

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**August 20, 2009**

STATE OF NEVADA            )  
  :ss  
COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on August 20, 2009. Present were Chairman Jim Ithurrealde, Vice Chair Leonard Fiorenzi, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:31 a.m. and began with the Pledge of Allegiance. The interactive video conference system was utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Item #5 under the Commissioners' portion of the agenda was moved to the Finance section. Commissioner Fiorenzi stated that he would not participate in the discussion or vote for the Masonic Lodge agenda item, as he is a Master Mason. Commissioner Fiorenzi made a motion to approve the agenda as written and amended; Commissioner Page seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Ithurrealde called for public comments. Ted Beutel, District Attorney, provided copies of a Notice of Petition and a Petition filed in District Court on August 19, 2009, on behalf of Eureka County in relation to water right permits issued to Kobeh Valley Ranch and Idaho General Mines. Mr. Beutel explained that during the water rights hearing in October 2008, testimony indicated that the multiplier to convert agricultural water to mining and milling should be 2.3 acre feet (AF), with 4 AF of agricultural water equaling 2.3 AF of mining and milling water. Yet the permits issued on July 21, 2009, permitted water in an amount higher than the consumptive agricultural use. County representatives and Karen Peterson, water rights attorney, were concerned that this amount was contrary to the ruling by the State Engineer; therefore an additional request for review was filed by the County. The Petition also requests that this case be consolidated with the other case in District Court related to the State Engineer's ruling on these water applications. There were no other public comments.

**APPROVAL OF MINUTES**

Commissioner Fiorenzi asked that an email from Eureka Moly regarding requests for County assistance with the Eureka Canyon Subdivision be included in the August 6<sup>th</sup> minutes. Chairman Ithurrealde asked that donors of a plaque commemorating Art Biale be verified. With those changes, Commissioner Fiorenzi motioned to approve the minutes of August 6, 2009; Chairman Ithurrealde seconded the motion; motion carried 3-0.

**FINANCE**

Payment of Expenditures: Expenditures were presented to the Board for approval by Mike Rebaleati, County Recorder & Auditor. Commissioner Fiorenzi stated that he would not participate in the approval of the voucher for Pernicia Johnson. Mr. Rebaleati noted that the expenditures include the payment for the special approval of the Well Street sewer extension in the amount of \$22,500.00. Commissioner Fiorenzi made a motion to approve County expenditures and payroll in the amount of \$1,212,591.76, noting his abstention on the voucher for Pernicia Johnson; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page made a motion to approve the Yucca Mountain expenditures in the amount of \$3,997.50; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Auditor's Report: Commissioner Fiorenzi asked if the projected net proceeds payments were included in the Auditor's report. Mr. Rebaleati explained that the projected net proceeds are reflected in the fund totals, and will be separated in the detailed reports. The Board reviewed the Auditor's report without further comment.

Capital Outlay Purchases Resolution: Per the Board's request, Mr. Rebaleati incorporated greater detail into the draft resolution with guidelines for County capital outlay purchases. Mr. Rebaleati emphasized that all purchases are reported to the Board, whether prior approval is required or not, and must fall within the approved budget for that department. Commissioner Page motioned to approve the resolution updating the policy for capital outlay purchases; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Eureka, Nevada	August 20, 2009
<b>RESOLUTION</b> <b>DETERMINING CAPITAL OUTLAY PURCHASING REQUIREMENTS</b>	
<p>WHEREAS, the Board of Eureka County Commissioners is committed to the proper tracking and procurement of eureka County expenditures; and</p> <p>WHEREAS, the Board of Eureka County Commissioners with this resolution is supplementing their Internal Control Policy by requiring all Departments to appear before the County Commissioners before purchasing capital outlay items;</p> <p>WHEREAS, all Departments must comply with the Eureka Internal Control Policies and the Nevada Revised Statutes when purchasing a capital outlay item;</p> <p>WHEREAS, all computer or telecommunication related purchases must be conducted by the Recorder/Auditor office and all other capital purchases such as office furniture, vehicles, etc. must be coordinated by the Public Works office;</p> <p>WHEREAS, any capital improvement item that is replacing an existing capital improvement item under \$5,000 does not need to be approved by the County Commissioner, but the Department Head must confirm with the Recorder/Auditor that budgeted monies are available;</p> <p>WHEREAS, any department which wants to purchase a new capital outlay item over \$1,000 must have the item budgeted in the current fiscal year and get final approval from the County Commissioners before purchasing the capital outlay item;</p> <p>WHEREAS, in the event of a capital improvement replacement or a new capital improvement purchase relating to health and safety emergency services, the Department Head shall coordinate with the County Auditor and advise the County Commission at the next regularly scheduled meeting;</p> <p>NOW THEREFORE, IT IS HEREBY RESOLVED, that the Board of the Eureka County Commissioners on behalf of the citizens of Eureka County in approving all new capital outlay items over \$1,000 must have prior County Commissioner approval and any capital outlay item replacing an existing capital improvement item under \$5,000 does not need the prior approval of the County Commissioners. All capital outlay purchases will be reported to the County Commission.</p> <p>ADOPTED this 20<sup>th</sup> day of August, 2009.</p>	
	Board of Eureka County Commissioners County of Eureka, State of Nevada
	By: <u>/s/ J.P. Ithurrealde</u> Jim Ithurrealde, Chairman
	By: <u>/s/ Lenny Fiorenzi</u> Leonard Fiorenzi, Member
	By: <u>/s/ Michael Page</u> Michael Page, Member
ATTEST: <u>/s/ Jackie Berg</u> Jackie Berg, Clerk	

Emergency Radio Base Station: Mr. Rebaleati provided the Board with two quotes from Sierra Electronics for an emergency radio base station at the Eureka Town Volunteer Fire Station. Both quotes (\$14,261.09 and \$19,464.96) provide a mobile base station, with the higher

quote offering multiple channel capabilities. Commissioner Fiorenzi motioned to approve purchasing an emergency radio base station in the amount of \$14,261.09; Commissioner Page seconded the motion; motion carried 3-0.

