



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.

SEPTEMBER 7, 2011

The Board of Elko County Commissioners met in regular session on Wednesday, September 7, 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
Road Supervisor Otis Tipton
Planning/Zoning/NRMAC Randy Brown

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

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

Chairman Dahl requested a moment of silence for those who lost their lives in the Carson City shooting.

The minutes of this meeting was reconstructed from notes and a handheld recorder due to technical difficulties with the FTR Recorder/Video Program.

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I. COMMENTS BY THE GENERAL PUBLIC:

Donald Adair presented a disc for their information. He expressed concern with the lack of service in the outlying areas.

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The FTR recording was interrupted momentarily.

He stated they had filed complaints with the Manufactured Housing Division, NDF, etc., which had fallen on deaf ears. He requested an investigation be started upon the concerns in the “gray area”.

Commissioner Russell read from the Declaration of Independence: *“He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation: For Quartering large bodies of armed troops among us: For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States: For cutting off our Trade with all parts of the world: For Imposing Taxes on us without our Consent: For depriving us, in many cases of the benefits of Trial by Jury: For transporting us beyond Seas to be tried for pretended offenses: For abolishing the fee System of English Laws in neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:”*

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II. IN REMEMBRANCE OF SEPTEMBER 11, 2001:

A. Remembering the events of September 11, 2001, may we never forget, and the continuing efforts to protect our Country from acts of terrorism. Consideration of **Resolution 16-2011**, entitled, **A RESOLUTION CONDEMNING THE ACTS OF TERRORISM AGAINST THE UNITED STATES OF AMERICA AND RESOLVING TO REMEMBER THE BRAVE ACTS OF HEROISM AND SACRIFICE THAT OCCURRED ON SEPTEMBER 11, 2001 AND CONTINUE TODAY.**

MOTION: Commissioner Myers moved to adopt RESOLUTION NO. 16-2011, entitled: A RESOLUTION CONDEMNING THE ACTS OF TERRORISM AGAINST THE UNITED STATES OF AMERICA AND RESOLVING TO REMEMBER THE BRAVE ACTS OF HEROISM AND SACRIFICE THAT OCCURRED ON SEPTEMBER 11, 2001 AND CONTINUE TODAY. Commissioner Russell seconded the motion. The motion passed unanimously.

[1:41:23 PM](#)

B. September 11, 2001 Moment of Remembrance:

Discussion and consideration of Commission approval of a recommendation to all Fire Departments, Law Enforcement Agencies, Churches and other Institutions in Elko County to observe a Moment of Remembrance and sound sirens and ring bells at 1:00 p.m. Eastern Time, 10:00 a.m. Pacific Time

for those who were lost during the attacks on the 10th Anniversary of September 11, 2001.

MOTION: Commissioner Myers moved to send recommendations to all Fire Departments, Law Enforcement Agencies, Churches and other Institutions in Elko County to observe a Moment of Remembrance and sound sirens and ring bells at 1:00 p.m. Eastern Time, 10:00 a.m. Pacific Time for those who were lost during the attacks on the 10th Anniversary of September 11, 2001. Commissioner Williams seconded the motion.

Commissioner Williams spoke upon the importance of remembering these historic events.

The motion passed unanimously.

[1:43:13 PM](#)

III. 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.

Chairman Dahl commented that Mr. Grisham was not present at this time.

[1:44:04 PM](#)

IV. CITY OF ELKO:

A. Elko Area Transit System:

Acceptance of a \$5,000 donation from the City of Elko for the Bus Transit System that serves Elko and Spring Creek communities.

Commissioner Guttery stated Jay Elquist was not able to be present today but Mr. Elquist had given him the check. He presented the check to the Board. Commissioner Myers suggested a Thank You letter be sent to the City.

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

Commissioner Dahl commented Mr. Elquist was not present and hoped for a report next time.

[1:45:14 PM](#)

V. FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN:

Consideration of **Proclamation 2011-I** entitled: **A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS PROCLAIMING SEPTEMBER 26, 2011 AS FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN.** The National Center on Addiction and Substance Abuse (CASA) at Columbia University has research that demonstrates that the more often children eat dinner with their parents, the less likely they are to smoke, drink and use illegal drugs.

MOTION: Commissioner Myers moved to adopt Proclamation 2011-I, entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF

COMMISSIONERS PROCLAIMING SEPTEMBER 26, 2011 AS FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN. Commissioner Russell seconded the motion. The motion passed unanimously.

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VI. ELKO COUNTY SHERIFF'S OFFICE:

A. Consideration of **PROCLAMATION 2011-J** entitled, **A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS DESIGNATING SEPTEMBER AS "NATIONAL COMMUNITY PREPAREDNESS MONTH"**.

Annette Kerr, Northeastern Nevada Citizens Corp Coordinator, requested them to recognize September as the National Community Preparedness Month. She commented they had promoted national preparedness through weekly television interviews with various agencies.

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The FTR recording was interrupted momentarily.

Commissioner Myers suggested they draft a check off sheet and send it to the Convention Center to be placed on the back of their brochures.

Annette Kerr stated they started the September events with the National Night Out with the Police and Sheriff's Departments and would conclude the month with the Fire Safety Prevention Week.

Commissioner Russell suggested something regional for Elko County on the County's website. Annette Kerr was working with Michele on a webpage that would be under the Sheriff's Department.

Commissioner Myers read the Proclamation into the record.

Annette Kerr stated they were promoting the individuals to have their own preparedness emergency plan and kit. She noted that people should have water, food storage and medication kits ready in case of an evacuation from a catastrophic event.

MOTION: Commissioner Williams moved to adopt PROCLAMATION 2011-J entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS DESIGNATING SEPTEMBER AS "NATIONAL COMMUNITY PREPAREDNESS MONTH". Commissioner Guttry seconded the motion. The motion passed unanimously.

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B. Discussion and consideration of a report regarding the previous year FY 2010-2011 Sheriff's Department Budget.

Sheriff James Pitts stated their January projected budget showed they would be over budget by \$328,000 if they continued their spending. He stated they put policies in place and came in \$62,000 over budget. He noted the jail

came in \$15,000 under budget so it offset their Sheriff's Office operations overage. He noted previously they averaged \$400,000 over budget. Commissioner Myers commented they had augmented his budget by \$200,000 and expressed appreciation to the Sheriff and his staff for their efforts.

Commissioner Williams commented the reserve program saved the taxpayers money at the rodeo, fair, etc. Sheriff Pitts stated they have 8 reserves that were POST certified. He reported they only paid 17 hours overtime for the 4 or 5 deputies during the entire rodeo, and the rest was under the reserve program. Sheriff Pitts did not have the figures from the Fair currently. He stated they used the cadets in the barn area this year.

Sheriff Pitts reported over the past six months they were down five officers between sick leave, death, retirement, etc., and were currently down two officers. Commissioner Myers inquired if he would receive reimbursement from the Silver State Stampede or from the Fair Board. Sheriff James Pitts stated Silver State had reimbursed them. He stated they tracked the overtime this year and the manpower to do the functions such as the motorcycle jamboree, car shows, rodeos and fair. Commissioner Myers supported community events but there was an impact upon public safety when they lacked manpower. He suggested they draft a policy for those event charges. Commissioner Williams noted a private enterprise handles the betting and inquired if the Sheriff's Department received reimbursement from that private enterprise. The Sheriff stated the Fair Board reimbursed them. Commissioner Russell inquired about arrests upon the fairgrounds. Sheriff Pitts was unaware of any arrests upon the fairgrounds.

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VII. 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. The Library Minutes, the Law Library Minutes and the Year End Report had been previously submitted.

Jeanette Hammonds reported 831 youth participated in the Summer Reading Program and the first Adult Summer Reading Program had 176 reviews. She stated September was the Library Card Signup Month. Jeanette Hammonds stated they were accepting submissions for the second annual Pets Caught Reading Photo Contest. She stated staff would attend the Nevada Library Association Conference from October 5th thru the 8th in Carson City. She reported they could now download audio books. Commissioner Russell suggested she seek reviews from the patrons on a selected group of books and post those on the website to encourage more reading participants. Jeanette Hammonds reported that within the Adult Reading Program they had rated the

books. She stated there were personnel on staff who were familiar with some of the new technologies and they would look into that.

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The FTR Recorder was experiencing interference from computer access.

Commissioner Williams inquired about the cancellation of the adult spelling bee. Jeannette Hammonds stated it was not an appropriate time for a fund raiser due to the road construction.

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The FTR recorder was interrupted.

X. 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 FEIS including a facilitated focused FEIS workshop and the County's request for a six month extension of the comment period. The Report, Chapter 1, Chapter 2, Chapter 3 and Chapter 4 were submitted previously for review.

Chairman Dahl noted that due to the new Open Meeting Law regulations the Commission's liaisons could not meet with the Forest Service and suggested the Forest Service meet with the full board which made it an agenda meeting. He suggested moving the facilitated workshop date back.

Gar Abbas suggested they meet with two or three folks on the 12th of September so they can hold a video conference with their full scientific analysis team. Commissioner Dahl stated there should be more room for meeting participants to attend.

[2:27:10 PM](#)

The FTR recorder was interrupted and computer was restarted.

Robert Stokes explained if they held a facilitated meeting with two Commissioners that would be a violation of the Open Meeting Law. He stated the difference between the workshop or special meeting agenda would be whether it would be an action or non action item. He stated a public comment period would still be required.

Commissioner Williams requested those wishing to speak submit their comments in writing rather than verbally at the beginning of the meeting. Commissioner Dahl stated some people may not have the chance to put those in writing.

Gar Abbas clarified they would not meet on September 12th and would schedule a new meeting date with the full County Commission so an agenda could be posted.

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The FTR recorder was momentarily interrupted.

Commissioner Dahl stated Gar Abbas was following the NEPA process by coming to the County and requesting a meeting. He requested that he contact Randy Brown to coordinate a joint meeting date and place.

[2:28:46 PM](#)

The FTR recorder was momentarily interrupted.

XII. ELKO COUNTY NATURAL RESOURCES DIVISION:

Discussion and consideration of a Declaration of Elko County Policy for the Protection of: the health, safety and welfare of Elko County Citizens; the improvement, persistence and continuance of all multiple uses on public lands; the enhancement of wildlife, environment and watershed condition; threatened, endangered, sensitive species and species of environmental concern; the economic welfare of Elko County and the State of Nevada.

Commissioner Dahl explained they just received a draft wherein Gar Abbas' name was removed. He stated this Declaration would fill in the gaps of the County's Natural Resource Plan.

Commissioner Myers noted the single change to the draft was to eliminate direct referencing within the Forest Service. His recommendations were to remove personal names from the document and place their references at the bottom of the document in a footnote. He noted there were statements within the document that were true but no footnotes verifying they came from a Master Plan or the Land Use Plan, etc.

Commissioner Myers had an issue with the roads remaining open behind the ranches that did not allow public access which essentially established a private game reserve for the rancher/property owner.

Commissioner Guttry stated under Authority and Objectives he found the Public Land and Natural Resource Management Plan was referenced.

[2:33:42 PM:](#)

The FTR recorder was momentarily interrupted.

Commissioner Russell suggested there be a footnote referencing the plan.

Randy Brown stated they edited the document from 27 pages to 8 pages and it had referenced the Public Land and Natural Resource Management Plan in several locations. He believed they need to look at the edited data in the future as an appendix or a chapter within the PLNRM plan itself.

Randy Brown stated the Forest Service had neglected to look at the "taking" issue by closing those roads and the physical and legal access they were denying to in-holding property owners.

[2:36:23 PM](#)

The FTR recorder was momentarily interrupted.

Commissioner Myers stated the sportsmen were concerned because closing the roads creates private game reserves for that specific property owner.

[2:37:18 PM](#)

The FTR recorder was interrupted.

Randy Brown stated those roads were now being proposed for closure. Commissioner Myers stated even the hunters want the road to remain open even if it was for the rancher rather than having the road totally closed but they did not want that privilege abused.

Randy Brown recommended they draft a list of questions before they go into the meeting with the Forest Service.

Commissioner Williams stated forty years ago he sat upon the ranchers/sportsmen committee which pushed for access roads to the Rubies. He stated, at that time, the Farm Bureau put out twelve recommendations and one of the ranchers' concerns was liability. Commissioner Myers acknowledged they were concerned about gates being left open and cattle being killed.

Commissioner Russell suggested more interaction between the Commission, the Forest Service and the public on this matter. He stated they need the workshop wherein they could ask resource people their questions.

Kristin McQueary stated this conversation demonstrates the problem with road access in federally managed land. She stated an RS 2477 depended upon the pattern of land ownership. She stated that roads that currently cross partially private lands onto federally managed land may be RS 2477. Kristin McQueary had personal knowledge of some roads which were now in Forest Service which were formally BLM which were probably RS 2477. She stated RS 2477 depended upon the individual history of the individual road and there was no one-size fits all answer to the question.

Commissioner Guttry stated the Declaration was too wordy and inquired what the cost was for the preparation of the Declaration. He believed this was a political statement from the Board and inquired if it would be presented to the Forest Service as their statement. Commissioner Dahl commented that the County, as a coordinating agency, must have a position. He stated this Declaration was to fill in the gaps of the Public Land Use Plan.

Randy Brown stated the open meeting would set forth a policy regarding the Travel Management Plan but he did not think a document was important or necessary to have before going into the meeting with the Forest Service.

Commissioner Myers expressed concern about substantiating the statements within the document and noted the Declaration could be utilized as a preamble to their land use plan.

MOTION: Commissioner Myers moved to remove the personal names from the Declaration and put in a footnote or bibliography note at the bottom referencing all the references for the statement of the

document and to take out anything, in my opinion, that was percentages. I think it should be statements. Commissioner Guttry seconded the motion.

Gar Abbas inquired if there would be a public review and inquired if the agencies could provide feedback. Commissioner Dahl stated they would be allowed to submit comments.

Ken Miller, Elko BLM District Manager, stated the BLM had looked at these drafts as they come about and they would like to provide comments. He was confused if the Declaration was to address the Travel Management Plan because there were other topics addressed. He commented the BLM was faced with the same issues and the BLM and the Forest Service were expected to work with the County on those issues. He stated the document did not reflect the cooperative nature they have had since he had been here.

Robert Stokes stated these costs have not been approved. He noted there were four different tasks but the Commission had only approved \$6,000 in funding for the horse management study.

Commissioner Williams stated this document should be given to any agency whether it was the BLM, FS, NDOW and it should have just as much bearing upon what that agency did upon federal lands.

Grant Gerber had been working on closed roads for over 30 years and appreciated the approach taken by Mr. Myers. He stated pursuant to Executive Order of 1994, the federal government was to listen to the local entities. He stated according to the Order any programs, projects and activities by the federal government have to protect the public health and safety of the citizens. Grant Gerber toured the huge fires in New Mexico where the elected officials told him the federal government did not listen to them and did not follow the requests that they made. Grant Gerber reported that approximately two million acres were burned some of which was their favorite recreation areas and their hunting areas. He spoke about the timber, homes and the wildlife that was burned. He noted one town was evacuated twice. He stated the Forest Service's plan to close these roads was a threat to the public health and safety of the people of this County and the people of the west. Grant Gerber spoke upon the pollution and the loss of jobs caused by the fires. He volunteered assistance at the workshop. He had received a case from another County regarding road closures.

The motion passed unanimously.

[3:04:48 PM](#)

VIII. BOARD OF COUNTY HIGHWAY COMMISSIONERS:

Highway Chairman Russell called the Highway Board to order at 3:04 p.m.

A. Comments by the General Public:

No public comments were submitted.

[3:04:54 PM](#)

B. Talbot Creek Bridge Replacement Project:

Pursuant to Notice No. 28-2011, Talbot Creek Bridge Replacement Project, bids were received and opened on August 15, 2011. Pursuant to bid review and tabulation results, consider awarding the bid to the lowest responsive/responsible bidder.

Otis Tipton reviewed the bids received as follows: MKD Construction, Inc. \$275,000; Remington Construction Company, Inc \$291,000; and ACHA Construction LLC., at \$431,436.00. Chilton Engineering's recommendation was to accept MKD as the lowest responsive, responsible bidder.

MOTION: Commissioner Myers moved to award the bid for the Talbot Creek Bridge Replacement Project to MKD Construction Inc., in the amount of \$275,000.00. Commissioner Guttry seconded the motion. The motion passed unanimously.

Highway Chairman Russell called for public comment. No public comments were submitted.

Highway Chairman Russell temporarily closed the Highway Board at 3:06 p.m.

[3:06:46 PM](#) **RECESS:**

Chairman Dahl called a recess at 3:06 p.m.

[3:18:58 PM](#): **RECONVENE:**

Chairman Dahl reconvened the meeting at 3:18 p.m.

[3:19:04 PM](#)

XIII. ELKO COUNTY OWNED PROPERTY SALE / LEASE REQUESTS:

A. County Property Lease Request – Acceptance of Public Bids:

In accordance with Legal Notice 34-2011 and Resolution 14-2011, conduct a public process to accept sealed written and oral bids to award the lease of certain County 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.** The County Commission conducted 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. The lease of county property was deemed in the best interest of the county. Resolution 14-2011 with a description of the property to be leased, minimum pricing and terms was approved on August 4, 2011 and posted and published for 3 consecutive weeks.

Commissioner Dahl stated they have received one sealed bid from Barrick Cortez in the amount of \$950.00 per month and Barrick requested the right to submit oral bids. He commented there was an opportunity for oral bidding but

they had to submit their intent in writing to the County Manager five days prior to bid opening.

Kristin McQueary understood they had not received any requests for oral bidding. She stated the proposals must conform to all the terms and conditions specified in the resolution of the intent to lease. Commissioner Dahl noted one of those conditions was to pay the appraisal fees of \$2,727.67. Commissioner Russell inquired about duration of lease. Kristin McQueary stated that would be pursuant to the Resolution. She noted there were statutory requirements that the lease could not go beyond the term of the board. She commented there would be an agreement drafted and the last parking lot lease was for a five year period. Commissioner Dahl stated they could accept the bid contingent upon the terms being met. Commissioner Russell requested they negotiate up to 5 years on the lease so they would not have to pay for another appraisal next year.

MOTION: Commissioner Myers moved to approve the Legal Notice 34-2011 and Resolution 14-2011, and award the lease of County Property in Sections 3 & 4 in T33N, R56E and Section 33, T34N, R56N, approximately 6 acres to Barrick-Cortez in the amount of \$950 per month provided that all the considerations under the agreement are met and agreed to along with a notice of lease.

Commissioner Russell requested that the lease be up to five years.

Commissioner Myers amended the motion for the lease to be a minimum of five years. Commissioner Guttry seconded the motion.

Commissioner Williams commented there should be a correction to the APN number. He stated on the agenda it reads: “**APN 006-310-00**” but the number should read “**APN 006-310-001**”.

Commissioner Myers amended his motion to correct the APN number to APN 006-310-001. Commissioner Guttry seconded the amendment. The motion passed unanimously.

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B. County Property Sale Request – Acceptance of Public Bids:

In accordance with Legal Notice 33-2011 and Resolution 15-2011, conduct a public process to accept sealed written and oral bids to award the sale of certain County property described as follows: **A portion of Section 8 and 17, T.34N., R.55E., M.D.B&M, County of Elko, Nevada, approximately .283 acres or approximately 12,327 square feet, APN 006-09C-011. This property is located at the intersection of Sundance and Mountain City Highway in Elko.** The County Commission conducted 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. The sale of county property was deemed in the best interest of the county. Resolution 15-2011 with a description of the property to be sold, minimum pricing and terms was approved on August 4, 2011 and posted and published for 3 consecutive weeks.

Commissioner Dahl reported only one bid was received from KLO Global LLC., in the amount of \$5,000 and they requested the right to submit oral bids after the bids were opened at the Commissioner meeting.

Commissioner Dahl inquired if there were oral bids. No oral bids were presented.

Robert Stokes stated the appraisal and publishing costs were \$2,237.08. Commissioner Dahl stated those costs would be in addition to the bid amount.

MOTION: Commissioner Myers moved that they accept the \$5,000 from Ormaza Construction Inc. for the sale of said county property described as a portion of Section 8 and 17, T.34N., R.55E., M.D.B&M, County of Elko, Nevada, approximately .283 acres or approximately 12,327 square feet, APN 006-09C-011 provided that all terms and conditions of the sale were met based on the advertisement and sale documents.

Commissioner Guttry asked if it was Ormaza Construction or if the bid was from KLO Global LLC.

Commissioner Myers amended his motion to KLO Global LLC. Commissioner Williams seconded the motion. The motion passed unanimously.

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XI. ELKO COUNTY PLANNING AND ZONING DIVISION:

Parcel Map Wavier Request:

Discussion and consideration of a request for a Waiver of the Parcel Map Requirements of Elko County Code 5-2-1 by Key Ranches / Ralph Carlson for the creation of a 4 acre parcel for an existing radio transmission tower for Elko Based KTSN Radio. Recommended staff motion -- Approval of a request for a waiver of the Parcel Map requirement contingent to the acquiring of a private easement from Southern Pacific Railroad to provide access to the proposed parcel and the preparation and filing of a Record of Survey of the proposed parcel. The maps were previously submitted for review.

Randy Brown commented Mr. Carlson purchased the property many years ago without the deed being filed and was in the process of selling the property. He stated Mr. Carlson was awaiting closure of the sale and asked for a slight change in the proposed motion with regards to the access. The property was currently accessed by a private Union Pacific crossing. Randy Brown stated the

property was zoned light industrial and had been utilized for the tower for several years. Randy Brown recommended they consider granting a waiver of the parcel map requirements and that the access issue become a private issue between the Union Pacific and the property owner.

MOTION: Commissioner Myers moved to approve the parcel map waiver and leave the access to be a private issue between the property owner and the Union Pacific Railroad. Commissioners Guttry and Williams seconded motion. The motion passed unanimously.

Ralph Carlson stated he had purchased the property from Kevin Dressi but they did not have permission from Union Pacific at that time for access. He explained the necessity for the parcel map waiver and explained the new owner would receive the railroad access.

Commissioner Myers stated the County should talk to the new property owners about giving up the crossing to the County if they ever sell that property.

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The FTR recorder was interrupted momentarily.

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IX. SPRING CREEK UTILITIES CO:

Presentation by Wendy Barnett, Regional Director, on the status of the Arsenic Remediation Program for the water system in Spring Creek.

Wendy Barnett stated a pilot study was performed in August but there was no final report. She stated their treatment method would remediate the arsenic below the maximum contaminant level. Wendy Barnett stated their plans of taking the wet waste to West Wendover may be changed and there was a possibility of eliminating costs by sending it to the Elko County landfill. She stated they were on budget and self contained equipment had been purchased which eliminated the need for additional housing; they would upgrade the power. Wendy Barnett stated they would come within budget which was 4.5 million dollars. She stated their NDEP deadline was December 21, 2011, and they were using the phase approach beginning with Well #3. Commissioner Russell inquired where Well #3 was located. Greg Meinzer, SCU Project Manager, stated it was just off of Valdez. Wendy Barrett stated there was a negotiated lease with the property owner. Water wells #1 and #3 were not within the Spring Creek Homeowners Association. Wendy Barnett stated they filed an amendment with the PUC on their Integrated Resource Plan and stated PUC may formally approve the permits on September 21, 2011. Wendy Barnett stated the SCA did file comments on the amendment but did not intervene. She reported the pilot tests turned out positive. Wendy Barnett stated they participated at the Outdoor Expo to promote water conservation.

Commissioner Guttry inquired what the fiscal impact would be upon the users for the remediation of arsenic. Wendy Barnett replied the cost would be spread throughout the utility base which would go to the PUC as a rate case. She reported that there were 1,400 connections in the mobile home section with an average of 2.31 people in each household. She noted it would be amortized within a twenty year period. Wendy Barnett prepared an Integrated Resource Plan every three years.

[3:49:04 PM](#)

The FTR was momentarily interrupted.

[3:49:23 PM](#)

VIII. BOARD OF COUNTY HIGHWAY COMMISSIONERS:

Highway Chairman Russell called the Highway Board to order at 3:49 p.m.

A. Comments by the General Public:

No public comments were submitted.

C. One (1) Used Wheel Loader, 40,000 Lbs Class:

Pursuant to Notice No. 31-2011, One (1) Used Wheel Loader, 40,000 Lbs Class, bids were received and opened on September 1, 2011. Pursuant to bid review and tabulation results, consider awarding the bid to the lowest responsive/responsible bidder.

Otis Tipton reported two bids were received: Cashman Equipment Company in the amount of \$169,722 with trade-in of \$15,000 and Blaine Equipment Company in the amount of \$163,787 with trade-in of \$18,210.00. He had previously submitted a Memo to the Board members. He explained the Cashman Equipment bid stated the hours on the equipment, what the equipment would be, included oil samples, pictures and information on the 950. He stated Cashman had offered an extended power train warranty for twelve months with a Guaranteed Buy-Back in twenty-four months. Otis Tipton cautioned the members to keep in mind this was a used machine so you cannot compare apples to apples during the bid process. He stated the Blaine Equipment Company bid a 644-J with 1,425 hours but their bid package did not contain information on the 644-J. They did give an extended power train warranty for twelve months. He stated there was no buy back guarantee. Otis Tipton expressed concern that the bid specification on page 3, #3 stated the entire rotor-power train, including engine, transmission, and final drives shall be designed and built by the machine manufacturer. He stated based upon legal advice they put "no exceptions" in the bid package. Otis Tipton stated the reason they put that clause in was because there may have an issue with equipment that was built from parts. He explained an engine may be built by one company and the transmission by a different company so the clause restricts equipment

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manufacturers from substituting equipment to come in under bid. Otis Tipton noted that Blaine Equipment had advised them in the bid that the transmission was not built by them. He stated that company had been making transmissions since 1986. His recommendation was to go with Cashman Equipment Company under the bid he wrote.

Commissioner Myers inquired if they had to have a reason to award the bid to Cashman Equipment Company. Kristin McQueary stated pursuant to the Local Government Purchasing Act they have to award it to the lowest responsive, responsible bidder and “responsive” was how it met the bid specifications.

Commissioner Williams inquired if there was another requirement that it was of the most value to the taxpayers. Otis Tipton stated the bid specifications stated that the parts list and oil samples would be submitted since it was used equipment. He said it would be inspected by him, because it was a used piece of equipment.

Commissioner Myers noted there was only a 3.5% difference in the bids.

Commissioner Williams commented he worked with heavy equipment daily and agreed they need to be able to get parts. Otis Tipton stated Blaine Equipment did not submit pictures and information was not included. He was told it was a 40,000 pound class of equipment.

Justin McDermott, of Blaine Equipment Company stated it was a 644-J. He stated they do run a ZED-F transmission but that wasn't clear in the bid. He stated they have been building those transmissions for John Deere since 1986. He stated those were proven transmissions and they have a John Deere part number.

Commissioner Guttry requested a clarification upon the warranties. Otis Tipton stated both bidders had submitted 12 months warranties but the Cashman bid included a Guaranteed Buy Back after 24 months.

Kristin McQueary reviewed NRS 332.065 which stated bids may be awarded to the lowest responsive, responsible bidder and that was judged upon: “the basis of price; conformance to specifications; qualifications; past performance; performance or delivery date; quality and utility of services, supplies, material or equipment offered and the adaptability of those services, supplies, material or equipment to the required purpose of the contract; the best interest of the public; and such other criteria as may be set forth by the governing board”. She stated responsive and responsible was their governing criteria.

Commissioner Guttry reviewed the individual bids, buy-backs and inquired of Otis' concern upon the parts. Otis Tipton stated the bid specifications were written that there would be no exceptions; everything would be made by the

manufacturer. Commissioner Russell noted oil samples were not available from one bidder.

Dillon Judd, of Cashman Equipment, stated the buy-back offer was \$129,000 in 24 months. He asked them to consider the report he submitted dating from 1999 to 2008. He commented every year there were more caterpillar machines built, more were sold in auction, and each year the value of the caterpillar machines had increased. Dillon Judd suggested they consider the price of parts when awarding their bid. He stated Cashman Equipment ran this class of loader in this area and they stock a lot of the parts locally which saves on freight costs. Dillon Judd stated they did include new tires on this machine for a value of \$12,000.

Justin McDermott, Blaine Equipment, stated with regards to components the caterpillar torque converter was not built by caterpillar. He stated there was no actual machine built by one manufacturer.

Commissioner Guttry commented the bid specifications stated no exceptions.

Otis Tipton stated the major drive trains were mainly built by them. He stated a company did not make every single component that was within a piece of equipment. He explained that some people outsource their components to come in lower in the bidding process.

Commissioner Dahl inquired about the availability of a torque converter. Otis Tipton noted that CAT Logistics would bring parts in faster.

Commissioner Myers inquired about the bid perspective. Otis Tipton stated the specifications would eliminate a company from piecing heaving equipment together. He reviewed the bad experiences they had with companies that build equipment to get in under government bids.

Commissioner Guttry inquired if the torque converter was part of the bid specifications under the transmission. Otis Tipton stated the torque converter was not part of those components.

Commissioner Williams stated Otis had the right to put out a bid for equipment that he needs as long as they do not intentionally eliminate companies. Commissioner Myers wanted it clear on the record that they were not showing favoritism using public funds to buy equipment. He noted that Otis did not consider the torque converter as part of the power train. Commissioner Myers asked if the company could make it an issue. Otis Tipton stated due to past experiences, they have a reason why they do their bid specifications.

MOTION: Commissioner Guttry moved to award the bid to Cashman Equipment Company in the amount of \$169,722 with a twelve

month warranty and a buy-back clause with a trade-in of \$15,000.

Kristin McQueary requested that he identify the reasons for that bidder selection.

Commissioner Guttry amended his motion to include it was within conformance to the bid package which stated the entire loader power train, including engine, transmission, and final drums should be built by the machine manufacturer and apparently the John Deere was not. Commissioner Williams seconded the motion. Commissioners Guttry, Williams, Dahl and Russell voted aye. Commissioner Myers opposed. The motion passed by 4-1 majority vote.

Commissioner Myers was not comfortable with the power train issue or the identification of the torque converter issue.

Kristin McQueary stated pursuant to NRS 332.068 the company that did not get the bid could file a bid protest with this Board and the Board needed to set a time limit whether within a week or ten days with their reasons. She stated the County could not go forward with the purchase if a protest was filed until the protest was addressed.

Otis Tipton stated this bid was for used equipment so another buyer may purchase the equipment in the meantime.

MOTION: Commissioner Guttry moved to allow the losing bidder to file a bid protest within three working days. Commissioner Myers seconded the motion. The motion passed unanimously.

[4:12:21 PM](#)

D. Two (2) 2012, 4 X 4, Crew Cab, Single Rear Wheels with Service Body Mounted and Painted:

Pursuant to Notice No. 32-2011, Two (2) 2012, 4 X 4, Crew Cab, Single Rear Wheels with Service Body Mounted and Painted, bids were received and opened on September 1, 2011. Pursuant to bid review and tabulation results, consider awarding the bid to the lowest responsive/responsible bidder.

Otis Tipton submitted the following bids: Gallagher Motors \$67,485.50 with trade-in options; and Dale White Motors \$79,678.88 with trade-in options. His recommendation was to award it to the lowest responsive bidder and not give them the option of trade-ins. He asked the Commission to consider selling the trade-ins to the Spring Creek Association at the trade-in price.

Commissioner Myers inquired if the trade-in value had an impact on the bid. Otis Tipton replied no, it was an option.

MOTION: Commissioner Myers moved to award the bid to the most responsive, responsible bidder Gallagher Motors in the amount of \$67,485.50 for Two (2) 2012, 4 X 4, Crew Cab, Single Rear Wheels with Service Body Mounted and Painted; reject the optional trade-in and allow Otis to sell those to the Spring Creek Association. Commissioner Dahl seconded the motion.

Commissioner Williams inquired if Gallagher Motors did not want the trucks as trade-in. Otis Tipton commented that was stated in the bid.

Kristin McQueary stated under the Local Purchasing Act those vehicles must be disposed of in a similar manner that they were acquired. She noted SCA was not a government entity.

Commissioner Myers amended his motion to award the Two (2) 2012, 4 X 4, Crew Cabs, Bid No. No. 32-2011, to Gallagher Motors of Elko Nevada; reject the option trade-ins and allow staff to determine the disposition of the two trade-in vehicles. Commissioner Dahl seconded the amendment.

[4:17:02 PM](#)

The FTR recorded was momentarily interrupted.

The motion passed unanimously.

[4:17:22 PM](#)

E. General discussion of routine road maintenance issues for information and/or administrative direction purposes. The Roads Operational Highlights and Monthly Budget were previously submitted.

Otis Tipton stated with regards to Simplot's offer on the Deer Creek Grade easement; they may lose Deer Creek Grade and the Jarbidge people would be denied access into the Forest Service. Commissioner Russell stated the negotiations were entered into but not completed. He consulted with the County Manager and would speak with other County staff.

Otis Tipton reported Ruby Pipeline had a contractor in Metropolis and they would start paving on Monday.

Robert Stokes commented Mr. Jewel was told from someone of the Ruby Pipeline or one of their contractors that once they were finished they would do a complete overlay, repaving of the Metropolis Road. Mr. Stokes had informed him that he was not aware of that agreement ever being made. He had submitted a copy of the road agreement to Mr. Jewel which specifies that surface areas of repair was not to exceed 80,000 square feet but there was no complete overlay within the agreement.

Commissioner Russell received a complaint through Commissioner Dahl and had driven over Harrison Pass. He stated that road was in excellent condition compared to what they did to the road originally. He commented the

portion beyond on the gravel was in the best condition it had been in within the last eleven years. He stated the road on Ruby Valley side had some places that needed touch up. Commissioner Russell noted the other complaint was of trucks using the road. He did not see evidence of road deterioration caused by trucks. He stated an elderly person may have nervous situations on the blind curves with cattle trucks. Otis Tipton stated it was posted at 35 mph.

Commissioner Myers asked about the Charleston Road. Otis Tipton stated repairs had been completed and the overgrowth could be removed by the end of the week.

Commissioner Myers stated the rancher needed to be contacted to take care of the beaver dam on Meadow Creek. Otis Tipton understood the Forest Service was going to speak to the rancher. Commissioner Dahl would speak with the rancher. Commissioner Myers noted FS RAC had allocated \$80,000 for road repairs if the rancher tore out the beaver dam. Otis Tipton stated Forest Service personnel had told him the FS did not have crews to make the repairs this year. Otis Tipton stated under RAC allocation they were to hire contractors to do the work. Commissioner Myers noted the rancher could put his backhoe in the water but the County cannot without permits.

Commissioner Myers requested the pros and cons of costs to open up Deer Creek. Otis Tipton commented the Deer Creek Grade was a fragile road and they could lose a portion of it at anytime. He stated if they give up the road through the Diamond A then the public would be blocked off from that portion of the forest.

Commissioner Myers stated he had read an e-mail on the South Canyon Road. Otis Tipton stated the County was not allowed to go in until a Forest Service Engineer was present.

Commissioner Williams requested a follow-up on the roads in the Deer Creek area before a decision was made. He commended Commissioner Russell on the negotiation process. He noted there was a County effort on the Forest Service roads to maintain the public access. Commissioner Myers suggested an agenda item to discuss it.

Commissioner Williams inquired if that was the County rake going to Midas. Otis Tipton stated they were trying to remove some of the larger rocks from the road. He stated this was the first year of re-graveling and the road would get better after more blading.

Commissioner Guttry inquired if the Sundance Road was the County or City owned. Otis Tipton stated the entrance was City; then half was in the City and half in County down to Sundance Subdivision. He stated then from there on it was under the Sundance Homeowners Association. Commissioner Guttry

inquired about Royal Crest. Randy Brown stated it was a road dedicated to the County for public purposes but not for maintenance. He stated Sundance was a public road and the encroachment permit was being transferred to the City's name. He stated the road was basically the City's up to Royal Crest. Commissioner Guttry noted the City authorized closure for the sewer line replacement. Randy Brown clarified the City had authority under the annexation. Commissioner Myers noted the complaint was a person blocked the traffic with his truck and trailer.

Commissioner Russell stated Simplot was to respond to the easement issue for the trade and Simplot acknowledged they would formalize public access through the ranch in case of an emergency situation.

COMMENTS BY THE GENERAL PUBLIC:

Bruno Carr commended the County Road Department in keeping Corral Lane together this year. He suggested a culvert be put in because of the ponds upon each side. He believed the road was deteriorating because of truck weight and speed. Bruno Carr stated the Sheriff's Department had patrolled the road occasionally but requested they upgrade it to a high speed road or bring the traffic speeds down.

Commissioner Russell stated if Mr. Carr noticed vehicles traveling at excessive speeds he could make a note of their vehicle, plate number and submit it to the Sheriff's Office. Bruno Carr stated some deputies told him that was none of his business.

[4:35:03 PM](#)

The FTR recorder was interrupted momentarily.

ADJOURNMENT OF HIGHWAY BOARD:

[4:35:10 PM](#)

Chairman Russell adjourned the Highway Board at 4:35 p.m.

Commissioner Dahl assumed control of the meeting.

[4:36:01 PM](#)

XVI. 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, other public land issues.

Vivian Wright, President of Local Animal Shelter Support Organization LASSO, stated the animal shelter had experienced a large influx of dogs in late 2010 due to the economy and the pipeline workers. She stated the expense put a burden on the volunteers, veterinarians and delayed the LASSO yard project. Vivian Wright voiced concern about the impact from future projects that involve out-of-state workers. Commissioner Dahl inquired about the number of dogs. Vivian Wright stated when they realized the increase they counted 75 dogs and

there may have been 20 or 30 dogs before they noticed the influx. Vivian Wright commented the increase of animals cost was \$18,000. Vivian Wright questioned if the out of state corporations could give them some consideration. Commissioner Guttry inquired if they had submitted a letter to the Ruby Pipeline and everyone associated to it for donations. Vivian Wright had drafted a letter but chose not to send it at the time a worker had passed away.

Commissioner Williams questioned how sure they were that the animals came from Ruby Pipeline workers. Vivian Wright stated they were sure from the tags and questions asked when they were dropped off. She noted there was no issue with the Ruby Pipeline but they were concerned about the costs of \$18,000 within three weeks. Commissioner Williams noted that if the shelter had documented papers showing the expense from their employees then Ruby Pipeline would pay that. He suggested the Commission become involved.

Commissioner Myers stated they would have to verify the documentation. Commissioner Williams suggested staff come up with a letter to support the shelter's letter. Robert Stokes suggested the Chairman sign the letter.

Vivian Wright asked if they hear of other out-of-state projects coming up that they notify her to send a letter out prior to the project.

Commissioner Guttry suggested the City write a letter. Robert Stokes would speak to the City Manager.

[4:48:48 PM](#)

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

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

Randy Brown stated they did not discuss anything out of the ordinary.

[4:49:14 PM](#)

B. Discussion and consideration of a NRMAC request for the Elko County Board of Commissioners to send a letter of support to U.S. Congressman Steve Pearce and Otero County, New Mexico, in their actions to properly manage USFS managed lands and their proposed fire prevention measure.

Randy Brown stated this revolves around Smoked Bear and Grant Gerber's trip to southern New Mexico. He had spoken to Steve Pearce previously and noted the Congressman was involved with the Travel Management Plans in New Mexico and NRMAC recommended a letter in support of Otero County and Congressman Pearce.

[4:50:16 PM](#)

Commissioner Russell departed from the meeting room.

Commissioner Dahl inquired about the people going into the forest. Randy

Brown stated they would thin the forest, clear some brush upon one acre of land, as a demonstration and provide insight to the Forest Service how this should be permitted. Randy Brown commented two million acres of forest had been burnt which was catastrophic to a lot of the people in the area. He stated some people were actually evacuated twice from a small town. Randy Brown stated the policies implemented in that Forest Service had stopped the logging which were a major source of economics in their county.

[4:51:41 PM](#)

Commissioner Russell reentered the meeting room.

Commissioner Myers requested clarification what they were seeking support upon. Randy Brown provided three documents. Commissioner Williams inquired if NRMAC supported this. Randy Brown stated they had made a recommendation for support.

MOTION: Commissioner Williams moved to send a letter of support to support the actions of NRMAC supporting U.S. Congressman Steve Pearce and Otero County, New Mexico, in their actions to properly manage USFS managed lands and their proposed fire prevention measures and draft a letter for signature of all Commissioners or the Chair. Commissioner Myers seconded the motion. The motion passed unanimously.

C. Discussion and consideration of a NRMAC request for the Elko County Board of Commissioners to send a letter to Nevada Congressional Delegation regarding the importance of management of the wild horse and burro to the impact on the multiple uses of public lands and the economic diversity of rural communities.

Commissioner Myers voiced support of horse gathers and stated the local BLM District and our District Manager do a good job in attempting to manage the horses. He believed the issue was with Bob Abbey that if the County filed a suit it would have a negative impact upon the AUMS and local ranchers. Commissioner Dahl commented that statement came up in the NACO meeting in Carson. He was given a document from Jake Tibbits that stated it was already included in the BLM plans to readdress the Appropriate Management Levels. Commissioner Myers commented their letter to the congressional delegation should say that wild horse management was very important to western United States in that the means and funds should be available to the BLM to accomplish that goal without the degradation of AUMs to ranchers and agriculture. He believed the resources should be provided to uphold the law. Commissioner Williams inquired why Bob Abbey made the statement. Commissioner Myers stated at the meeting Ken Wellington brought up the possibility of a suit being

filed if the BLM did not continue with the horse gathers and Bob Abbey made that statement. Commissioner Guttry met with Ken Wellington and Bob Abbey and this subject came up. He believed the statement was said as a fact that the BLM would have no choice but leave a greater number of horses upon public lands.

Commissioner Dahl explained that NACO passed a motion to lead a lawsuit against the BLM and asked the Court to require the BLM to maintain the AML and to use all the tools available in the Wild Horse and Burro Act which includes selling excess horses. Commissioner Dahl stated Bob Abbey cautioned the counties that by doing that; the court may require the BLM to increase the horse numbers and decrease the AUMs. He stated the State could decrease the wildlife by issuing more tags but the BLM had control over the cattle. Commissioner Myers noted the BLM was constantly sued by the other group and there were no repercussions. He noted whether the County or an environmental group filed a lawsuit the impact would be upon the ranching. Commissioner Dahl commented recreational groups, the Sierra Club, Friends of Wilderness, etc., were anxious to participate in the lawsuit because they see the resource damage upon public lands.

Ken Miller, BLM District Manager believed Director Abbey's real intent was to ask them that all outcomes be considered from the lawsuit and he feared the BLM may lose management over the wild horse herds; that it would go to the wildlife service. Ken Miller stated routinely the BLM contemplates what an AML was set at within a Horse Management Area when they amend a resource plan or a land use plan. He stated several years ago in the Ely District they reset the AML in some HMAs and eliminated two HMAs based upon the current resource situation. Commissioner Dahl voiced concern that they would change their AML based upon politics rather than sound science. He noted Bob Abbey stated that Congress might save 75 million dollars by leaving horses on the range. Commissioner Dahl stated the program could acquire funding by selling the excess horses and leave the money in the program to defray the expenses of gathering and managing the 40,000 wild horses they have in holding; they needed a long term solution which was selling those horses.

Commissioner Dahl suggested a letter of support when NACO starts their action. He stated the NACO subcommittee was tasked to: 1) put together a presentation telling what was happening to the resource, who was affected and why people need to get involved; 2) identify funding sources for this lawsuit; and 3) was to determine who the legal council would be. Commissioner Dahl stated Jake Tibbits from Eureka County came up with a formula wherein each County with HMAs would divide the costs of the suit per horses within the individual counties.

Commissioner Williams and Randy Brown attended a horse gather in White Pine County out of Cherry Creek and stated the horses were treated humanely and the helicopter did nothing to harass them. He stated they could not get close enough to the operation to upset the horses. Commissioner Williams stated if there were people saying there was abuse by the helicopter, the gather, etc., they did not witness that anywhere. Randy Brown stated they were taking their time and the horses were rarely at a gallop. Commissioner Williams commented upon the expense for gathering thirteen head of horses.

Randy Brown recommended they table the letter.

Commissioner Myers had looked at the wild horse sanctuary and viewed approximately 40 horses but there was no shade. He had received a call that they were cutting the horses without putting them in stalls.

Commissioner Dahl inquired if the AUMS were transferred from cattle to horses within the two small allotments and if the horses were upon the allotments. Ken Miller replied the private horses were upon private property and Mrs. Pickens had initiated the process to convert the AUMS from cattle to horses. Commissioner Dahl inquired if the public had an opportunity to comment on the AUM transfer. Ken Miller replied yes.

[5:17:19 PM](#)

X. USFS MOUNTAIN CITY, RUBY MOUNTAINS AND JARBIDGE DISTRICT TRAVEL MANAGEMENT PROJECT Continued:

Randy Brown had prepared a 25 page report upon the four chapters of the Travel Management EIS. He had reviewed alternates 1, 2 (preferred action), excluding alternates 3, 4 and 5. Randy Brown encouraged them to read the 246 pages. He volunteered to review the document individually with the Commission members.

[5:20:17 PM](#)

XV. 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.

Commissioner Russell stated they received material from the water conference and would share that with the remaining board members. He stated the lack of developing new housing decreased the need for the pipeline in southern Nevada. He stated there was an increase in water going to the dam. He stated the citizenry in the south was voicing opposition to the pipeline and they were starting to push trade-offs or desalination.

[5:21:22 PM](#)

Commissioner Williams departed the meeting room.

Commissioner Russell stated there were some political factors to protect the water in northeastern Nevada.

Commissioner Dahl went to San Diego three weeks ago and met with Mike Dunbar who was the head of the development of the desalination plant. He stated they would speak at the conference to be held in October in Ely.

[5:22:46 PM](#)

Commissioner Williams returned to the meeting room.

Commissioner Dahl stated Mike Dunbar informed him they can desalinate at a cost of \$1,500 per acre foot but they could buy it from the San Diego Water District for \$750 per acre foot. He understood that if they negotiated an agreement with Las Vegas putting up 2 billion dollars, which was ½ of the cost for the pipeline, they could furnish 500,000 acre feet per year of water that could be traded from the Colorado River. Commissioner Dahl stated Las Vegas only had a permit to currently take out 350,000 acre feet of feet from the Colorado River. He noted the river ran through the Las Vegas area. He reported California had 4.5 million acre feet and Nevada had 350,000 acre feet permitted from the Colorado River.

Randy Brown stated they had two letters prepared one to the BLM as comments on the draft EIS upon the pipeline and the other to the State Engineer requesting common aquifer monitoring wells be established in North Spring Valley and East Spring Valley to identify the impact of pumping the aquifer and requested a hydrological study be performed upon shallow aquifers to determine what the impact would be done by the pumping. He stated those requests were made due to interactive aquifers and their relationship with each other.

[5:27:09 PM](#)

XVII. SECURE RURAL SCHOOLS STABILITY ACT (SRS):

Discussion and consideration of Resolution No. 15-2011 concerning the County Election regarding the SRS Funding Program in Elko County.

Cash Minor stated since the SRS funding came in to being this Commission had to issue a Resolution telling them how they want that allocated between Titles II, and III. He explained Title I went to the County roads and schools, Title II was RAC allocation and Title III was the public land funds for emergency rescue.

Commissioner Dahl inquired if this came from their allocation of PILT. Cash Minor replied this would reduce their overall PILT. Commissioner Dahl commented they would be better not to take this option and inquired if they had an option. Cash Minor stated they had the option. He stated this decision upon this round of funding was to support the School Districts. He stated their trade off was taking money with strings attached to it and giving up a portion of their PILT funding with no strings attached.

Commissioner Dahl stated they could still allocate funding to the School District without going through the SRS process. Cash Minor did not know if they could get out of this round of election at this time. Commissioner Myers explained they took the election because the School District gets additional funding if they don't go through this procedure.

Cash Minor stated if the County was to receive 3 million dollars in PILT but they elect to go through SRS the County would get 2 million dollars and SRS would get 1 million dollars. He stated theoretically 50% of the 1 million dollars would go to the School District and 50% goes to the County Road Department. He noted the only difference was one pot of money would have strings attached. Commissioner Myers stated Congress would have to reauthorize this program.

Commissioner Myers noted a portion of the funding automatically went to the Road Department but under PILT it went to the County and they did not move money to the Road Department. Commissioner Dahl noted they could decide how much of PILT they should move over into the Road Department. Commissioner Myers believed they chose the SRS because it gave a dedicated amount of money to the Road Department under Title I.

Commissioner Myers stated all the funding in Title I and Title II benefited Elko County. He commented Title III offset approximately \$30,000 in rescue efforts. Commissioner Dahl questioned if it was better to have the Commission make the decisions rather than have the money going to pre-designated places.

Commissioner Myers stated there were 22 people who sat upon the RAC and reviewed the composite of the RAC board. He believed they had the option to step out of SRS if they had a financial situation during allocation.

MOTION: Commissioner Myers moved that we continue the Secure Rural Schools Stability Act as allocated to Elko County in the amount of Title II at 8% and Title III at 7%. Commissioner Russell seconded the motion. The motion passed unanimously.

[5:41:33 PM](#)

XVIII. NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES:

Discussion and consideration of approval of an Intrastate Interlocal Contract between Public Agencies for Environmental Health Services between Elko County and the State as required by action of the Legislature.

Cash Minor stated this came down from the State. Commissioner Russell suggested supporting legislation to give an option to the County to contract in Elko County for these services. Robert Stokes explained the County would have to go through the process of hiring their own personnel or hire a contractor and there would be some negotiation. He stated the County was paying \$200,000 over two years for these services but some of the State personnel were working

in the other counties. He stated they may request adjustments. Robert Stokes noted money was going to Carson City to pay for administrative overhead.

Commissioner Russell requested a review of the costs upon the possibility of doing a separate contract. Cash Minor stated they have six months to have a plan in place. Commissioner Myers recommended that we approve this contract but direct staff to do the research of stepping out within six months.

[5:45:01 PM](#)

Commissioner Guttry departed from the meeting room.

Cash Minor cautioned them it would take an additional six months for the State to turn it over to the County.

Robert Stokes noted this was administration over restaurants, septic and schools. He did not know if that included nursing homes. Commissioner Russell stated they could charge a fee for inspections to recover some of the costs.

[5:46:26 PM](#)

Commissioner Guttry returned to the meeting room.

MOTION: Commissioner Myers moved to approve an Intrastate Interlocal Contract between Public Agencies for Environmental Health Services between Elko County and the State but at the same time direct staff to start putting together the information to bring back to the Board on whether or not it would be advantageous for the County to do itself internally. Commissioner Russell seconded the motion.

Commissioner Williams inquired how long the contract was. Commissioner Myers replied a year. Cash Minor clarified it was for two years but they have up to six months to notify them and they can opt out of the contract.

The motion passed unanimously.

[5:48:01 PM](#)

XIX. 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, Montello Liaison – He stated the Post Office wished to close the Montello branch but they had 234 of the 244 boxes rented. He stated there was a meeting scheduled with the Postal Service on the 20th of September in Montello. Commissioner Dahl stated there was a meeting scheduled in Death on the 21st and with Tuscarora on the 22nd for those Post Office closures. Commissioner Williams noted when they took away the Mountain City Post Office they were to install cluster boxes. He inquired if they would put cluster boxes in those areas also. Commissioner Dahl replied yes.

Commissioner Russell noted the media stated the Post Office was going into bankruptcy. Commissioner Dahl stated they would only save 1% from these post office closures. He believed the problem was with the salaries of the postal employees. Commissioner Guttry stated salary was 83% of their budget. Commissioner Dahl noted UPS percentage was lower. He believed a big part of their problems could be addressed through their employment practices. Commissioner Dahl stated the County sent a position letter for notification of possible closures. Robert Stokes stated the local post master confirmed the public relations person in Las Vegas had received their letter. He had requested information upon future meetings but no response was received. Commissioner Dahl stated he received that meeting information from a retired postal worker. Commissioner Williams commented the people in Tuscarora were not notified of the meeting.

Central Nevada Regional Water Authority (CNRWA) – He stated there was a water conference in October in Ely.

Western Counties Alliance – He stated there was a conference call scheduled tomorrow morning.

Nevada Association of Counties (NACO) Board – He stated the emphasis was upon the upcoming lawsuit.

Charlie Myers, District 2 Commissioner:

Commissioner Myers stated some of the Spring Creek residents have spoken to him about a bike path from Elko all the way to Lamoille.

Nevada Commission on Economic Development – He stated there was a retreat in Las Vegas next week but he would not attend because of the special election.

Debt Management Commission – He stated they approved all the Debt Management Plans. He stated there were some corrections but the County Recreation Board did not submit an indebtedness report. Commissioner Guttry stated the Recreation Board would produce the indebtedness report. Commissioner Myers stated they would have to hold a special meeting for approval of that report.

Nevada Division of Forestry Liaison – He commented they were receiving fire updates from Robert Stokes. He suggested on-line information to keep the general public informed.

Commissioner Dahl noted his fire restarted on Labor Day but he was in Reno. He commented upon the response of the firefighters.

Budget Committee – He stated they met each week for the last two weeks upon transportation issues, the Sheriff's office and upon the radio systems.

USFS-RAC – Commissioner Myers stated a week ago he received the list approved by the RAC members from the Forest Service and they were asking for the members to rank the projects. The Forest Service believed the funding would be split.

Glen Guttry, District 3 Commissioner:

Commissioner Guttry stated all his boards were doing fine.

Fire Science Academy Liaison – He and Robert Stokes attended a meeting two weeks ago in Las Vegas with the stakeholders. He stated the stakeholders had narrowed down the issues and tried to come up with a plan to get federal funding for the Fire Science Academy. Commissioner Guttry reviewed the FSA debt situation of capital debt in the amount of \$24 million dollars for the building of the facility. He stated the National Guard through the sale of the Academy would apply \$10 million dollars to that debt and the University of Reno would allocate \$4 million. He stated there would be a balance of \$10 million dollars which would be paid through a tuition surcharge of \$6.00 per credit hour. He stated that \$6.00 surcharge would be reduced to \$2.00 per credit hour now. Commissioner Guttry explained the operating debt was \$12 million dollars over the past years due to the insufficient use of the facility. He stated the State would put in \$8 million dollars and the federal government would allocate \$7 million dollars to go toward the armory itself. He stated the cloud over the Fire Science Academy was the operational debt which they were trying to find funding to pay off that debt. He stated once the National Guard moved in there would be a lease payment of \$180,000 per year. He stated the Fire Science Academy was in the black for the last three years at approximately \$250,000 to \$300,000. He stated they were only at 60% utilization so they have the capacity of 40% more for homeland security training. Commissioner Guttry stated they would have to go into this training initially as an unfunded entity and then encourage federal funding in the amount of \$5 million dollars which could be applied to the operating debt.

Commissioner Dahl inquired if they had received homeland security funding. Commissioner Guttry stated over a period of several years they had received Homeland Security funding that was earmarked. He stated they received no Homeland Security funding this year.

R. Jeff Williams, District 4 Commissioner:

Carlin, Mt. City, Midas, Owyhee, Jarbidge & Tuscarora Liaison - He stated the Carlin chili cook off was next week. He stated in Midas the fence project was going forward with Newmont putting in the cattleguards. He stated NDF would put the fencing in next year because of the fires. He stated Kristin McQueary

had sent a letter to the attorney in Battle Mountain. He was waiting to hear something on the Jarbidge - Deer Creek Grade.

Museum Board - He stated a new program would be coming up.

California Trails Center Board Liaison – He stated they were getting ready to close up for the winter. He commented upon the activities held at the center.

Natural Resource Management Advisory Commission Liaison – He stated the commission was doing well.

Northeastern Nevada Stewardship Group – He noted their meeting date was the same time as this Commission.

Nevada Association of Counties (NACO) Board (Alternate) – He like to go with Commissioner Dahl to some of the meetings. Commissioner Dahl stated there would be registration for the convention in Fallon.

Juvenile Department Liaison – He stated Mike Pederson had received Cash Minor's letter.

Library Board of Trustees Liaison – He stated they have meetings on the same date as the Commission.

CIS – Communities in Schools – He stated it was a great program to help the students.

Commissioner Russell asked if the Museum Board was subject to the Open Meeting Law. Commissioner Williams understood they were not. Commissioner Guttry inquired if they were appointed by a governing body. Commissioner Russell commented they were receiving tax money. Kristin McQueary was unaware of their funding structure, believed they receive some tax dollars and would leave that determination to their attorney. Commissioner Myers noted the Fair Board was not a public entity but they were appointed. Kristin McQueary stated the Fair Board was a public entity and they were to agenda their meetings. Commissioner Russell noted the Museum meetings were never published or formally opened to the general public.

Warren Russell, District 5 Commissioner:

Regional Transportation Commission (RTC) – He noted no meeting since July.

Nevada Department of Transportation (NDOT) Liaison – He stated there was no current involvement on a particular issue.

Spring Creek Association Liaison – He noted a representative from the Spring Creek Utilities was present today and the Director was more responsive to public education. He noted the Commission was being kept informed to answer their constituents' questions.

Nevadaworks – There was no meeting held last month.

Elko County School District Stars – He was invited to represent the County Commission on this organization.

[6:09:53 PM](#)

XX. COMMISSION MEETING CALENDAR:

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

October 5 & 6, 2011 -- Elko – Nannini Admin Bldg, Suite 102

October 19, 2011 -- Elko – Nannini Admin Bldg, Suite 102

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

XXI. CONSENT AGENDA:

A. Presentation and review of claims for approval.

B. Approval of minutes: August 3, 2011 and August 4, 2011

C. Human Services Department:

Approval of step increases for Sheriff's Employee Association
Bargaining Unit: Paul Taylor, Susan Nedli

D. Fiscal Affairs Annual Financial Reports –
Capital Improvement Plan 2011

MOTION: Commissioner Myers moved to approve the Consent Agenda items A, B, C & D. Commissioner Russell seconded the motion. The motion passed unanimously.

XXII. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:

Cash Minor reported that Ruby Pipeline donate four 20' segments of pipeline for the railport.

Robert Stokes informed them Dylan Woolf Harris was the new newspaper representative.

Commissioner Myers reminded them of early voting.

Kristin McQueary stated Judge McQuaid has retired and new federal magistrate was Judge Cobb. She noted this was the second federal magistrate, the second district judge, second district attorney and second county manager and numerous county commissioners during the South Canyon lawsuit. Commissioner Guttry commended her upon the newspaper article.

Kristin McQueary commented upon the memorial ceremony for Judge Andrew Puccinelli. She reviewed the Nevada Judicial Selection Committee

procedures and Governor appointment for that judgeship. Commissioner Russell inquired about substitute judges. Kristin McQueary informed them of the substitute judges and senior judges sitting in District Court II.

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XXIII. COMMENTS BY THE GENERAL PUBLIC:

Bruno Carr commented that the County had to pay for a property appraisal for the property sale yet County employees were paid to do the same job. He stated that there were people within the County that have to have an assessment of their property for various reasons. He thought this was process was redundant and suggested they take those assessments and utilize them for the County assessed value. He stated it would eliminate the politics from having a County employee determining the value of the property, reduce some personnel problems and reduce costs. Bruno Carr stated it would solve property tax issues because taxes would be placed on the property at the rate of which people feel their property was worth. Robert Stokes stated their hands were tied by the Nevada Revised Statutes and only the legislature could make changes.

Bruno Carr stated the Nevada State Legislature does not allow a common citizen to make suggestions. He understood they were not allowed to submit comments because they have NACO and the County Commission who were to bring forth the positive suggestions. Commissioner Dahl suggested he talk to a legislative member to get a hearing. Bruno Carr stated he was talking to those people at the present time. He commented, as one of the few farmers in the area, he pays more in taxes than a housing development. Bruno Carr noted the housing development did not produce food yet he paid more to support their lifestyle than they pay to support his. He questioned where the road services should come from since he paid for county services but he still maintained the County road. Bruno Carr there should be more fairness in the property taxes they pay with relation to the services that was required by those properties.

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XXIV. 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 6:22 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk

ELKO COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 7, 2011

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