continued monitoring of those wells to establish baseline readings. Commissioner Russell stated companies, organizations and water authorities may produce their own data and CNRWA wanted objective data. He stated they approved adding more monitoring sites from White Pine County to Elko County.

Commissioner Dahl stated there was discussion on geothermal and the resistance from the counties to geothermal due to the State's abatements. He had read in the paper the project was going forward in Tuscarora without the abatement. Commissioner Guttry stated the sales tax was abated through the State at two percent. Cash Minor stated AB 416 eliminated the County's say on abatements. Commissioner Dahl saw during the legislative session there was a tendency for the counties to have more say. He stated the Court decision had an influence upon the legislature. Commissioner Guttry felt the County Commissions should have the authority to support or deny the tax abatements.

Commissioner Williams noted geothermal was changed to renewable energy and would receive the abatements through State approval.

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**XIV. COMMISSION MEETING CALENDAR:**

July 6 & 7, 2011 -- Elko – Nannini Admin Bldg, Suite 102

July 20, 2011 – Midas, Tuscarora & Mt. City

July 29, 2011 – Annual Elko County Employees Picnic

August 3 & 4, 2011 – Elko – Nannini Admin Bldg, Suite 102

August 17, 2011 – Jarbidge and Jackpot

Commissioner Dahl inquired about attendance at the Mountain City portion. Robert Stokes explained the travel sessions to the new Commissioners. He stated they may have to schedule special meetings in Elko due to budget amendments or planning/zoning issues. Cash Minor stated they would do a budget augmentation rather than redo the budget to address the State's impacts. The Board discussed participation at the mid-month travel meetings. Robert Stokes stated previously the Commission traveled 5 to 6 times a year and the previous Commission reduced the meeting schedule down to three times per year due to budget reductions. Commissioner Russell suggested meeting in Spring Creek. Robert Stokes stated they could consider doing travel meetings every two years.

**MOTION: Commissioner Myers moved to approve the Commission Meeting Calendar and for July 20<sup>th</sup> that they have staff contact Mountain City and find out if there was a need to hold a meeting there. If there was a determined need, they would go and if not, then they won't go to Mountain City. Commissioner Williams seconded the motion. The motion passed unanimously.**

Robert Stokes stated his first grandson birth may be born the first week in July.

Commissioner Myers stated the County picnic was on July 29<sup>th</sup> and he wished to recognize all the law enforcement officers involved in the Wells shooting and the EMTs who saved the man from Vernal, Utah

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**XV. CONSENT AGENDA:**

A. Presentation and review of claims for approval.

B. Approval of minutes: May 4, 2011, May 5, 2011, and May 16, 2011

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

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## **XVI. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:**

Cash Minor stated there were Post Office closures all over the country and not just in Mountain City.

Robert Stokes asked about flooding in Lamoille. Sheriff James Pitts reported there was flooding in Lamoille yesterday and there were two NDF crews who helped with the sandbags. He stated the Road Department brought in more sand to make up sandbags. Sheriff Pitts stated Country Lane by Dinwiddie's house was flooded. He stated the flooding over the Red's Ranch driveway was stopped. He stated the County's road crew helped pull out the blockage in the river. He stated the Carlin Honor Camp used chain saws on the logs in the river. Sheriff James Pitts stated this morning there was no water on roads except Country Lane. He stated there would be more sandbags placed today.

Commissioner Dahl stated the drainage into Boulder Creek may cause flooding in the valley.

Sheriff James Pitts stated there was some flooding over the road in Jarbidge and it was going over the bridge. Robert Stokes stated it was an old rail car bridge but the bridge may be expensive to replace.

Commissioner Williams understood the Forest Service would have an excavator up there to pull debris out of the river. Robert Stokes stated NDF had a blade in the area.

Commissioner Guttry noted Commissioner Myers was going to the meeting on the 22<sup>nd</sup> regarding the Fire Science Academy. Commissioner Guttry would be going to Las Vegas on Friday regarding troop training.

Commissioner Myers stated the 25<sup>th</sup> may be the wildlife meeting date to host an evening public briefing with him, Ken Mayer of NDOW, Chairman of NRMAC, Chairman of the Wildlife Advisory Board, and Randy Brown would collect questions. Commissioner Dahl noted some groups had a discrepancy between what NDOW was doing and the politics between the Governor and the State Wildlife Commission. He believed the State Wildlife Commission should be included within the hearing procedure. Commissioner Myers stated the meeting was just a briefing on wildlife management. He stated they would take public comment but not encourage controversial discussions. Commissioner Williams stated hunters could submit information to NDOW. Kristin McQueary suggested this be placed upon the next agenda for an action item.

Commissioner Myers stated the Motorcycle Jamboree started this Friday.

Commissioner Russell stated some roads in Lamoille were being flooded on the outskirts of Lamoille. He stated the drainage ditches alongside the road was conveying the irrigation water and the County does not have right to go into

the ditches to take care of them. He stated the County could bill the ranchers for the cost of damage to the roads. Commissioner Dahl stated if the ditch was after a diversion yes but if the flooding was pre-diversion they would have no control over that. Commissioner Russell noted in some places the County only had an easement for the width of the road. Commissioner Myers suggested they charge them for the repair to the road.

Kristin McQueary submitted a recent Supreme Court's Opinion on the Nevada Commission on Ethics vs. Michael A. Carrigan case. She gave an overview of the opinion of the Court wherein they upheld the Ethics Commission's censure of Mr. Carrigan for voting to approve the development that benefited his long time friend and campaign manager. Kristin McQueary advised the Board to read their meeting agendas a day in advance and let her know if they had a conflict. She stated in the past they have come up to her before the meeting started which would not give her sufficient time to issue a written opinion or analyze the conflict. Commissioner Guttry noted the person still got in trouble after taking advice of his attorney. Kristin McQueary stated that was why they did not fine him because he did seek advice. She stated there was a presumption as an elected official they were to vote on most things. She informed them there was specific guidance in Chapter 281 A of what they would need, for purposes of transparency in government, to disclose potential conflicts to the public.

[4:16:58 PM](#)

## **XVII. ADJOURNMENT:**

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

There being no further business to come before the Board, the meeting was adjourned at 4:17 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk