

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**August 20, 2008**

STATE OF NEVADA     )  
                                  : ss  
COUNTY OF EUREKA    )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on August 20, 2008. Present were Chairman Jim Ithurralde; Vice Chairman Donna Bailey; Member Leonard Fiorenzi; Deputy District Attorney Dorothy Rowley; and Clerk & Treasurer Jackie Berg. The Chairman called the meeting to order at 9:32 a.m. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Chairman Ithurralde announced several changes to the agenda. John Gervers of Latir Energy Consultants, would be heard earlier as he needed to travel to Las Vegas. Community Development Coordinator, Jim Evans, and Eureka Moly, LLC, both requested to be moved to the morning due to a scheduling conflict that afternoon. Commissioner Bailey moved to approve the agenda as amended; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

**APPROVAL OF MINUTES**

Commissioner Fiorenzi motioned to approve the minutes of the July 21, 2008, Commission meeting; Commissioner Bailey seconded the motion; motion carried 3-0.

**PUBLIC COMMENTS**

Chairman Ithurralde opened the floor to public comment. Dee Mallory asked if the Activities Committee had to pay a facilities fee to use the new Community Center and if they could be issued a key. The Board replied that the Activities Committee could use the building free of charge for meetings and committee functions, but other functions should be charged. Regarding a key, they would have to check it out and check it back in with the Town Hall in Crescent Valley, which is consistent with the County facilities in the Town of Eureka.

There were no other public comments.

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Recorder/Auditor, Mike Rebaleati. Commissioner Bailey motioned to approve the Fiscal Year 2008 expenditures for the County in the amount of \$33,953.03 and for Yucca Mountain in the amount of \$5,162.35. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Commissioner Bailey motioned to approve the Fiscal Year 2009 expenditures in the amount of \$798,239.36 for accounts payable, \$227,110.65 for payroll, and \$85.89 for Yucca Mountain. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Review Auditor's Report: The Board reviewed and accepted the Auditor's Report.

**CORRESPONDENCE**

Correspondence was received from: Dave Slagowski; Kirk Nicholes; District Attorney Ted Beutel (2); Public Works Director, Ron Damele; Community Development Coordinator, Jim Evans; Crescent Valley Town Advisory Board (3); Eureka County Planning Commission; Eureka County Television District; Eureka County Economic Development Program; Extension Educator, Gary McCuin (2); Allison MacKenzie, et al; Eureka Moly, LLC; General Moly, LLC (3); Huneywill Construction Co.; Tri-County meeting agenda; Nevada Assoc. of Counties (5); Nevada Health Centers; Nevada Housing

Division; Nevada Dept. of Transportation; Nevada Division of Forestry; Nevada Board of Wildlife Commissioners; Nevada State Public Defender; Nevada Dept. of Motor Vehicles; Nevada Div. of Environmental Protection; Nevada Legislative Counsel Bureau; Nevada State Library & Archives; Nevada Public Agency Insurance Pool (3); NDOT Centerline; Nevada Connections; US Dept. of the Interior-BLM; US Dept. of the Interior-Fish & Wildlife Service (2); US Air Force; International Curly Horse Gazette; and Lorman Education Services.

The Commissioners received a plaque from Melissa Damele and Will Marshall in appreciation of their contribution towards the National History Day trip to Washington, DC.

## **DEPARTMENT HEAD REPORTS**

### **COUNTY FACILITIES AND ECONOMIC DEVELOPMENT**

Update Report: Facilities Director, Wally Cuchine, reported on recent activities. The Sentinel Museum has been working on new exhibits. The recent music exhibit has inspired additional donations. Another successful Farmer's Market was held on August 14<sup>th</sup> with nine people signed up for booths. A meeting was scheduled at the Opera House later that day between the Diamond Valley irrigators and General Moly. Guitarist, Chris Proctor, will perform at the Opera House on August 22<sup>nd</sup>.

Marketing Contract with Woodall's: Woodall's is a travel publication for recreational vehicles and Mr. Cuchine received a discounted price for advertising. Commissioner Fiorenzi motioned to approve a marketing contract with Woodall's in the amount of \$3,354.00. Commissioner Bailey seconded the motion. Motion carried 3-0.

Resolution Preserving Downtown Area: In April, Economic Development presented the concept of a resolution preserving the downtown area and business district of the Town of Eureka, and the Board asked them to bring a draft forward sometime in the near future. They recently drafted a resolution, with assistance from the State Economic Development office.

Commissioner Fiorenzi stated that the resolution addressed tourism, but he would also like to see it address growth that will occur from mining. Eureka County is currently working on the socioeconomic comments in relation to the Mount Hope Environmental Impact Statement and once that report is made public, he would like to meet with the local business owners to discuss the impacts, especially related to population growth, and plans for addressing those impacts. Commissioner Fiorenzi felt it would be beneficial to address everything at once: preserving the historical downtown area, growth, impacts, and business concerns. The other Commissioners agreed that it was important to hear from the local businesses. Commissioner Fiorenzi motioned to table action on a resolution, pending public meetings to discuss these concerns. Commissioner Bailey seconded the motion. Motion carried 3-0.

### **DIAMOND VALLEY WEED DISTRICT**

Quarterly Update: Ellaree Mariluch, Weed Control Technician, reported on weed district activities through June. 721 total acres were sprayed, which is a slight increase over the previous year. Second quarter funds were received from the Natural Resources Conservation Service and the request was submitted for third quarter funds, in the amount of \$9,443.00. Nevada Division of Forestry assisted for two days with the Eureka Canyon Project. Ms. Mariluch continues keeping photographic records of treatment, exploration, and reclamation. Seeding, in conjunction with treatment, has proven to be more successful than treatment alone. The Board thanked Ms. Mariluch for her report and commended her on her work.

### **YUCCA MOUNTAIN**

Update Report: Nuclear Waste Advisor, Abby Johnson, provided the Board with the draft Yucca Mountain newsletter, scheduled for mailing the following week. In response to an earlier request from the Board, Ms. Johnson provided several maps of the Caliente Corridor, one of the

rail transportation routes being considered by the Yucca Mountain program. Several Yucca Mountain contracts are due to expire and will be presented for renewal at a future meeting. In September, Ms. Johnson will attend the Department of Energy Affected Units of Local Government meeting.

Report on Federal Issues and Policies: John Gervers, of Latir Energy Consultants, reported on Yucca Mountain activities at the federal level. Right now there is a lot of speculation regarding the outcome of the Presidential Election and the influence this will have on the program, including Democratic statements about possibly scrapping the program. This is not as easy as it sounds, partly because of the contractual obligations the Department of Energy (DOE) has with the utilities. But they may starve the program of funds, effectively delaying it.

Since Senator Harry Reid became majority leader, no new legislation has been passed or seriously considered. Although Senator Reid's bill is still out there, which would require the Department of Energy to take title to the waste on site and manage it at Yucca Mountain. Other legislation submitted, but moving nowhere, includes bills from Senator Pete Domenici (*R-New Mexico*) and Senator James Inhofe (*R-Oklahoma*). Senator Domenici characterizes Yucca Mountain as a deeply flawed policy because it will bury waste that could be reprocessed for energy; his bill provides generous incentives for creating interim storage and reprocessing. Senator Inhofe proposed a bill supporting 300-year monitored retrievable storage at Yucca Mountain, followed by long term licensing for disposal there.

The Nuclear Energy Institute's (NEI) focus is on developing reactors, and there are approximately 20 new reactors in various stages of the Nuclear Regulatory Commission (NRC) licensing process. Waste disposal continues to be the Achilles heel for developing energy from nuclear power. The NRC needs to develop a 'waste confidence rule' that says they have the confidence that waste can be disposed of within a reasonable period of time (the current rule says it can be done by 2025). With impending delays that is becoming increasingly doubtful, so their statement will likely move towards a definition regarding the ability to manage waste, contending it can stay on site in dry cask storage for up to 100 years.

Under present law, Yucca Mountain will be at full capacity by year 2010 because 70,000 metric tons will already be committed to that repository. The DOE claims they could expand Yucca Mountain to twice the planned size without any difficulty technically, but legislation will be required to do that. The DOE is also adjusting the best achievable completion date for Yucca Mountain to 2020 (formerly 2017), if consistent funding is received until the NRC issues the license and barring extended challenges during the license process.

Ward Sprote, Director of the Office of Civilian Radioactive Waste Management, is proud of the accomplishments over the last year: in June they submitted the license application, the Supplemental EIS for Yucca Mountain, and the EIS on the Rail Route Alignment. They have also submitted the total system lifecycle cost analysis which totaled 96 billion dollars. Two reports are expected any day: the second repository study, which will probably recommend increasing waste storage capacity at Yucca Mountain; and an interim storage report, highlighting legal constraints and regulatory regimes opposing interim storage.

The docketing decision is expected from NRC in early September. Contentions are due 60 days after docketing, and the State of Nevada is planning on anywhere from 250 to 500 contentions. The DOE must respond to every contention before the Contentions Review Board makes a ruling.

The DOE has submitted a permit application for common carrier use of the rail spur to Yucca Mountain. The Surface Transportation Board has a formal process they go through, so a decision on this could take a while.

Regarding funding issues, last year President Bush requested approximately 495 million for the Nuclear Waste Program, which was ultimately cut by 108 million, due to opposition from the Senate. This year the President requested 494.7 million for Fiscal Year 2009; the DOE had

originally hoped for 1.2 million, but realistically only anticipate flat funding until construction is approved, which means enough dollars to minimally defend the license application and do some preliminary design work, but no railroad construction, no site preparation, no detailed design, etc. Funding for Affected Units of Local Government (AULG) was approved by both the House and the Senate at 9 million dollars. The President's budget request included a new idea that the AULGs should share in any budget cuts experienced by the DOE, but the Senate has eliminated this language and it appears the Senate will prevail.

In conclusion, Mr. Gervers stated, in a nutshell: legislation is stalled, funding has been cut, and the completion date continues to be extended.

### **RECESS FOR DEVIL'S GATE GID MEETING**

The Board recessed at 11:05 a.m. for the scheduled Devil's Gate GID meeting.

### **COMMUNITY DEVELOPMENT COORDINATOR**

Update Report: Jim Evans, Community Development Coordinator, provided an update on recent activities. On August 15<sup>th</sup> and 16<sup>th</sup>, he attended the Nevada Division of Wildlife Commission meeting in Eureka. Mr. Evans is volunteering his services to work with Barrick to restore the Cold Creek and Huntington Creek fisheries in White Pine County; this will be a cooperative effort with the wildlife boards in Eureka and White Pine Counties. Later in the day, Mr. Evans will attend the meeting between Eureka Moly and the Diamond Valley agriculture producers, and at 7:00 p.m. will attend the NEPA Committee meeting.

Annexation Land Planning Initiative: Mr. Evans reviewed recent activities related to Eureka Moly's temporary construction worker housing on leased County property. On August 8<sup>th</sup>, Mr. Evans, Commissioner Fiorenzi, Ron Damele, and Tom Young participated in a teleconference with Eureka Moly to review the Overall Comprehensive Plan draft and Construction Plan of Operations for the temporary construction worker housing at the Eureka Canyon site. The teleconference included review of the draft plans, identification of key people, updates on obtaining various permits, and discussion that the mine can only go as far as rough grading pending Commission approval of the Overall Comprehensive Development Plan.

Mr. Evans attended the preconstruction meeting with Eureka Moly, Summit Engineering, and Ames Construction on August 13<sup>th</sup>, which was also attended by Commissioner Fiorenzi, Ron Damele, and Sheriff Ken Jones. Topics of discussion included: underground utilities, permits, rights-of-way, project inspector, labor force management, law enforcement services, MSHA certification, other safety measures, Nevada Department of Environmental Protection requirements, construction shift schedule, construction equipment, on site construction water storage, and revegetation.

### **PUBLIC WORKS**

Progress Report on Leased Property: Public Works Director, Ron Damele, reported that a meeting was held on August 11<sup>th</sup> with Eureka Moly and their contractor for tree removal. Harvesting and chipping will begin on August 13<sup>th</sup>. A decision has been made on the perimeter fence, which will be an eight ft. chain link fence with four-strand wire at the top. Mr. Damele will draft a letter to the mine notifying them of this decision. Copies of all permits, insurance, and licenses will be forwarded to the County as they are obtained by the mine and their contractors.

Design Development for Eureka Justice Facility Remodel: The current budget included \$500,000.00 for upgrades to remodel the booking room and dispatch center at the Eureka Justice Facility. Fred Dolven of Dolven Architectural Associates was retained to prepare design development plans. Mr. Dolven reviewed the design plans in detail, which included an expansion for the new booking area and remodeling the dispatch center to accommodate two

communication stations. The preliminary cost estimate was \$680,172.00, with the option of an additional \$54,600.00 to re-roof the entire building.

Mr. Damele recommended tabling this item so several things could be considered: more detailed review of the plans, review of construction costs, possibility of delaying construction to the next budget year, and whether to direct the architect to proceed with the next phase of design. Additionally, Southern Folger had been contacted to evaluate the locks and safety equipment, and a recommendation should be forthcoming concerning maintenance and/or replacement. The Board agreed to table action, pending additional information and review.

Contract with Tri Sage Consulting: Mr. Damele explained that the County is in need of professional services for quality assurance related to construction of the Eureka Volunteer Fire Station and the temporary construction worker housing on the County property leased by Eureka Moly. Mr. Damele introduced Jim Bessey and Troy Rasmussen, of Tri Sage Consulting. Both men reviewed their background and related experience, which included extensive utility, infrastructure, construction, and public works projects.

The Commissioners agreed it was beneficial for the County to have a professional in place to work on several major projects the County was undertaking. Commissioner Fiorenzi motioned to direct Public Works to work with Tri Sage Consulting to develop a scope of work, obtain a cost estimate, and bring a proposal forward at the next Commission meeting. Commissioner Bailey seconded the motion. Motion carried 3-0.

Continued Direction Regarding Leased County Property: Eureka Moly's temporary worker housing was discussed under various agenda topics throughout the day. At this point, Commissioner Fiorenzi motioned to direct the Public Works Director to write a letter concerning a buffer zone and barrier between the temporary housing project and the County Fairgrounds, and authorized the Chairman to sign the letter outside of the meeting. Commissioner Bailey seconded the motion. Motion carried 3-0.

Relocation of County Dog Pound: Included in the lease between Eureka Moly and the County was a requirement for the mine to relocate the dog pound. After some consideration, Public Works recommended that the dog pound be located at the Eureka Airport at a site where it won't conflict with the Airport and where it would not have to be moved again in a few years. Deputy District Attorney, Dorothy Rowley, informed the Board that since a relocation site was stated in the lease, any new location would have to be authorized by both the County and Eureka Moly in the form of a written agreement.

Commissioner Fiorenzi motioned that Public Works continue working on relocating the dog pound to the Eureka Airport, and that Eureka Moly be contacted regarding an amendment to the lease agreement. Commissioner Bailey seconded the motion. Motion carried 3-0.

Relocation of County Lay Down Facility: Mr. Damele explained the lay down yard is where the County keeps culverts, cattle guards, spare equipment, etc. He proposed relocating this to approximately three acres in the southeast corner of the sewer treatment facility. It will require some dirt work, but will not interfere with any future expansion of the sewer ponds. Commissioner Fiorenzi motioned that Public Works continue with the relocation of the County lay down yard to the sewer treatment facility property. Commissioner Bailey seconded the motion. Motion carried 3-0.

Update on Crescent Valley Construction Projects: Mr. Damele reported that projects in Crescent Valley are wrapping up. They conducted a 'punch list' walk through on August 14<sup>th</sup>, and there were several items that need to be corrected in the next two weeks. A final walk through will take place on August 28<sup>th</sup>.

Force Account Change Order for Crescent Valley Justice Facility: Mr. Damele explained that approving a closed circuit television system will not add to the contract amount, since it will be funded by the force account included in the contract. Commissioner Bailey motioned to approve the force account change order for a closed circuit television system at the Crescent

Valley Justice Facility, not to exceed \$20,997.00. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

The Board discussed force accounts, and concurred that the Public Works Director was authorized to administer change orders under \$5,000.00 as field orders, but anything over that amount still needed approval by the Board.

Boundary Line Adjustment Map for APN 001-221-01: Mr. Damele explained that negotiations for a boundary line adjustment have been ongoing for years regarding the property currently owned by Dave & Terri Clark. The proposal is to trade equal amounts of land for the benefit of both parties. For Eureka County, it will allow capping off of an underground water line and abandoning a right-of-way (of only 10 inches) across the property.

Deputy District Attorney, Dorothy Rowley, noted that Nevada law has changed, and trade of County property valued at \$1,000.00 or more would require an appraisal. Commissioner Fiorenzi motioned to direct Public Works to proceed with the map for the possible land trade until more information could be provided at a future meeting. Commissioner Bailey seconded the motion. Motion carried 3-0.

Water Application for New Service: An application for new water service was submitted by Bruce Beattie, requesting a two-inch hook-up. This will require a main line extension. If the Board approves the application, Mr. Damele will obtain a cost estimate and provide that to the property owner. Commissioner Fiorenzi motioned to approve the application for water service at APN 001-122-01 in the Townsite of Eureka. Commissioner Bailey seconded the motion. Motion carried 3-0.

## **EUREKA MOLY, LLC**

Construction Schedule for Eureka Canyon Subdivision: Tim Arnold, General Manager for Eureka Moly, referenced a letter submitted to Eureka County requesting authorization to work two shifts, primarily for the heavy construction and rough grading phase at the Eureka Canyon property. This was requested due to concerns over completing this portion of the work before winter weather. Two ten-hour shifts were proposed: day shift from 6:00 a.m. to 4:30 p.m. and night shift from 5:00 p.m. to 3:30 a.m. Ridgetop work will be restricted to before 10:00 p.m. Referencing a map of the area, Mr. Arnold detailed the construction work and planned timeframe, which anticipated completing the rough grading in 60 days.

The Board and Mr. Damele voiced concerns over noise disturbance with the construction site being so close to the Town of Eureka. Eureka Moly agreed to hold regular public meetings to hear concerns and keep the public informed, and Mr. Arnold stated that anyone was welcome to stop by their office on Main Street. The Board hesitantly agreed to approve the two-shift schedule, but cautioned Eureka Moly that this decision would be reconsidered and possibly reversed if legitimate citizen complaints were received. Chairman Ithurrealde motioned to approve two shifts, on a trial basis, for construction at the leased property (6:00 a.m. to 4:30 p.m. and 5:00 p.m. to 3:30 p.m.) with construction after 10:00 p.m. taking place below the ridgetop; additionally, approval of the night shift could be revoked at any time if deemed necessary based on feedback from residents. Commissioner Fiorenzi added that this included weekly meetings with the Community Development Coordinator that would be open to the public. Commissioner Bailey seconded the motion as amended. Motion carried 3-0.

## **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 p.m. to 1:05 p.m.

## **NEVADA DIVISION OF FORESTRY**

Chairman Ithurrealde noted that the Nevada Division of Forestry was scheduled to give a Fire District update report, but due to an incident at the TS Power Plant in northern Eureka

County, NDF officials were called away. An update will be given at a later date; anything of an urgent nature can be reported to the Commissioners individually.

### **PRELIMINARY ENGINEERING REPORT (PER) PRESENTATIONS**

Eureka County advertised a Request for Qualifications for arsenic remediation on the Crescent Valley and Devil's Gate GID water systems. Qualifications were reviewed and the top two firms were selected to present to the Board of Commissioners.

RTW, Inc.: The first firm to present was RTW, Inc., an Elko engineering firm, represented by Sam Billon and Evan Fonger. RTW specializes in municipal water and wastewater. Citing specific cases, the representatives from RTW provided a professional and detailed presentation of their experience and knowledge in dealing with arsenic remediation, utilizing a variety of methods and strategies. They highlighted their rapport with related agencies, especially the Bureau of Safe Drinking Water, and touched on experience in accessing various funding sources. The presentation was followed by a short question and answer period.

Day Engineering: The second firm to present was Day Engineering, an Ely firm represented by Dean Day and Martin Ugalde. Day Engineering specializes in water and wastewater and the majority of their work is concentrated in rural Nevada. It is a small firm; Mr. Day and Mr. Ugalde are the engineers, who have 35 to 40 years experience between them in water, wastewater, and arsenic remediation.

Mr. Day and Mr. Ugalde provided maps of the subject areas (Crescent Valley and Devil's Gate) and reviewed their initial thoughts on the problems and possible remediation for both water systems. Mr. Day stated that alternate options are preferable to treatment if something viable can be identified, making the point that, "... you don't want complicated things in rural Nevada." Day Engineering limits their work to municipalities and doesn't work for mines or developers. By limiting their clientele they are able to focus on a job and do quality work in an efficient fashion. Public funding is accessed and utilized for nearly all of their projects. The presentation was followed by a short question and answer period.

Selection of Engineering Firm to Prepare Arsenic PERs: Peggy Kirkpatrick, Crescent Valley Town Board member, joined the discussion as liaison representing Crescent Valley. The Board requested recommendations from Ms. Kirkpatrick, Tom Young, and Ron Damele. Everyone agreed that both firms were extremely qualified and would do a good job for Eureka County. References for both firms provided extremely satisfactory reviews. Everyone felt that Day Engineering focused more on Eureka's specific needs and had vast experience working with small municipalities. Based on the presentations and recommendations, Commissioner Fiorenzi motioned to rank Day Engineering as number one and RTW, Inc. as number two, and directed Public Works to go forward with negotiations based on that ranking. Commissioner Bailey seconded the motion. Motion carried 3-0.

Both firms returned to the meeting room and were notified of their ranking. The next step will be negotiations between Public Works and the top ranked firm, with a proposal brought forward to the Commissioners for final approval.

### **EUREKA COUNTY PLANNING COMMISSION**

Tentative Subdivision Map for Eureka Moly, LLC: The tentative subdivision map submitted by Eureka Moly, LLC, for the property leased from Eureka County was recently approved by the Planning Commission, pending approximately 40 conditions as recommended by County Engineer, Tom Young. Commissioner Fiorenzi was concerned that there were still some unknowns, such as boundary lines, possibility of appraisals, etc. Commissioner Fiorenzi noted that the final map boundaries are based on the tentative map, and since certain changes might be encountered, he was uncomfortable approving the map until the other issues were resolved. Tom Young concurred that the tentative map serves as notification of what the final

map will encompass. Commissioner Ithurralde agreed that until a development agreement was forthcoming for the subdivision, approval should be postponed. Commissioner Fiorenzi motioned to reject approval of the tentative subdivision map submitted by Eureka Moly, LLC, for the leased County property. Commissioner Bailey seconded the motion. Motion carried 3-0.

Parcel Map for Wild Balance Corp.: Gary DiGrazia, Attorney for Wild Balance and Lester Grossman, presented a parcel map for final approval. The Planning Commission approved the map provided there was a dedication of water rights and Mr. DiGrazia presented a Quitclaim Deed for the required water. Mr. DiGrazia also provided a limited power of attorney authorizing him to sign on behalf of Wild Balance/Lester Grossman. Commissioner Bailey motioned to approve the parcel map for Wild Balance Corp./Lester Grossman, as recommended by the Planning Commission. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Request for Variance Regarding Foundation Requirement: A variance on the foundation requirement for converting a mobile home to real property was requested by Steve and Leslie Zimmerman. The Planning Commission agreed (with a vote of four in favor and three abstaining) to recommend a conditional variance for a pre-engineered foundation. Administrative Assistant, Vera Baumann, reported that Planning Commission members felt this might be a good 'test case' and were concerned over the amount of money the Zimmermans had already invested.

Two letters were received by the Commissioners regarding this. One was from Mike Rebaleati, who opposed the variance because of the many residents who had been required to comply with the existing standards. The second letter, from Bobby and Patricia Peek, felt that if approval was given for one it should be given for all residents of the County.

Dan Kapetan, building contractor from the Elko area, stated this foundation was accepted by the State of Nevada, as well as the Department of Housing and Urban Development, for property conversion purposes. Mr. Kapetan cited a report prepared by the Lumos & Associates office in Fallon, who had studied these foundations in Churchill County and judged them to be adequate. The Eureka County Ordinance required the more stringent guidelines, and Mr. Kapetan requested that the ordinance be revised to include these pre-fabricated foundations.

Commissioner Fiorenzi was concerned there was a 'double standard' with the state approving these foundations and the County holding property owners to a higher standard. But all Board members agreed on two points: they were hesitant to lower the standards in Eureka County because of the colder winters experienced here; and they didn't feel it was fair to approve this foundation for one resident. Commissioner Fiorenzi motioned to deny this variance for an alternative foundation for the purposes of converting a mobile home to real property in Eureka County. Commissioner Bailey seconded the motion. Motion carried 3-0.

## **COUNTY ENGINEER**

2008 Street Maintenance Project: County Engineer, Tom Young, reported that the 2008 Street Maintenance Project is ongoing; patching has been completed, the manholes have been raised, and the contractor was currently slurry sealing in Diamond Valley. Two culverts on the creek running through the Town of Eureka are being excavated and replaced (at Reno Avenue and Highway 101). Detours will be in place for approximately 30 days.

Change Order #1 for Street Maintenance Project: When Reno Avenue was excavated for the culvert, the soils were considerably softer than predicted. Mr. Young had the contractor over-excavate by two feet to add rock, a layer of fabric, and more rock. The base thickness and height of the headwall were increased as well. Commissioner Fiorenzi motioned to approve Change Order #1 for the Street Maintenance Project, in the amount of \$38,575.00. Commissioner Bailey seconded the motion. Motion carried 3-0.

Eureka Volunteer Fire Station Project: The preconstruction conference was held on August 15<sup>th</sup> with all parties, including the Fire Department and Nevada Division of Forestry. The

Fire Department is in the process of moving their equipment, and the notice to proceed date was tentatively set for September 2<sup>nd</sup>.

### **AMBULANCE & EMS**

Update Report on Emergency Services: EMS Coordinator, Mike Sullivan, reported on emergency calls over the past two weeks. Eureka had 11 calls for service, bringing the year-to-date total to 73; and Crescent Valley had 2 calls for service, bringing their year-to-date total to 38. Mr. Sullivan reviewed volunteer numbers for both ends of the County. The first responder driver in Crescent Valley is now active. The EMS class at the high school began that morning with nine high school and three adult students.

Out-of-State Travel for EMS Billing Training: Approval was requested to send Lisa Hoehne, EMS billing representative, to ambulance billing training in Minneapolis, Minnesota, from September 16<sup>th</sup>-18<sup>th</sup>, 2008. The registration fee is \$750.00 and there will be travel and lodging expenses as well. Commissioner Fiorenzi motioned to approve out-of-state travel and registration fees for Ms. Hoehne to attend training in Minneapolis from September 16<sup>th</sup>-18<sup>th</sup>. Commissioner Bailey seconded the motion. Motion carried 3-0.

Ambulance Bill Write-Off: Commissioner Bailey motioned to approve ambulance bill write-off for patient #2005184 for \$605.00. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

### **EUREKA COUNTY CLERK/TREASURER**

Canvass Returns of Primary Election: Clerk/Treasurer, Jackie Berg, provided the Board with the abstract and canvass of the votes for the 2008 Primary Election held on August 12<sup>th</sup>. Ms. Berg reported that Eureka County had 32 percent voter turnout, and the State of Nevada had only 18 percent voter turnout. Commissioner Bailey disclosed that she was a candidate in the Primary Election, and since there was a quorum without her vote, she would abstain from voting on these documents. Commissioner Fiorenzi motioned to approve the abstract and canvass of the vote for the 2008 Primary Election as presented by the County Clerk. Chairman Ithurrealde seconded the motion. Motion carried 2-0, with Commissioner Bailey abstaining.

### **EUREKA COUNTY SHERIFF**

Wage Variance for New Hire: Sheriff Ken Jones stated he recently hired a deputy with approximately 14 years of experience, including intermediate and advanced certification in Nevada. He is a graduate from the National Academy, and has attended the FBI National Academy. With this training, Sheriff Jones plans on assigning him to the drug program, and requested a wage variance due to the experience he was bringing to the job. Commissioner Fiorenzi motioned to approve a wage variance for the new hire at the Sheriff's Department to a range 124, step 8. Commissioner Bailey seconded the motion. Motion carried 3-0.

Upfit for 2006 Dodge Charger: Sheriff Jones explained that \$68,000.00 had been budgeted for purchase of two patrol vehicles. One vehicle was fully equipped, but in an effort to cut costs, the second vehicle was not equipped as it was assigned for administrative use. Now it was being reallocated as a patrol vehicle and the extra equipment was required. Funds remained from the original budget allocation that would cover the \$5,700.00 cost of upfitting this car. Commissioner Fiorenzi motioned to approve the upfit for the 2006 Dodge Charger, not to exceed \$6,000.00. Commissioner Bailey seconded the motion. Motion carried 3-0.

### **EUREKA COUNTY WILDLIFE ADVISORY BOARD**

Resignation of Kirk Nicholes: Commissioner Fiorenzi motioned to accept the resignation of Kirk Nicholes from the Eureka County Wildlife Advisory Board. Commissioner Bailey seconded the motion. Motion carried 3-0.

Advertise for Vacancy: Commissioner Fiorenzi motioned to approve advertising for a replacement for the vacant seat on the Eureka County Wildlife Advisory Board. Commissioner Bailey seconded the motion. Motion carried 3-0.

## **EUREKA COUNTY SCHOOL DISTRICT**

School District Financial Reports for July, 2008: Commissioner Fiorenzi motioned to accept the School District financial reports for July 2008. Commissioner Bailey seconded the motion. Motion carried 3-0.

## **COMMISSIONERS**

Update Reports: Commissioner Fiorenzi reported that he attended the following: the August 7<sup>th</sup> NEPA Committee meeting; the August 8<sup>th</sup> phone teleconference with Public Works and Eureka Moly; on August 14<sup>th</sup> he traveled to Crescent Valley with Mr. Damele for the substantial completion inspection at the Justice Facility and Community Center; on August 15<sup>th</sup> he attended the Eureka Moly preconstruction conference; and on August 18<sup>th</sup> he attended the Eureka Moly groundbreaking ceremony.

Chairman Ithurralde reported he traveled out of state on a 10-day vacation with his wife.

Recommendation Regarding Nuisance Complaint: The Board of Commissioners requested that the Crescent Valley Town Advisory Board consider a nuisance complaint and make a recommendation to Commissioners. The CVTAB submitted a memo following their August 12<sup>th</sup> meeting, where they had polled the public in attendance, resulting in a 55 to 0 vote against implementing a nuisance ordinance.

The memo, addressed to the Commissioners and the District Attorney, read as follows:

*“The agenda item ‘E’ under Old Business discussing the response of the Eureka County government regarding the nuisance complaint submitted on July 25, 2008 by Harold Wilson resulted in the decision that Mr. Wilson should go with Option 3 and proceed with a civil action. ¶ The agenda item ‘B’ under New Business resulted in a vote of 55 ayes and 0 nays to deny the necessity of a nuisance ordinance.”*

Commissioner Fiorenzi motioned to follow the recommendation of the Crescent Valley Town Advisory Board and to declare that the County does not have a nuisance ordinance addressing junk on a person’s property, but will advise citizens that as next door neighbors they have the right to proceed with a civil action as described in the Nevada Revised Statutes. Commissioner Bailey seconded the motion. Motion carried 3-0.

