

1 The Honorable Board of Lander County Commissioners met in regular session in the courtroom
2 of the Austin Courthouse at 122 Main St, Austin Nevada, on June 13, 2019 at 10:00 a.m.

3
4
5 **PRESENT: PATSY WAITS, CHAIRMAN**
6 **KATHLEEN ANCHO, VICE CHAIRMAN**
7 **JUDIE ALLAN, COMMISSIONER**
8 **BRYAN SPARKS, COMMISSIONER**
9 **ART CLARK III, COMMISSIONER**
10 **KEITH WESTENGARD, COUNTY MANAGER**
11 **THEODORE HERRERA, DISTRICT ATTORNEY**
12 **ANNA PENOLA, COUNTY BUILDING OFFICIAL**
13 **BURT RAMOS, PUBLIC WORKS DIRECTOR**
14 **KYLA BRIGHT, PLANNING COORDINATOR**
15 **CINDY BENSON, COUNTY FISCAL OFFICER**
16 **TASHA SILL, CLERK'S OFFICE EXECUTIVE SECRETARY**
17 **MOLLY GONZALEZ, ASSISTING CLERK**
18 **LAKEN SULLIVAN, COUNTY ACCOUNTANT (Via Teleconference)**

19
20 *(Let the record reflect the presence of a quorum of five commissioners. Let the record reflect the*
21 *presence of Battle Mountain via teleconference.)*

22
23 Chairman Waits called the meeting to order.

24
25 Commissioner Clark led the Pledge of Allegiance.

26
27 Chairman Waits called for a moment of silence.

28
29 **COMMISSIONER REPORTS**

30
31 Commissioners Allan and Sparks had nothing to report, as well as Vice Chairman Ancho.
32 Commissioner Clark stated that he attended the PLUAC meeting and updated the board on a two
33 hour presentation on the use of drones in underground mining and in measuring grasses and
34 shrubs. He also stated that they found gold at the bottom of Grass Valley and the project is
35 projected to be as big as Cortez. Commissioner Clark passed around a plaque with the Second
36 Amendment on it.

37
38 Chairman Waits updated the board on advisory board vacancies. She stated that with the loss of
39 Frank Whitman that brings the Austin Airport board to only two members for July and they are
40 also in need of an alternate. Chairman Waits also informed the upcoming NACO conference will
41 be discussing bills and budget info affecting us.

42
43 Commissioner Clark had an additional report that the Clark County Sheriff's office signed on
44 with the other counties on the Second Amendment, making that a total of all seventeen counties.

Commissioner Allan asked Commissioner Clark if the 291 Second Red Flag Law had been signed by the Governor. Clark stated that he did not know, Chairman Waits also stated not knowing.

Commissioner Clark lastly commented that there was not any info on the Domestic Well Meters.

STAFF REPORT

Keith Westengard stated that Kingston received the new fire truck this week. They will start spraying for mosquitos in Southern Lander tomorrow and they have a stockpile of Mormon cricket bait if need be.

Chairman Waits asked Mr. Westengard if they had anything in regards to the Austin swimming pool. He stated that they have only gotten one application for the lifeguard position and it was a minor, and that they have advertised four times. Chairman Waits stated that they possibly may need to get someone from Battle Mountain to fill in as it would be a shame if they couldn't open.

PUBLIC COMMENT

Dee Helming apologized regarding a statement she made during the last meeting that she believes was heard.

CONSENT AGENDA

Chairman Waits read through the list of minutes, item numbers 2-8.

There are not any minutes to approve at this time. So item numbers 2-8 were pulled.

Commissioner Allan stated that #1 the Approval of agenda notice should say June 13, 2019.

Commissioner Allan made a motion to approve the agenda notice with the correction.

Commissioner Sparks seconded. Approved.

Chairman Waits pulled Consent Agenda #9 payment of the bills:

Check #203239, for Commissioner Allan. Vice Chairman Ancho motioned, Commissioner Sparks seconded. Commissioner Allan abstained. Voted and carried.

Check #203380, for Chairman Waits' travel expenses. Vice Chairman Ancho motioned, Commissioner Allan seconded. Chairman Waits abstained. Voted and carried.

Check #203383, for Commissioner Sparks. Vice Chairman Ancho motioned, Commissioner Allan seconded. Commissioner Sparks abstained. Voted and carried.

Chairman Waits: "I need a motion for the balance of the payment of bills." Commissioner Allan so moved the motion. Vice Chairman Ancho seconded. Voted and carried.

APPROVED

91
92 **COMMISSIONERS**
93

94 **(1) Discussion and possible action to approve/disapprove the following union**
95 **contracts:**

- 96 **1. General Employees,**
97 **2. Lander County Sheriff's Association,**
98 **3. Lander County Law Enforcement Employees Association.**
99 **And all other matters properly related thereto.**

100 10:15 a.m.

101
102 Mr. Westengard pulled the item, tabled till next meeting.

103
104 **PUBLIC COMMENT**
105

106 No public comment.
107

108 **(2) Discussion and possible action to approve/disapprove the demolition of and**
109 **whether to rebuild the Lander County Building previously used by the**
110 **Austin Youth Center located at 67 Main St. Austin, NV 89310, and all other**
111 **matters properly related thereto.**

112 10:16 a.m.
113

114 Anna Penola updated the board regarding the Austin Youth Center. Penola stated that Mega
115 Crane came and removed the bell and it is being stored at the old Road and Bridge shop. Penola
116 said that the building is not in good shape and it is up to the board to decide what to do.
117 Chairman Waits asked if the items inside the building have been removed. Penola said no the
118 items are still in there but the bell is stored and safe.

119 Mr. Westengard stated that the building is in a historical district and there are certain
120 documentation and pictures that will be required if they decide to demolish the building. They
121 will use pictures provided by Dee Helming to make a sign.

122 Commissioner Allan asked who owns the building, if there is a rental or a nonprofit.

123 Penola stated that it is owned by Lander County and it is not as a nonprofit.

124 Commissioner Allan stated that she would like to see the building be rebuilt and wants an
125 estimate.

126 Chairman Waits stated that there was a community meeting and the community would like to see
127 the building stay. Waits stated that they have had structural inspections and that building should
128 be demolished per the inspection. She reminded that even though they have said to demolish,
129 that is what they stated on the Catholic Church and they were able to rebuild and maybe they
130 could get grants with a 501C3. She would also like to see if they could keep the original façade.
131 Penola stated that Phil Marshall owns the land next to it and he would donate it if they decide to
132 rebuild.

133 Vice Chairman Ancho inquired on preserving it as a historical site and to build a youth center
134 somewhere else, as she believes they are two different things. She thinks a youth center needs to
135 be done sooner.

Commissioner Allan stated that she agreed with finding the youth center a home. If they decide to rebuild she would like to use some of the original parts of the building and keep the façade looking the same.

Chairman Waits stated that Austin is limited to where they would be able to put it.

Vice Chairman Ancho stated that they need to get their 501C3 done.

Commissioner Allan reminded the board that the agenda only states the decision on the demolition of the building.

Commissioner Clark asked Bert Ramos if the county has any available land.

District Attorney Herrera informed Clark that they cannot discuss this due to not being agendized.

PUBLIC COMMENT

Ray Williams stated that he would like to see the building preserved and maybe restore it back to the fire house. He would also like to have a recreation or community center.

Chairman Waits stated that they could possibly get another opinion with a historical engineer.

Commissioner Allan agreed that they could try the historical engineer. Allan asked Anna Penola how much they have spent on structural surveys.

Penola stated about \$3,000.

Commissioner Sparks stated that he thinks they should try and keep the building but make it cost effective.

Penola stated that the building is unsafe and that the engineers say to rebuild.

Commissioner Clark stated he thinks a new building with the original front but build to code.

Chairman Waits stated maybe rebuild with what they can keep or restore from the original building.

Dee Helming stated that it took them four hours to take down the bell. The structural report said that it was attached by only four bolts but it was hard to get down. She stated that they were yanking and pulling and the building didn't move the whole time and she believes if it was in bad shape it would have fallen.

Penola stated again that the building is very unsafe.

Dee informed the board that they are working on getting the 501C3 and agrees that they should get another engineer to evaluate it.

Ray Williams stated that they ring the bell on certain events and they miss the bell and would like it back.

Commissioner Allan made a motion to contract with a historical engineer to evaluate the building. Commissioner Sparks seconded. All in favor. Voted and carried.

APPROVED

Took a break till 10:48 a.m.

Chairman Waits called the meeting back to order.

180 **(3) Discussion and possible action regarding a presentation to Frank Whitman,**
181 **and all other matters properly related thereto.**

182 10:48 a.m.

183
184 Chairman Waits stated that Frank Whitman is resigning from the PLUAC board.

185 Commissioner Clark stated that he has worked with Frank for years, and presented him with a
186 plaque of dedication. The board thanked Mr. Whitman for all of his years of service and
187 dedication.

188 Commissioner Allan stated that Mr. Whitman's leaving will be a loss to the community, and that
189 he does many things for the county, and will be greatly missed.

190
191 **PUBLIC COMMENT**

192
193 No public comment.

194
195 **(4) Discussion and possible action regarding direction to take on the Austin**
196 **Rodeo Grounds, and all other matters properly related thereto.**

197 10:51 a.m.

198
199 Mr. Westengard stated that the current board for the rodeo has been disbanded and he would like
200 to know if the board would like to advertise for a new board or if the county would like to take
201 this over.

202 Chairman Waits stated that she would like to hear from the community and asked how long it
203 has been disbanded. Mr. Westengard stated five months.

204 District Attorney Herrera stated that the county had a lease with a committee that had a 501C3
205 and that this was separate from the advisory board.

206
207 **PUBLIC COMMENT**

208
209 Ray Williams updated the board on the history of how the rodeo grounds, clubs, and committee
210 came to be and how it was used. He stated that he thinks they still need to have this.

211 Mr. Westengard asked how they would like to structure it and what exactly they need.

212 Mr. Williams stated that the Public Works Department has been maintaining the grounds.

213 Commissioner Sparks stated that he thinks they should try and get an advisory board.

214 District Attorney Herrera stated that they need to decide if the county is going to run it or lease it
215 to a committee that has the 501C3.

216 Commissioner Allan stated that she would like to see the county run it until they can find a
217 501C3. They can put the word out to Austin and maybe even have one representative from
218 Austin be part of the Battle Mountain Rodeo Grounds board.

219 Gail Utter asked the board if people are allowed to use it.

220 Mr. Westengard stated that as of right now the county has the rodeo grounds closed due to
221 liability until further direction of the board.

224 County Manager Westengard, Gail Utter, and Chairman Waits made the following comments on
225 record:

226 Mr. Westengard: "The water is off there, there is nothing there to use."

227 Gail Utter: "You said there is an event coming through there this weekend?"

228 Mr. Westengard: "They are using it for a check in."

229 Gail Utter: "Who is reliable for that?"

230 Mr. Westengard: "They talked to me, all they are using it for is a check in and water. That is it."

231 Gail Utter: "Ok, now I believe you have a group coming in?"

232 Chairman Waits: "Yes, that's been approved by and already been on the agenda, it's been
233 approved. That's the military group in September."

234
235 Ray Williams stated that the board was suspended due to fees.

236 Bert Ramos informed the board that all of the animals have been moved out of town and kids
237 here do not have anything to do and would like to see 4H be able to use it.

238 Mr. Westengard stated that if the board would like the county to oversee it he will get with
239 District Attorney Herrera to come up with an agreement.

240 Chairman Waits stated that it doesn't seem like there is much other choice than the county to
241 take over so it can be utilized until a 501C3 takes over.

242 Commissioner Allan stated that if they do allow someone to lease it then they need to make
243 stipulations to allow everyone to use.

244 Ray Williams stated that Pony Express is coming through this weekend and they have animals
245 and will need water.

246 Mr. Westengard stated that the county will get the water turned back on and that the reason the
247 water had been turned off was due to a water bill received for \$100,000.

248 Kim Schacht asked what the limit was on how long you can keep animals there.

249 Chairman Waits asked if they want to put this back on the agenda to discuss this issue and the
250 charges and fees and who will be collecting.

251 Commissioner Allan stated that she does not agree with the rates in Battle Mountain and would
252 like to discuss the fees and who will be collecting.

253 Chairman Waits stated that until this gets back on the agenda they should use the rates that were
254 established through the prior third party, and fees are to be collected by Miteshell.

255 Commissioner Allan made a motion to approve the rates to be used and manner of collecting fees
256 as discussed. Commissioner Sparks seconded. All in favor. Voted and carried.

257 **APPROVED**

258
259
260 **(8) Discussion and possible action with regard to this boards' prior decision on**
261 **March 28, 2019 wherein the Lander County Board of County Commissioners**
262 **deemed it to be in the best interests of Lander County and of the Lander**
263 **County combined Sewer and Water District #2 that said District be merged,**
264 **consolidated or dissolved. That the Lander County Board of County**
265 **Commissioners need to discuss the response from the District to a letter sent on**
266 **April 4, 2019 by the County Manager and take action on whether to proceed**
267 **pursuant to NRS 318.490 and enact an ordinance that allows for the merger,**
268 **consolidation or dissolution of the District after the required procedures are**

269 followed or whether to allow the District to continue as such without further
270 action by the Lander County Board of County Commissioners, and all other
271 matters properly related thereto.

272 11:12 a.m.

273
274 Chairman Waits stated that a letter was sent out to the district regarding this issue. Waits read the
275 letter of response on the record. Chairman Waits stated that they would like to keep the board
276 active and suggested a public meeting regarding if they should keep the board or not.
277 Commissioner Allan stated that she agreed with Waits. Commissioner Sparks agreed as well.

278
279 **PUBLIC COMMENT**

280
281 Commissioner Clark asked for public comment on what the water rates currently were. Dee
282 Helming stated the monthly rate was under \$60 and the commercial is \$70 unless you go over on
283 the sewage then it is more.

284 Commissioner Allan made a motion to have a community meeting with the residents of the
285 south.

286 Chairman Waits stated that they could schedule a meeting and inquired on how many
287 commissioners they would need.

288 District Attorney Herrera stated that as long as not more than two commissioners come they
289 don't need to follow the open meeting law.

290 Commissioner Allan and Chairman Waits volunteered to conduct the meeting. The meeting with
291 the Austin residents and business owners will be held Monday, June 24, 2019 at 6:00 p.m. with
292 the Austin courthouse as the location.

293 Commissioner Allan motioned, Vice Chairman Ancho seconded. All in favor. Voted and carried.

294 **APPROVED**

295
296 **(6) Discussion and possible action to approve/disapprove a renewal proposal**
297 **from the Nevada Public Agency Insurance (POOL) and approval of**
298 **payment in an amount not to exceed (\$390,321.06) as presented by**
299 **Wayne Carlson, and all other matters properly related thereto.**

300 11:27 a.m.

301
302 Allen Kalt on behalf of Wayne Carlson, representing the POOL/PACT, addressed the board on
303 the programs they provide to all members, gave a quick overview of the services, and thanked
304 the board for their support.

305 Chairman Waits stated that he usually has amounts listed on the printout. Kalt stated that the
306 rates went up due to the payroll increase from 154 to 165 employees, and number of autos from
307 180 to 188. He stated that this renewal's premium is less than the rates were as of 2017.

308 Commissioner Allan made a motion. Vice Chairman Ancho seconded. All in favor. Voted and
309 carried.

310 **APPROVED**

311
312 **PUBLIC COMMENT**

313 No public comment

314
315 Took a break till 11:43 a.m.

316 Chairman Waits called the meeting back to order.
317

318 **(7) Presentation from Sean Gephart of the Nevada Department of**
319 **Agriculture on noxious weeds, and all other matters properly related**
320 **thereto.**

321 11:43 a.m.
322

323 Sean Gephart stated that any weed that is a public nuisance is a noxious weed. Noxious weeds
324 are invasive weeds that need controlled. He stated that there are 11 weed districts and that seven
325 new species have been added, three from northern Nevada. NRS555150. Mr. Gephart then read
326 through his power point presentation for the record.
327

328 **PUBLIC COMMENT**

329 No Public comment
330

331 **(5) Update presented by Summit Engineering on the Austin Realignment**
332 **Project, and all other matters properly related thereto.**

333 12:04 p.m.
334

335 Chairman Waits stated for the board that this is an update for the board only and that any
336 community members that would like to discuss this in further detail can stay after this meeting
337 for a community meeting with Larry Grube and Kyla Bright.

338 Larry Grube of Summit Engineering stated that on or around April 1, 2019 he sent MRPM parcel
339 map numbers 2-14 to Kyla Bright for comments. He has drafted up to number 24, and gotten the
340 packages for MRPM numbers 2-9 sent out. He will get numbers 10-14 out in the next few weeks.
341 Larry handed out copies of the MRPM maps to the board and offered to anyone in attendance
342 that would like one. Grube updated the board on how these maps were done and how this has
343 been proceeding. Mr. Grube stated that he will go through the comments with Kyla to correct
344 anything.

345 Chairman Waits asked the estimation date of when Mr. Grube will be through with this.
346 Larry Grube stated in the next couple of months.
347

348 **PUBLIC COMMENT**

349 No public comment
350

351 **PUBLIC WORKS**
352
353

354 **(9) Discussion and possible action to approve/ disapprove the Austin 2019**
355 **micro slurry project in an amount not to exceed \$300,000, and all other**
356 **matters properly related thereto.**

357 12:12 p.m.
358

Bert Ramos stated they only received one bid from Sierra Nevada Construction in the amount of \$239,007.00, which comes in under budget and will seal every paved road in Austin. It goes down really fast and will be done by the end of the budget year.

Chairman Waits asked how long this seal lasts.

Mr. Ramos stated generally three to five years. Typically three years up here in Austin due to snow.

Commissioner Clark made a motion to approve. Commissioner Sparks seconded. All in favor. Voted and carried.

APPROVED

PUBLIC COMMENT

No public comment

FINANCE

(10)Discussion and possible action to approve/disapprove Resolution 2019-06 to Augment FY 18-19 Budget for the Airport Capital Improvement Fund 380, and all other matters properly related thereto.

12:16 p.m.

Commissioner Allan read through Resolution 2019-06 and made a motion to approve. Commissioner Sparks seconded. Chairman Waits stated that Commissioner Allan read through the resolution and made the motion, Commissioner Sparks seconded, and asked if there was any public comment. All in favor. Voted and carried.

APPROVED

PUBLIC COMMENT

No public comment

(11)Discussion and possible action to approve/disapprove Resolution 2019-07 Directing Apportionment of Net Proceeds received in the month of May 2019, and all other matters properly related thereto.

12:17 p.m.

Commissioner Allan read through Resolution 2019-07 and made a motion to approve. Commissioner Sparks seconded. Chairman Waits stated that Commissioner Allan read through the resolution and made a motion, Commissioner Sparks seconded, and asked for any public comment. All in favor. Voted and carried.

APPROVED

PUBLIC COMMENT

No public comment

404
405 (12)Update from Lander County Fiscal Officer, and all other matters
406 Properly related thereto.
407 12:21 p.m.
408

409 Cindy Benson updated the board on the miscellaneous fees collected and outstanding balances
410 for the 3rd quarter.
411

412 **PUBLIC COMMENT**

413 No public comment
414

415 (13)Correspondence/reports/potential upcoming agenda items.
416 12:25 p.m.
417

418 Keith Westengard stated that he would be bringing the hangar contract for the airport, union
419 contracts, Rodeo Planning Committee, and board vacancies before the next commissioner
420 meeting. He will also re-advertise for any of the board vacancies.
421

422 **PUBLIC COMMENT**

423
424 Ray Williams addressed the board regarding the community being concerned about the pool.
425 Chairman Waits informed him that they have only had one applicant so far but they are doing
426 everything they can to get the pool open. They may see if someone from Battle Mountain can
427 come over but they are recently shorthanded also.


428 Kim Schacht updated the board that they have signed on a new EMT and they are having a
429 pediatric instructor come do some summer CPR classes.
430

431 **ADJOURNMENT**

432
433 There being no further business before the Commission at this time, Commissioner Bryan Sparks
434 moved to adjourn the meeting of June 13, 2019. Seconded by Commissioner Judie Allan, the
435 motion was voted and carried. **ADJOURNED.**
436

437
438
439
440
441
442 ATTEST:


LANDER COUNTY CLERK
443
444
445


CHAIRMAN OR VICE CHAIRMAN OF
THE BOARD OF LANDER COUNTY
COMMISSIONERS