UNUM Insurance Company: Commissioner Fiorenzi motioned to approve signing administrative documents for the optional employee long-term disability insurance benefit through UNUM Insurance Company (agent Jim Sundquist, New York Life) to be offered beginning October 1, 2009. This is an optional employee-paid benefit, at no cost to the County. Commissioner Page seconded the motion. Motion carried 3-0.

**PUBLIC HEARING – RESOLUTION TO INCREASE STEPS ON COUNTY WAGE SCALE**

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on August 20, 2009, beginning at 10:00 a.m. in the Commissioners’ Chambers in the County Courthouse, at 10 South Main Street in Eureka, Nevada. The reason for said hearing was to consider and take action on a resolution to increase the number of steps on the current County wage scale from 25 to 30. The proposed resolution was distributed to employees for their comments. Public comments were accepted during this public hearing.

Chairman Ithurralde called for public comments. Gladys Goicoechea, from the County Assessor’s office, had several questions regarding the step increases and the recommendations made recently by the Wage & Salary Committee. The Board clarified that recommendations received from the Wage & Salary Committee would be addressed with assistance from the Human Resource Analyst, who would be on board soon. The current wage and salary policies were all still in effect, with the only change being this resolution to extend the number of steps on the merit scale; all other restrictions and/or allowances associated with the wage and salary scale remained in effect. Commissioner Fiorenzi made a motion to approve the resolution to increase the number of steps on the current County wage scale from 25 to 30; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

August 20, 2009

**RESOLUTION  
EXTENDING THE NUMBER OF MERIT STEPS ON THE  
CURRENT COUNTY WAGE & SALARY SCALE FROM 25 TO 30**

WHEREAS, the Board of Eureka County Commissioners is committed to fair and responsible salaries and wages for Eureka County employees; and

WHEREAS, the Board of Eureka County Commissioners with this resolution is extending the number of merit steps on the current county wage and salary scale from 25 to 30; and

WHEREAS, the Board of Eureka County Commissioners reserve the right to freeze any merit increases when economic conditions dictate;

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Board of the Eureka County Commissioners, on behalf of the citizens of Eureka County, is extending the number of merit steps on the current county wage and salary scale effective July 1, 2009, forward (i.e. not retroactive) from 25 to 30.

ADOPTED this 20<sup>th</sup> day of August, 2009.

Board of Eureka County Commissioners  
County of Eureka, State of Nevada

By: /s/ J.P. Ithurralde  
J.P. Ithurralde, Chairman

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Vice Chairman

By: /s/ Michael Page  
Michael Page, Member

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk of the Board

## **CORRESPONDENCE**

Correspondence was received from: residents of Eureka Senior Housing; Michael & Danette Rebaleati and Roland & Leanna Good; Lora Irwin; Paul Klindt; District Attorney, Ted Beutel (4); Clerk & Treasurer, Jackie Berg; Eureka County Planning Commission; Eureka County Television District; Eureka County Economic Development (2); Crescent Valley Town Advisory Board (3); notice of extended hours - Eureka Landfill; survey for Eureka County Master Plan; Lumos & Associates; Lumos Landmarks; Day Engineering; MKD Construction; White Pine County Commissioners; Washoe County news release; Nevada Assoc. of Counties; Southern Nevada Water Authority; Nevada Administrative Office of the Courts; Nevada Div. of Water Resources (2); Nevada Div. of Environmental Protection (2); Nevada Dept. of Taxation; University of Nevada Cooperative Extension; University of Nevada Press; Public Utilities Commission of Nevada (3); Nevada Connections; Nevada Sage; NHD Reporter; The Fire Store; International Curly Horse Organization Gazette; USDA Forest Service; US Dept. of the Interior-BLM (3); US Census Bureau; US Nuclear Waste Technical Review Board.

The Board agreed to address several items of correspondence at the next regular meeting; directed the Clerk to respond to a US Census Bureau survey; and Chairman Ithurralde cautioned citizens about a fraudulent property tax reduction service offering to review and lower property taxes for a fee of \$189.00. The condition of the building adjacent to the Courthouse was discussed and Mr. Damele reported that a verbal response from the owners indicated that a contractor has been retained for repairs.

## **EUREKA MASONIC LODGE**

Cornerstone for Eureka Town Volunteer Fire Station: Commissioner Fiorenzi abstained from voting on this item because he is a Master Mason, and left the room during discussion and action. Judge John Schweble provided the final quote for purchase and installation of a cornerstone at the new Eureka Town Volunteer Fire Station. Commissioner Page motioned to approve having the Eureka Masonic Lodge facilitate obtaining a cornerstone in the amount of \$1,606.00, to be paid by the County; Chairman Ithurralde seconded the motion; motion carried 2-0. Mr. Damele was directed to submit a letter to the Grand Lodge requesting the cornerstone and providing 30 days notice once the grand opening date is scheduled. Commissioner Fiorenzi returned to the meeting after the vote.

## **PUBLIC WORKS**

Contract with Day Engineering: Ron Damele, Public Works Director, reported that the contract with Day Engineering to mitigate arsenic in Crescent Valley has been completed and signed by the contractor, and has been reviewed by the District Attorney. Commissioner Fiorenzi motioned to authorize the Chairman to sign the contract with Day Engineering, not to exceed \$380,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Dean Day, Day Engineering, reported that the Crescent Valley pilot testing is in progress. A manifold has been set up and a water line will run from a fire hydrant for testing. Gust Electric is installing a 110 volt plug-in for the pilot test as well. Mr. Day reviewed some of the project details for the Board.

Bid Award for Devil's Gate GID Water Transmission Main Inter-Tie Project: Following recommendation by Day Engineering and the Devil's Gate GID Board, Commissioner Fiorenzi motioned to award the Devil's Gate GID Districts #1 and #2 Water Transmission Main Inter-Tie Project to the lowest responsive bidder, Peavine Construction, in the amount of \$557,250.00; Commissioner Page seconded the motion; motion carried 3-0.

Contract for Inter-Tie Project: Commissioner Fiorenzi motioned to authorize the Chairman to sign the Devil's Gate Districts #1 and #2 Water Transmission Main Inter-Tie Project contract outside of the meeting, in order to expedite construction; Commissioner Page seconded the motion; motion carried 3-0.

Eureka Landfill Hours: Mr. Damele reported that, upon approval by the Board, a notice will be sent to all residents, informing the public that the Eureka Landfill will be open seven days

a week beginning August 30, 2009, and listing the closed holiday dates. Commissioner Fiorenzi motioned to authorize Public Works to open the Eureka Landfill seven days a week, beginning August 30, 2009; Commissioner Page seconded the motion; motion carried 3-0.

Lockers for Eureka Town Volunteer Fire Station: Mr. Damele reported that The Fire Store is the only vendor for Gear Master Air-Flow ventilated turnout gear storage lockers, and he obtained a quote for six units. Commissioner Page motioned to approve purchasing the turnout gear lockers in the amount of \$10,758.00; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Quote from MKD Construction: MKD Construction provided a quote to remove a portion of existing sidewalk at the Eureka Library to install handicap access, and to replace a deteriorated section of sidewalk on Main Street near Eureka True Value, for a total of \$9,000.00. Commissioner Fiorenzi motioned to approve the quote from MKD Construction for the repairs as outlined; Commissioner Page seconded the motion; motion carried 3-0.

Roofing Projects (Courthouse, etc.): Mr. Damele reported that the Courthouse Roof Project was nearing completion and the cap flashing material was currently being installed. The entire project should be complete within weeks. A \$400.00 change order was approved by Mr. Damele to attach the roofing membrane over the new addition portion of the roof. Three of the well house roofs have been completed, and the roof for Doctor Waite's house has been started.

Sheriff's Office Dispatch and Booking Remodel Project: Construction has started for the Sheriff's Office Dispatch and Booking Remodel Project. Lumos & Associates will conduct the civil inspections for this project and a cost proposal will be presented at the September 4<sup>th</sup> meeting. Pending approval, Lumos & Associates will be paid on a time and materials basis.

Radio Read Water Meters: A proposal was received from Lumos & Associates for design services relating to the addition of radio read water meters as part of the Main Street Water and Sewer Project, in the amount of \$44,700.00. Mr. Damele explained that back-flow prevention is required on certain residences and commercial buildings. Tom Young clarified that residential back-flow prevention simply involves a check valve in the meter pit; commercial buildings have different requirements and appropriate back-flow prevention will be installed at businesses and County facilities. The County is required to adopt a back-flow ordinance and Mr. Damele commented that this should be addressed in the near future.

Commissioner Fiorenzi was concerned about the County taking on several huge projects at once, and Mr. Damele explained that this will be part of the Main Street Water and Sewer Project, which will be phased over two years. Commissioner Page motioned to approve the proposal from Lumos & Associates, in the amount of \$44,700.00, for design services relating to the addition of radio read water meters as part of the Main Street Water & Sewer Project; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Energy Efficiency and Conservation Block Grant: Mr. Damele reported that the Energy Efficiency and Conservation Block Grant application was signed by the Chairman and submitted in order to meet the deadline. These funds are being provided as part of the federal American Recovery and Reinvestment Act of 2009. If approved, this grant would be used to contract with a consulting firm to conduct an energy audit on all County buildings, for the purpose of reducing the County's carbon footprint. Commissioner Fiorenzi motioned to ratify signature and submittal of the grant assurances for the Energy Efficiency and Conservation Block Grant; Commissioner Page seconded the motion; motion carried 3-0.

Relocation of Street Light: A letter was received requesting that the street light on O'Neil be relocated to the corner of O'Neil and McCoy Streets. Mr. Damele explained that the relocation of the light would be at no cost, but the County would have to enter into the usual three year agreement with Mount Wheeler. Pursuant to a previously passed resolution, all streets lights are the same wattage. Commissioner Fiorenzi motioned to approve relocation of the street light on O'Neil; Commissioner Page seconded the motion; motion carried 3-0.

Environmental Site Assessment for Crescent Valley Fairgrounds: A letter was received from the Bureau of Land Management explaining that an Environmental Site Assessment must be conducted in order to transfer the real property (26 acres where the Crescent Valley Fairgrounds and Community Center are located) from the BLM to Eureka County (currently Lease NVM-53599). A proposal to conduct the assessment was received from JBR Environmental Consultants, Inc. Commissioner Fiorenzi motioned to approve the proposal from JBR Environmental Consultants, Inc., to conduct the Environmental Site Assessment, not to exceed \$6,500.00; Commissioner Page seconded the motion; motion carried 3-0.

## **COUNTY ENGINEER**

Town of Eureka Fire Station Project: Tom Young, Lumos & Associates, reported that a walk-through of the Eureka Town Volunteer Fire Station was conducted on August 19<sup>th</sup> and nearly everything is complete. Some minor mechanical system items will be finished as parts are received. The building is operational, and the Notice of Completion should be issued on August 21<sup>st</sup>. Public Works is moving furniture into the building. Danny Brown, Fire Chief, reported that the building looks great and the Volunteer Fire Department is looking forward to utilizing the facility; the radio base will be installed and if additional items are needed, he will come before the Board in the next few months. Chief Brown stated that the volunteers will begin moving equipment into the facility as soon as the Board gives their approval. Mr. Young noted that the estimated total cost of the project is \$3.9 million, which is within 1.5% of the original contract amount, which is remarkable on such a large project.

Change Order 33FA for Town of Eureka Fire Station Project: This change order was for the addition of three sets of push-button mechanical door locks for three exterior doors. Commissioner Page motioned to approve Change Order 33FA, in the amount of \$3,677.83, for access key pads for three exterior doors; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Change Order 35FA for Town of Eureka Fire Station Project: This change order was for the installation of a key lock to an interior storage room, to control and limit access to special equipment. Installation by the contractor is more expensive, but will ensure that the warranty on the building isn't voided unnecessarily. Commissioner Page motioned to approve Change Order 35FA for the additional key lock, in the amount of \$315.08; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Change Order 36FA for Town of Eureka Fire Station Project: This change order was for the addition of a cell phone booster in the building and the quote of \$8,047.07 was obtained from Sierra Electronics through the contractor. Mr. Young noted that the Eureka County School District recently had a cell phone booster installed by the same company at a reduced cost, and felt it was because the school contracted directly with Sierra Electronics. The Board requested that the cost variance be researched and a cost estimate be obtained directly from the vendor. Commissioner Fiorenzi motioned to authorize purchase and installation of the cell phone booster if the independent quote from Sierra Electronics is less than the original quote. Commissioner Page expressed that he would like the new quote to come back before the Board. Chairman Ithurralde clarified whether Commissioner Fiorenzi intended to amend his motion with to include this request. Commissioner Fiorenzi elected to go with his original motion; Chairman Ithurralde seconded the motion; motion carried 2-1, with Commissioner Page voting against.

The Board discussed a grand opening date and agreed on September 26<sup>th</sup>, with time to be determined. Mr. Young commented on the success of the project, crediting the contractor, Reyman Brothers; Public Works; and the volunteers, who were involved from start to finish.

JD Ranch Bridge Project: Mr. Young reported that the box culverts have been set for the JD Ranch Bridge Project. The contractor was currently pouring concrete for the footings and headwalls and the cattle guard has been installed.

Town of Eureka 2009 Water System Improvements Project: Mr. Young reported that the 1.25 million gallon tank has been erected and the contractor has moved on to the 300,000 gallon tank at the booster station. The painting crew for the big tank will begin sandblasting on August 31<sup>st</sup>. The preliminary water line work and excavation for the booster station has begun. Footings will be poured for the booster station building the following week.

Change Order #7 for 2009 Water System Improvements Project: Change Order #7 includes an additional water line and vault at the booster station to serve as a future water source. The change order was discussed, modified, and approved at the last Board meeting; however the additional request increased the total cost to \$28,245.41, so Mr. Young wanted affirmation from the Board. Commissioner Fiorenzi motioned to approve Change Order 7 for the 2009 Water System Improvements Project as presented; Commissioner Page seconded the motion. Motion carried 3-0.

Change Order #8 for 2009 Water System Improvements Project: Change Order #8 expands the Supervisory Control and Data Acquisition (SCADA) system to include the small Town of Eureka water tank by adding transducers and a solar powered system to independently monitor the water level; costs will be covered through the force account included in the original contract price. Commissioner Fiorenzi motioned to approve Change Order #8 for the 2009 Water System Improvements Project, in the amount of \$17,583.50; Commissioner Page seconded the motion; motion carried 3-0.

Change Order #9 for 2009 Water System Improvements Project: Change Order #9 includes a soft starter for the booster station which will allow the pumps to start slower and results in extended life of the pump equipment. Commissioner Page motioned to approve Change Order #9 for the 2009 Water System Improvements Project, in the amount of \$6,497.50; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Change Order #10 for 2009 Water System Improvements Project: This change order includes painting the south water tank in the Town of Eureka to match the other tanks and will avoid more extensive maintenance at a later date. Commissioner Fiorenzi made a motion to approve Change Order #10 to paint the south water tank in the amount of \$12,305.00; Commissioner Page seconded the motion; motion carried 3-0.

Ruby Hill Sidewalk Project: Mr. Young reported that the Ruby Hill Sidewalk Project is nearly complete. On August 19<sup>th</sup>, the contractor was raising the utility manholes and placing concrete rings around the manholes, as well as cleaning up the site. Mr. Young and Mr. Damele will walk the site sometime that day and develop a punch list for the contractor. Mr. Damele reported that he approved a change order on the project to add a water service, in the amount of \$4,500.00, so that the sidewalk would not have to be cut at a later time.

Chairman Ithurrealde asked if there had been any correspondence from the Nevada Department of Transportation (NDOT) regarding the request of the County to take over Ruby Hill Avenue. Mr. Damele has not had an official response on that issue, but reported that NDOT has ranked the Interstate 80 interchange project as #1 on the State's list of projects, which will result in the project being constructed if the funds are available at the State level.

2009 Airport Maintenance Project: Mr. Young reported that the crack fill, slurry seal, and runway painting have been completed for the Airport Maintenance Project. Painting will continue on the taxiways through August 21<sup>st</sup>. The runway was reopened that morning at 8:00 a.m. as scheduled. The runway shoulder will be worked on the following week, and the runway will remain open during that time.

Grant Application to FAA: The Federal Aviation Administration (FAA) contacted Mr. Young the previous week to inform him that the FAA would like to fund the next step of the Airport's capital improvement plan. The application for the FAA grant is for \$120,000.00 to design reconstruction of the runway, which is a future phase of Airport construction. Mr. Young anticipates the runway reconstruction to occur in five years. The County would be responsible for 5% of the cost, which is \$6,000.00. Commissioner Fiorenzi motioned to authorize the County

Engineer to submit a grant application to the FAA for reconstruction design of the Airport; Commissioner Page seconded the motion; motion carried 3-0.

2009 Street Maintenance Project: The patching and paving portion of McCoy Street is complete for the 2009 Street Maintenance Project. Mr. Young reported that slurry sealing is ongoing and shoulder work will continue on McCoy Street. The contractor will begin excavating for the new culverts beginning August 24<sup>th</sup> and the box culverts will be ready to set and immediately back-filled. Concrete barricades will be placed so that traffic is routed to areas not under construction to avoid road closure. Mr. Damele noted that the north end of Spring Street will be closed for a few days during culvert construction.

Change Order #1 for 2009 Street Maintenance Project: This change order includes additional street paint marking on Vandal Way near the Eureka High School, as requested and brought forward by the Safety Committee. This item was tabled because the proposal was not available.

Change Order #2 for 2009 Street Maintenance Project: This change order includes a blank casing under the Robins Street box culvert for a future water line. Mr. Young reported that the current 2.5-inch line would be upgraded to a 6-inch line. Two options for modernizing the line were provided by the contractor. The first option includes extending the casing under a sewer line and fiber optic line for \$11,183.90. The second option includes installing the casing to five feet outside of the box for \$3,830.86. The Board agreed that the first option would be most cost effective in the long run. Commissioner Fiorenzi motioned to approve the Change Order #2 for the Street Maintenance Project, in the amount of \$11,183.90, for Option #1; Commissioner Page seconded the motion; motion carried 3-0.

Main Street Water and Sewer Project: (*This agenda item was discussed after the lunch recess*). Mr. Young explained that the 50% plans for the Main Street Water and Sewer Project were developed in 2005. The 50% plans are being reviewed for the purpose of adding or deleting items and were provided to the Board. Mr. Young explained that the plans extend from the NDOT yard to Slag Street and include replacing the sewer and water system on Main Street and installing new water lines one block back from Main Street on either side (to avoid work on the NDOT right-of-way after the completion of the project). Mr. Young described additional work on Mineral Street and Robins Street and discussed plan specifics with the Board. Mr. Damele explained that the Main Street Water and Sewer Project was planned because the current system is deteriorating and substandard practices and specifications may have been used during original construction.

A lengthy discussion and debate was had on extending new sewer line to the town ballparks. Commissioner Fiorenzi stated that he was opposed to adding new sewer line to the ballpark area because the septic system in that area is functional, and the additional line construction would be contrary to the County ordinance. Chairman Ithurralde stated that he would like to have as many septic tanks eliminated from the Town of Eureka as possible, that the County should construct new line while the funds are available, and the ordinance can be changed if the Board desires. Mr. Beutel explained that the Board would need to change the ordinance before any decisions were made to extend new sewer or water lines beyond the approved distance in the ordinance. The current ordinance relating to sewer and water extension is in place to protect the County and to control service costs to the customer. Discussion was had on a proposed resolution that would allow new line to be placed and limit the amount of money that could be spent, and ultimately the resolution was abandoned. Commissioner Fiorenzi expressed that he supported projects that benefit users of a system that can support itself, but not extension of a system that can't support itself. Chairman Ithurralde relayed that he would like to have the County provide a sewer and water system from town border to border, in the interest of the health, safety, and welfare of the community. Commissioner Page stated that he felt the ordinance should be addressed first. Mr. Damele explained that if the ordinance was changed, grants could be applied for that may pay for this

type of utility extension. After discussion, the Board resolved to move forward with the original scope of work for the Main Street Water and Sewer Project.

## **HUMAN RESOURCES ANALYST II**

Top Candidate: Mr. Rebaleati introduced Jerry Larson to the Board. Mr. Larsen explained that he has 25 years of human resources experience and has been involved in environments such as manufacturing, hospitality, and retail, and relayed his philosophy in dealing with people. Mr. Rebaleati reported that there were over 40 applicants for the Human Resources Analyst II position, four were interviewed, and Mr. Larsen was the top candidate. Bill Zelinski, human resource consultant with POOL/PACT, also participated in the interviews. Commissioner Fiorenzi asked Mr. Larsen why he would like to live in Eureka. Mr. Larsen explained that he is looking to get away from city life, relocate his 10 year old child to a smaller school, and is looking forward to living in the Eureka community.

Salary and Benefit Package: Mr. Rebaleati recommended that the Board set the salary for the Human Resources Analyst at \$50,000 annually with the same benefit package as other appointed officials. Chairman Ithurralde motioned to set Mr. Larsen's salary at \$50,000 with the same benefit package as other County appointed officials under the Commissioners; Commissioner Page seconded the motion; motion carried 3-0.

Official Appointment: Mr. Larsen indicated that he could begin working for Eureka County on September 16<sup>th</sup>. Mr. Rebaleati noted that Mr. Larsen's office will be located in the old Justice Courtroom in the Courthouse. Private meetings with employees will be held in the Commissioners' meeting room. Commissioner Fiorenzi suggested that the County consider providing a private office for the Human Resource Analyst in the future. Commissioner Page motioned to approve the official appointment of Mr. Larsen as the Human Resource Analyst II, beginning September 16<sup>th</sup>; Commissioner Fiorenzi seconded the motion; motion carried 3-0. The Board requested that Mr. Larsen provide monthly reports to the Commissioners.

## **RECESS FOR LUNCH**

The Board recessed for lunch from 11:57 a.m. to 1:03 p.m.

## **SWIMMING POOL / PARKS / RECREATION**

Update Report: Cindy Adams, Parks, Recreation, and Facilities Director, was not available and will provide her report at the September 4<sup>th</sup> meeting.

## **AMBULANCE AND EMS**

Update Report: Mike Sullivan, EMS Coordinator, reported that during the past month, Eureka had 26 calls for service (82 year-to-date) and Crescent Valley had five calls (44 year-to-date). Mr. Sullivan reported on volunteer staffing levels, continuing education training, and services provided during the County Fair. The State of Nevada has granted Eureka two emergency shelter trailers containing equipment to stock a 50 bed shelter. One trailer will be placed in Eureka and one in Crescent Valley. Mr. Sullivan attended a mass fatality planning conference in Washoe County and a national stockpile preparedness course in Sparks. The CDC has reported that the H1N1 flu vaccine has entered human trials; first doses can be expected in October; and intermediate EMTs will be allowed to administer vaccines if needed. Mr. Sullivan will continue teaching a Basic EMT class at the Eureka High School this year.

## **COUNTY FACILITIES AND ECONOMIC DEVELOPMENT**

Update Report: Wally Cuchine, Cultural, Tourism, and Economic Development Director, reported that a brochure rack has been installed at the Economic Development sign for after hours visitors. The Sentinel Museum is running well and has received a lot of visitors. Mr. Cuchine reported that the grand hall floor at the Opera House is currently being refinished, and

an annual floor maintenance contract may be requested during the next budget process. Chairman Ithurralde asked if the Economic Development Board could discuss cellular phone service in the Town of Eureka and pursue contact with Alltel on this matter.

## **NATURAL RESOURCES**

**Activity Report:** Jake Tibbitts, Natural Resources Manager, attended a Wildlife Advisory Board meeting on August 11<sup>th</sup>; a Master Plan Update Workshop on August 11<sup>th</sup>; a Natural Resources Advisory Commission (NRAC) meeting on August 12<sup>th</sup>; a second Master Plan Update Workshop on August 13<sup>th</sup>; a Mount Hope documents conference call on August 18<sup>th</sup>; a conference call with the BLM and Lander County Economic Development regarding the Future Industrial Needs Development (FIND) Project on August 19<sup>th</sup>; and various staff meetings regarding the Mount Hope Project. Mr. Tibbitts explained that the FIND Project involves inventorying mine infrastructure and developing closed mine sites into future industrial sites along the Interstate 80 corridor.

**Upcoming Meetings:** Mr. Tibbitts will attend a National Environmental Policy Act (NEPA) Committee meeting on August 20<sup>th</sup>; a BLM project discussion meeting on August 24<sup>th</sup>; a Bootstraps tour of the Roberts Mountain treatment area on August 25<sup>th</sup>; a possible meeting in Austin with Nye and Lander Counties on August 26<sup>th</sup> to discuss multi-county efforts on the Forest Service Travel Management Plan; and a Mount Hope Project hydrology modeling presentation with the BLM in Battle Mountain on August 27<sup>th</sup>. Boulder Valley and Maggie Creek monitoring plans update meetings will be held in Carson City on August 27<sup>th</sup>, and Kathy Porter, Natural Resources Department Assistant, will attend on behalf of Eureka County.

**Joint Funding Agreement with USGS:** Mr. Tibbitts reported that the Joint Funding Agreement with the US Geological Survey for Phase 3 of the Diamond Valley Flow System Study has been amended to reflect the federal fiscal year. The USGS is requiring that the period of performance match their fiscal year because of rigid policies as conveyed through the Nevada Water Science Center. Two agreements were submitted for signature; one for the remainder of the current federal fiscal year (through September 30, 2009) and one for the upcoming federal fiscal year (October 1, 2009, through September 30, 2010). These will replace the existing agreement with no changes in funding or context (other than effective dates). Commissioner Fiorenzi motioned to approve signing the modified Joint Funding Agreements with USGS for Phase 3 of the Diamond Valley Flow System Study; Commissioner Page seconded the motion; motion carried 3-0.

**Response to Travel Management Project Decision:** Mr. Tibbitts reported that the Natural Resources Advisory Commission has requested that the Board of Commissioners consider an administrative appeal of the US Forest Service, Austin and Tonopah Districts Combined Travel Management Project decision. Eureka County provided comments during the public comment period before a decision was rendered. This appeal option (due by August 31, 2009) is an administrative appeal to the Forest Service, not a judiciary appeal. Once the appeal is received, according to Code of Federal Regulations (36 CFR 215), the responsible official must contact Eureka County and offer to meet and discuss resolution of the issues raised in the appeal. Three options can be considered by the County after the meeting: (1) agree to withdraw the appeal; (2) ask for changes to the decision; or (3) move forward with the appeal process. Mr. Tibbitts explained that many Forest Service roads in Eureka County were closed by the decision. Also, Nye County has agreed to appeal the decision and the Lander County Commissioners will be voting on a decision to appeal. Mr. Tibbitts has been in contact with Lander and Nye Counties to coordinate appeal efforts between the counties. Commissioner Fiorenzi motioned to appeal the US Forest Service, Austin and Tonopah Districts Combined Travel Management Project decision and to authorize the Chairman to sign the document outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

## **NEVADA HEALTH CENTERS**

Telemedicine for Crescent Valley: Michelle Agnew, Chief Operations Officer, and Jim Merrill, Chief Financial Officer, were in attendance to report on Nevada Health Center activity in Crescent Valley and Eureka. Ms. Agnew reported that the telemedicine option for the Crescent Valley Clinic is still delayed pending the Board of Pharmacy's decision regarding requirements for dispensing pharmaceutical medications, which will be addressed at their October 14-15, 2009, meeting. This delay will make April 2010 the earliest feasible timeframe for Nevada Health Centers to begin the telemedicine option at the Crescent Valley Clinic. A medical assistant was recently hired in Crescent Valley and will be trained on the telemedicine software. All NHC medical assistants working at rural sites will have dispensary licenses.

Contract with Nevada Health Centers: The Commissioners relayed concern over the Nevada Health Centers contract lapse. Ms. Agnew felt it was simply an oversight since there were no changes from the previous year's contract. Due to recent legislation requiring physicals for volunteer firefighters, the Board requested that the new contract contain language providing free physicals for the volunteer firefighters in Eureka County. Ms. Agnew promised to look into it and felt the health provider portion of the physicals could be supplied at no cost, but actual costs for lab and x-ray would have to be recovered.

Seven-day 24-hour health coverage was discussed and Commissioner Fiorenzi requested stronger contract language outlining this coverage. Ms. Agnew relayed that improvements were made over the past year, but stringent language guaranteeing 100% coverage would be unreasonable. Chairman Ithurralde noted that the contract stated, "*every effort will be made to ensure availability will be provided during all clinical hours; after hours and on weekends...*" and agreed that this was a reasonable expectation for the rural clinics.

Commissioner Fiorenzi motioned that the contract be amended to include the volunteer firefighter physicals, and that upon review by the District Attorney to verify that the contract terms were the same as the previous fiscal year, the Chairman be authorized to sign the Fiscal Year 2009-2010 contract outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

## **APPROVAL OF PARCEL MAPS**

Section 4; Township 21 N; Range 54E: Jim Gallagher, Gallagher Farms and J & T Farms, explained that one pivot corner is being parceled for Travis Gallagher and another corner is being parceled for a possible sale of property. The appropriate water rights dedications have been arranged. It was noted that the water rights dedications are now indicated on the maps with a jurat. Commissioner Fiorenzi motioned to approve both parcel maps as presented; Commissioner Page seconded the motion; motion carried 3-0.

Section 5; Township 21 N; Range 54E: This parcel map was included and approved with the previous motion.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

Board Vacancy: Chuck Henry, Crescent Valley Town Advisory Board (CVTAB) Chairman, reported that the advertising effort to fill the vacancy on the CVTAB has been unsuccessful. Mr. Henry relayed that the CVTAB members are recommending that the advertisement be closed and the vacancy be filled during the next election process (2010). The CVTAB will continue to function with the current four members. The Commissioners agreed to cease advertisement.

## **EUREKA COUNTY CLERK AND TREASURER**

July 2009 Treasurer's Report: The Board reviewed the July 2009 Treasurer's Report. Commissioner Fiorenzi asked why the Treasurer's Report and the Auditor's Report varied. Jackie Berg, Clerk & Treasurer, explained that County revenues are received by the Treasurer's

office and posted immediately; these transactions must also be posted on the Auditor's side, reflecting the check-and-balance system in County government. This secondary posting usually occurs several days later, completing the cycle and bringing both offices into balance. There were no further questions.

## **COMMISSIONERS**

Update Reports: Commissioner Fiorenzi reported that he spoke with some volunteer fireman since the last Board meeting. Chairman Ithurralde reported that he attended a meeting with the Cooperative Extension Educator on August 11<sup>th</sup>; a Nevada Association of Counties (NACO) Board of Directors meeting on August 14<sup>th</sup>; a Senior Citizens Advisory Board meeting; and a meeting with representatives from the Department of Energy and State Emergency Management personnel regarding handling of nuclear waste shipments on I-80. The NACO Annual Conference is scheduled for September 13-16, 2009, in Lake Tahoe.

Lettering and Decals for County Fire Equipment: Mr. Damele provided three different decal designs for County Fire Equipment for consideration by the Commissioners. The Board discussed various options, as well as striping and color of the trucks. Sam Hicks, Nevada Division of Forestry (NDF) and Eureka County Battalion Chief, reported that he has been informed by his NDF supervisors that NDF lettering and decals should remain on all of the trucks. Mr. Damele relayed that the trucks are County owned and it is not NDF's decision. Mr. Damele and Mr. Hicks will contact the State Forester regarding the decal dispute. Further consideration of this item was tabled until September 4<sup>th</sup>.

Water Tenders: Commissioner Fiorenzi explained that he requested an agenda item to consider placement of the newly purchased water tenders and to consider possible modifications to the water tenders, because the Diamond Valley Volunteer Fire Department was not satisfied with the pump on the new truck. Public Works provided background information regarding modifying the water tenders into "tactical water tenders" pursuant to the National Wildfire Coordinating Group standards, but Mr. Damele explained that the water tenders were originally purchased as support vehicles and not as tactical water tenders. The Board decided to table consideration of this item to the September 4<sup>th</sup> meeting, and directed the Clerk to send a letter to Terry Conaway, Diamond Valley Fire Chief, requesting his attendance at the meeting and participation in the discussion. Mr. Hicks reported that the light packages for the tenders have been ordered and will be installed once they are received.

Placement of Water Tenders: The Board agreed, and Mr. Hicks concurred, that the water tenders should be utilized immediately once they are ready for service, so the Commissioners agreed to place the tenders, reserving the right to change location after further discussion regarding these units. Commissioner Fiorenzi motioned to place a water tender in Beowawe and a water tender in Diamond Valley as soon as the units are ready for service; Commissioner Page seconded the motion; motion carried 3-0.

Co-Sponsor of 2010 NACo Conference: (*This agenda item was addressed under the Finance section of the agenda*). Chairman Ithurralde reminded the Board that the funds for co-sponsoring the 2010 National Association of Counties (NACo) Conference were budgeted during the Fiscal Year 2009-2010 budget process. Washoe County is hosting the conference, and the co-sponsorship amount of \$5,000.00 is paid to the Community Foundation of Western Nevada, a charitable foundation. Commissioner Fiorenzi motioned to approve Eureka County co-sponsoring the 2010 NACo Conference in the amount of \$5,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Agreement with Washoe County for 2010 NACo Conference: An agreement with Washoe County for the 2010 NACo Conference and Exposition co-sponsorship was provided for the Board to consider. Commissioner Fiorenzi made a motion to sign the agreement with Washoe County for co-sponsorship; Commissioner Page seconded the motion; motion carried 3-0. A line for the signature of Ted Beutel, District Attorney, was included on the agreement. Mr.

Beutel reviewed the agreement and noted that he had concerns regarding an indemnification clause. Mr. Beutel informed the Board that this type of sponsorship is geared more toward private companies promoting a product as opposed to public agencies. The Board agreed to table signing the agreement, review and reconsider the language, and take final action at the September 4<sup>th</sup> meeting.

Mount Hope Project: Mr. Damele met with Tim Arnold, Eureka Moly General Manager, on August 14<sup>th</sup>, and County participation in the subdivision construction was discussed. Eureka Moly is requesting that the County provide off-site utilities including water, sewer, power, phone, cable, Highway 50 access, sewer pond upgrade, and a reinforced concrete bridge box below the Clark property. Mr. Damele is gathering cost estimates for a new well for the subdivision, sewer line, waste water treatment facility upgrades, and the highway intersection accesses. Preliminary estimates total \$6.1 million, and Mr. Damele expects that number to increase as more defined utility costs are obtained; he will meet with Mount Wheeler Power the following week to discuss power service costs. Mr. Arnold concurred that the initial estimates appear accurate, and stated that Eureka Moly could help stage the NDOT (Nevada Department of Transportation) highway accesses and waste water treatment facility upgrade, adding that it would be helpful to create a timeline so all parties know when the monies will be spent. Commissioner Fiorenzi requested that an email, received from Mr. Arnold outlining the proposal from Eureka Moly, be included in the body of these minutes:

August 4, 2009

Eureka Moly proposes the following as a basis for a development agreement between Eureka Moly and the County:

- ◆ Eureka Moly and the County enter into an Option to Purchase Agreement giving Eureka Moly an option to purchase the 90 acre Eureka Canyon Subdivision. The purchase price, the date for exercising the purchase option and the terms and conditions of the option are to be discussed.

- ◆ The purchase document will set forth the work to be performed by each party in developing the Subdivision. The scope of work and timing of the work to be as follows:

1. Work to be performed by Eureka Moly and the County

A. Eureka Moly agrees to perform the following work (the "Work") at the Site.

1. Eureka Moly will complete the following infrastructure improvements within the boundaries of the Site as said Site is depicted and described in Exhibit (blank intentional), attached hereto and by this reference incorporated herein:

- a. Installation of water and sewer connections to the Property Boundary of the Site;
- b. Construction of curbs and gutters;
- c. Scarification of subgrade, recompaction of road beds;
- d. Placement of road base material;
- e. Asphalt paving of roads;
- f. Preparation of building sites (rough grading);
- g. Installation of lot utilities, including water, sewer lines, phone lines, and underground electrical lines; and

h. Major earthwork including culverts, rip rap, fencing and construction of basins and ditches.

i. Demolition of old animal stray pound and construction of a new stray animal pound onto the County's selected site; Eureka Moly will pay for this new construction with a scope similar to the old facility; upgrades to this facility beyond the same scope will be paid by the County.

2. Eureka Moly shall commence its Work within sixty (60) days of the occurrence of the following events:

- a. Eureka Moly determines, in its sole discretion, to purchase the 90-acre site at any time during the option term and clear title has been transferred to Eureka Moly;
- b. Eureka Moly has received, or has received adequate assurances from a third party(ies) that it will receive sufficient funds or financing for the construction of the Mt. Hope Project, the determination of which is in Eureka Moly's sole determination;
- c. Eureka Moly has received, or reasonably expects to receive, the Record of Decision ("ROD") for the Mount Hope Project from the Bureau of Land Management ("BLM") and

- all appeals have been exhausted and any litigation concerning the ROD has been concluded so that construction of the Mt. Hope Project may commence;
- d. All remaining State and Federal permits have been received that are necessary for the construction and operation of the Mt. Hope Project; and
- e. All appeals of the Nevada State Engineer's Ruling Number 5966 have been exhausted and the Ruling upheld in all respects.
- f. Eureka Moly shall provide written Notice to County that the events set forth in Section 1.A.2 a through e are resolved to Eureka Moly's satisfaction. Upon providing said Notice, Eureka Moly shall promptly commence its Work as described in Section 1.A.2.

B. The County agrees to perform the following Work in relation to the Site:

1. County shall construct and complete all necessary infrastructure improvement to the Site to accommodate the Development at the Site, including:
  - a. All sewer line design and construction from the Property Boundary at the Site to the County treatment facility;
  - b. All necessary sewer pond improvements to adequately treat sewage from the Site;
  - c. All upgrades from the Site to the County's water distribution system;
  - d. Design and construction of additional water storage to adequately meet the water needs at the Site;
  - e. Design and construction of all waterline upgrades along Ridgetop road and from Hogpen Canyon booster station to the Site;
  - f. Design, permitting, and construction of improved highway access to the Site as required by the Nevada Department of Transportation.
2. Upon receiving Notice from Eureka Moly, as provided in Section 1.A.2.f, the County shall promptly commence its Work and diligently proceed with completion of the Work.

[Eureka Moly, LLC]

Chairman Ithurralde would like to hold a public hearing concerning the subdivision and the requests put forth by Eureka Moly. Commissioner Fiorenzi suggested that the lease agreement should be re-evaluated by the District Attorney to determine if the mine is in default or if the agreement should be renegotiated, that the Public Works Director finish the cost estimates for the requested services, and that a public meeting be scheduled once these are accomplished. The Board asked Jim Evans, Community Development Coordinator, to develop a slide show presentation for the meeting. It was decided that an open house format would be preferable and the Board scheduled this for 7:00 p.m. on September 21<sup>st</sup> at the Eureka Opera House.

Mr. Arnold informed the Board that Eureka Moly is holding an open house in Crescent Valley on September 29<sup>th</sup>. Mr. Evans reported that a Eureka Townsite Annexation Advisory Committee meeting will be held for Master Plan Update purposes, and Mr. Arnold will attend to provide information on the subdivision.

**PUBLIC COMMENT**

Chairman Ithurralde called for public comments; there were none. The Chairman noted that due to the Labor Day holiday, the next Board meeting is scheduled for September 4<sup>th</sup>.

**ADJOURNMENT**

At 3:39 p.m., Commissioner Fiorenzi made a motion to adjourn the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 4<sup>th</sup> day of September, 2009

/s/ J.P. Ithurralde  
J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg  
Jackie Berg, Clerk