Supplemental Private Activity Bond: Correspondence was received from the Nevada Department of Business & Industry notifying counties of a supplemental private activity bond allocated to the counties. In recent years, Eureka County has approved transfer of their portion to the Nevada Rural Housing Division. Commissioner Bailey motioned to transfer the supplemental Private Activity Bond, in the amount of \$27,139.69, to the Nevada Rural Housing Division and to give Chairman Ithurralde authorization to sign the standard paperwork outside of the meeting. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Resolution Regarding Dogs/Animals in County Buildings: Mike Rebaleati explained that he placed this item on the agenda because he had received several complaints regarding dogs in County buildings. The Commissioners reviewed the resolution and requested some minor language changes. Commissioner Bailey motioned to approve the Resolution Restricting Animals in County Buildings as amended. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

**RESOLUTION  
RESTRICTING ANIMALS IN COUNTY BUILDINGS**

WHEREAS, all County buildings and County food service facilities are under the control of the Eureka County Commissioners; and

WHEREAS, the county has received public complaints about individuals bringing their pets into County owned buildings; and

WHEREAS, Eureka County wants to ensure the public health and health of all County employees, volunteers, and public;

NOW, THEREFORE BE IT RESOLVED: That Eureka County hereby prohibits any individual from bringing their pet(s) into any County building unless it is a "seeing eye" dog or for the support of other disabilities. Any County employee or supervisor that violates this resolution will be disciplined in accordance with the County Personnel Policy.

By: /s/ J. P. Ithurralde  
Eureka County Commissioners

Attest: /s/ Jackie Berg  
Eureka County Clerk

Investment of \$100,000.00 Deposit: Per the Lease Agreement, a \$100,000.00 deposit was submitted by Eureka Moly, LLC. At the August 6<sup>th</sup> meeting, the Board indicated that they would like to have this invested in a certificate of deposit and requested it be placed on this agenda. Commissioner Fiorenzi motioned to recommend that the County Treasurer invest the \$100,000.00 deposit received from Eureka Moly, LLC, into a six month certificate of deposit. Chairman Ithurralde seconded the motion. Motion carried 3-0.

**NATURAL RESOURCES**

Activity Report: Natural Resources Manager, Jake Tibbitts, was not available for the meeting and submitted a written report in his stead. Mr. Tibbitts attended the following meetings: NEPA Committee meeting on August 7<sup>th</sup>; Wildlife Advisory Board meeting on August 11<sup>th</sup>; a cooperative permittee monitoring with Dave Woolfolk on August 13<sup>th</sup>; Natural Resources Advisory Council meeting on August 13<sup>th</sup>; cooperative permittee monitoring with Jim Baumann on August 14<sup>th</sup>; the Nevada Board of Wildlife Commission meeting on August 15<sup>th</sup>; and Proper Functioning Condition riparian monitoring on Roberts Mountain on August 18<sup>th</sup>. Major issues that the Natural Resources Department is addressing currently are the Mount Hope Project EIS, the bighorn sheep release on the Cortez Range, and protection of grazing rights and proper season of use on grazing allotments.

Upcoming Meetings: Upcoming meetings include the NEPA Committee meeting on August 21<sup>st</sup>; the Legislative Committee on Public Lands working session in Lovelock on August 22<sup>nd</sup>; and a Wildlife Advisory Board meeting on September 3<sup>rd</sup>.

**ENVIRONMENTAL IMPACT STATEMENT COORDINATOR**

Update Report on NEPA Committee Activities and Mount Hope EIS: EIS Coordinator, Abby Johnson, provided an update on recent activities. At the last meeting of the NEPA Committee, a presentation was heard from Eureka Moly on their water consumption needs. Preliminary revised Chapters 1 and 2 of the draft Environmental Impact Statement for the Mount Hope Project were reviewed and comments were prepared and faxed to the Bureau of Land Management on August 7<sup>th</sup>. The NEPA Committee will meet again on August 21<sup>st</sup> and will hear

a presentation from Randy Powell, of Hanlon Engineering, regarding an analysis of the water consumption. An air quality report will also be reviewed from Kirk Wings, Atmospheric Scientist with Environ. Mr. Wings will be available by telephone for the NEPA Committee meeting on September 4<sup>th</sup>. The NEPA Committee also expects to review the socioeconomics report on September 4<sup>th</sup> and Rex Massey will be there to present his comments. The NEPA Committee hopes to finalize the comments on the socioeconomics report and forward them to the BLM.

### **PUBLIC COMMENT**

Chairman Ithurrealde called for public comment. Zach Spencer, External Communications Manager for General Moly, extended an invitation to the Commissioners, County staff, and general public for a tour of the Mount Hope mine site on Saturday, August 23<sup>rd</sup>. Anyone interested can meet at the downtown park behind the General Moly office in Eureka between 9:00 and 9:30 to be bussed to the mine site for a one-hour tour. Participants will return to town via bus for a barbecue lunch at the park. Mr. Spencer requested that interested parties call or stop by the General Moly office to sign up so they had an accurate head count for lunch.

There were no further public comments.

### **ADJOURNMENT**

At 4:19 p.m. Commissioner Bailey motioned to adjourn the meeting; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Approved this 19<sup>th</sup> day of September, 2008.

/s/ J.P. Ithurrealde

J.P. Ithurrealde, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk