

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on October 24, 2019, at 8:59 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.
6

7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **ART CLARK III, COMMISSIONER**
9 **JUDIE ALLAN, COMMISSIONER**
10 **KATHLEEN ANCHO, COMMISSIONER**
11 **KEITH WESTENGARD, COUNTY MANAGER**
12 **SADIE SULLIVAN, COUNTY CLERK**
13 **THEODORE HERRERA, DISTRICT ATTORNEY**
14

15
16 (Let the record reflect the presence of a quorum of four
17 commissioners.)
18

19 CHAIRMAN WAITS: We are going to call the meeting to order.
20 The Lander County Commissioners' meeting, Town Board of Battle
21 Mountain and Austin, Board of County Highway Commissioners for
22 October 24, 2019.

23 And, Art, if you would lead us in our salute to our flag.
24 If you'd all rise, please.
25

26 (Pledge of Allegiance)
27

28 CHAIRMAN WAITS: Thank you. A warm welcome to everyone
29 that's joining us today.

30 And we ask you now that we'd like you to join us with a
31 moment of silence, please.
32

33 (Moment of silence)
34

35 CHAIRMAN WAITS: Thank you.

36 Lander County Commissioners may break for lunch from 12:00
37 noon to 1:15 p.m. Any agenda item may be taken out of order,
38 may be combined for consideration by the public body, and items
39 may be pulled or removed from the agenda at any time.
40

1 **COMMISSIONER REPORTS**

2
3 CHAIRMAN WAITS: We are going to begin with our
4 commissioners' reports on meetings, conferences, and seminars
5 attended.

6 And Commissioner Art, we'll start with you. Have you
7 attended anything the last couple --

8 COMMISSIONER CLARK: No.

9 CHAIRMAN WAITS: -- of weeks?

10 COMMISSIONER CLARK: No meetings. But I did forget one
11 thing from the state lands meeting.

12 A while back, NDOW put cutthroat trout in the Reese
13 River at the headwaters. Within a couple of weeks, there was a
14 lawsuit filed against ranching in the Reese River Valley.
15 Ranchers were given notice that they had 72 hours to vacate their
16 pastures.

17 So unintended consequences from something really, really
18 good.

19 Yeah. Yeah.

20 I forgot that -- to report that last time.

21 So I don't know what the ran- -- you know, every time you
22 turn around, the ranchers are just getting dinged.

23 So that's something I forgot.

24 CHAIRMAN WAITS: Thank you.

25 Commissioner Allan?

26 COMMISSIONER ALLAN: So on the 18th, I did attend the NACo.
27 Not a whole lot on there. I know -- I'm going to leave it to
28 Patsy to give us an update on the sage grouse.

29 CHAIRMAN WAITS: Kathy?

30 COMMISSIONER ANCHO: I attended the Battle Mountain General
31 Hospital Board meeting. Most of the stuff was normal business.
32 But the one thing that keeps coming up for discussion is the
33 clinic -- the clinic in Kingston and what they're going to do
34 with it. That's a huge issue. And --

35 CHAIRMAN WAITS: You know what? Excuse me. Without Bryan,
36 we totally forgot Austin.

37 KEITH WESTENGARD: Uh-oh.

38 CHAIRMAN WAITS: Oh.

39 COMMISSIONER ANCHO: Oh. Uh-oh.

40 CHAIRMAN WAITS: How could I do that --

1 KEITH WESTENGARD: How could --
2 CHAIRMAN WAITS: -- for --
3 KEITH WESTENGARD: -- you do that?
4 CHAIRMAN WAITS: Forgive me. I have no idea --
5 COMMISSIONER ANCHO: All right.
6 CHAIRMAN WAITS: She --
7 COMMISSIONER ANCHO: So I'll --
8 CHAIRMAN WAITS: -- said --
9 COMMISSIONER ANCHO: -- be quiet --
10 CHAIRMAN WAITS: -- "Kingston" --
11 COMMISSIONER ANCHO: -- till you get her --
12 CHAIRMAN WAITS: -- and I --
13 COMMISSIONER ANCHO: -- on --
14 CHAIRMAN WAITS: -- I went, --
15 COMMISSIONER ANCHO: -- there.
16 CHAIRMAN WAITS: -- "Oh, no."
17 COMMISSIONER CLARK: You're just too busy, Patsy.
18 CHAIRMAN WAITS: I -- yes. I'm not used to doing this.
19 Kathy, do you know how to do --
20 COMMISSIONER ANCHO: And tell her --
21 CHAIRMAN WAITS: -- this one?
22 COMMISSIONER ANCHO: I have no idea. Bryan always --
23 CHAIRMAN WAITS: Kathy?
24 COMMISSIONER ANCHO: -- does it.
25 CHAIRMAN WAITS: We're going -- okay. We're going off the
26 record --
27 UNIDENTIFIED PARTICIPANT: I just did --
28 CHAIRMAN WAITS: -- for just --
29 UNIDENTIFIED PARTICIPANT: -- the --
30 CHAIRMAN WAITS: -- minute so --
31 UNIDENTIFIED PARTICIPANT: -- (indiscernible) --
32 CHAIRMAN WAITS: -- we don't --
33 UNIDENTIFIED PARTICIPANT: -- (indiscernible).
34 CHAIRMAN WAITS: -- have to keep recording this.
35
36 (Contacted Austin by telephone. Let the record reflect the
37 presence of Austin via teleconference at 9:03 a.m.)
38
39 CHAIRMAN WAITS: Our -- our apologies. We -- we did the --
40 we did the Pledge of Allegiance without you. So Bryan isn't

1 here this morning and we -- we weren't on top of it. So our
2 apologies.

3 We're going bring us back to -- to order.

4 And Kathy is giving us a report on the Kingston Clinic --

5 COMMISSIONER ANCHO: Yeah.

6 CHAIRMAN WAITS: -- for the Battle Mountain Hospital.

7 Thank you. Go --

8 COMMISSIONER ANCHO: So --

9 CHAIRMAN WAITS: -- ahead, Kathy.

10 COMMISSIONER ANCHO: Yes.

11 So the idea is to, I think, to try to turn the clinic over
12 to Rural -- what is the name of that? We were just talking --

13 CHAIRMAN WAITS: Nevada Rural Health Centers?

14 COMMISSIONER ANCHO: Nevada Rural -- Nevada Rural Health
15 Centers.

16 We didn't hear back from them to say -- see if they would
17 take it or wouldn't take it for telemedicine.

18 But I -- I'm adamant that we do something, the minimum of
19 telemedicine there.

20 So that's kind of a contentious thing that's going on that I
21 believe that they deserve, you know, one or two days of health --
22 telemedicine, just like Austin has one or two days.

23 Even though they don't show up for one or two days, we at
24 least have it set up that the -- they can receive the
25 telemedicine for one or two days.

26 So that is something that I'm working diligently on to make
27 sure that Kingston has some type of health care there.

28 So we trudge forward and get that figured out.

29 So that's all I have.

30 CHAIRMAN WAITS: Thank you. And the clinic? The new
31 clinic is coming along?

32 COMMISSIONER ANCHO: Oh, yes. Thank you.

33 And the -- our -- the new clinic should be, I think, if
34 it's not already open, will be open shortly. And it really is
35 very, very nice.

36 They had to redo the sidewalks and going up and make
37 everything ADA accessible. So they've done a very nice job --

38 CHAIRMAN WAITS: But it's --

39 COMMISSIONER ANCHO: -- on that.

40 CHAIRMAN WAITS: -- not open yet?

1 COMMISSIONER ANCHO: I -- I -- to my best of my knowledge
2 it is not. But if -- I -- I don't think it is. It may be. I
3 don't know if anybody's --
4 CHAIRMAN WAITS: But very --
5 COMMISSIONER ANCHO: -- gone to --
6 CHAIRMAN WAITS: -- soon.
7 COMMISSIONER ANCHO: -- the clinic.
8 CHAIRMAN WAITS: If not, --
9 COMMISSIONER ANCHO: If not -- if not -- have you --
10 UNIDENTIFIED PARTICIPANT: I went there.
11 COMMISSIONER ANCHO: So you've been in there? So --
12 UNIDENTIFIED PARTICIPANT: Uh-huh.
13 COMMISSIONER ANCHO: -- yeah. Then it's been within the
14 last week or so that it's been opened up.
15 So I haven't been in there and they hadn't said anything at
16 the last meeting. So -- so, yes, it is open. But it's not --
17 it's very nice in there. I have been in there. So --
18 CHAIRMAN WAITS: Thank you.
19 COMMISSIONER ANCHO: And that's it.
20 CHAIRMAN WAITS: Appreciate that.
21 On October 14th, I did attend the Airport Advisory Board
22 meeting in Austin. Fortunately, Kim was approved as our new
23 board member. So at least we could have a meeting because
24 our -- our chair was unable to make that.
25 We're concerned over some of the water right now that we're
26 kind of checking everything out. Seems like we have some --
27 some miscalculations or something to do with how much water that
28 we have been using and also we've got to stay on top of our
29 permit. So they're -- they're working on that one right now.
30 On the 15th, I did attend the wildlife summit in Carson City.
31 That was presented by NDOW and NDOT. And that was so interesting.
32 It's all regarding our wildlife, basically. And the quote
33 was that the cost is \$8 billion a year. That's with a "B."
34 Eight billion dollars a year, just running over wildlife. And
35 that doesn't even include some of the EMS responses and such of
36 the people.
37 So we're talking not only fatalities for our citizens,
38 we're talking, of course, a lot of fatalities for the wildlife
39 and such.
40 So with that kind of money, they decided they certainly

1 should be doing something to prevent this, anything they
2 possibly can.

3 So for the last decade, they have been working really a lot
4 in -- well, actually, for more than that, but the last decade
5 especially in the western states. Nevada certainly has stepped
6 up. I think we almost have 20 overpasses and underpasses. Some
7 of you are familiar with the ones on 93 and Elko. Because there's
8 a lot of -- of, actually, antelope and deer that that's their
9 migration pattern. So we're talking thousands of deer that come
10 down through there.

11 So they actually have a couple over there. They have --
12 they're doing another one in Wells. They're doing a big one
13 between Tonopah and Las Vegas, right at that Spring Mountain
14 area, which is really bad. And they have several that you
15 probably don't even -- are aware of. If you've gone to Carson
16 City, right around Virginia City, they actually have an
17 underpass for the horses there. And they've got two with the
18 new USA Parkway.

19 So they've been working very, very hard to do that. And
20 they said if we continue to, we certainly -- for \$8 billion of
21 the money we can save, even though the underpasses and
22 overpasses are expensive, it's just what we have to do for
23 every -- every reason.

24 And so that's -- that was a -- a very knowledgeable summit
25 of what they were doing.

26 Let's see. On the 17th, we met with a couple gentlemen.
27 Judie and -- and I both went with a couple gentlemen regarding the
28 Nevada state rail plan. And, man, they're -- they're with a -- a
29 railroad financial company that is funding a lot of this. And
30 they said -- they told us that the state had approved the plan.
31 And they're looking for different opportunities of -- of helping
32 counties or even private corporations that -- that wanted to do
33 extra rail.

34 Because one -- one rail -- actually, one train saves 27
35 trucks on the road. And it's much less expensive to -- to truck
36 by train. Do you like that? To truck by train -- to package by
37 train, to send your materials and such by -- by train than it is
38 over the road.

39 So it was a very interesting meeting. There wasn't
40 anything we could do right here. But it certainly is our -- our

1 future of things that may -- may be able to put together, if not
2 certainly close to us in the whole state.

3 On the 18th, I did have a NACo meeting, as Commissioner Allan
4 said. That was excellent. There's several things I did want to
5 highlight for you.

6 First of all, the opiate -- the opioid lawsuit is still hot
7 and heavy. Not only is there a federal one and a state one and
8 all the individual ones the counties have done, but that will be
9 back on our agenda again because we do have to take some action,
10 either pull out of the federal one because we're automatically
11 included or whatever we decide to do. So that will probably be
12 on the next agenda.

13 NACo is holding a roundtable discussion with -- regarding the
14 Nevada Supreme Court decision mandating jury trials for our -- our
15 justice courts on domestic violence. So we are holding a round
16 table. And I believe our executive director is attending that?

17 KEITH WESTENGARD: Actually Liz is going to go on behalf --

18 CHAIRMAN WAITS: Who's --

19 KEITH WESTENGARD: -- of --

20 CHAIRMAN WAITS: Who's going to go?

21 KEITH WESTENGARD: Liz Barela.

22 She's going to go as -- for --

23 CHAIRMAN WAITS: Our HR?

24 KEITH WESTENGARD: -- the DA's --

25 CHAIRMAN WAITS: Okay.

26 KEITH WESTENGARD: -- office as well --

27 CHAIRMAN WAITS: Great.

28 KEITH WESTENGARD: -- as the HR side of it.

29 CHAIRMAN WAITS: Great. Because we need the representation
30 most certainly.

31 The other thing was -- and I had mentioned it before --
32 NACo was putting together an actuarial study on the Medicaid
33 costs to the different counties.

34 And the interesting thing on that is that keeps going
35 higher and higher, the non-federal share.

36 And Lander County right now is at 2019, \$338,178 is our
37 assessment for -- that we pay for our Medicaid folks.

38 That's the nonfederal share.

39 Compared to that, Clark County is over 19,455,000 and some.

40 But the key there is they really don't know why they can't

1 give us the actuarial report back to us on how this is being
2 figured.

3 So NACo's been looking at it some time and wanted to go
4 ahead with the actuarial study.

5 Clark County is going to be paying for most of it, of
6 course, because they're thrilled that we're going to handle this
7 on behalf of all the counties.

8 And NACo pledged \$10,000 at the last meeting to complete
9 the study. So that will be excellent.

10 I don't know what kind of a reduction that might be and if
11 that will be one, but at least we'll know why and the
12 accountability will be there. And that's important.

13 Let's see. The other one was the 23rd NNRDA, yesterday, our
14 meeting on that. And that was very interesting.

15 We did a -- we actually did a -- a marketing information.
16 We had five different marketing people that came to us with --
17 because we want to do dedicated marketing.

18 And dedicated marketing on the internet is very expensive.
19 And it can run anywhere from \$3,000 up per month once you've got
20 it in.

21 And NNRDA decided that we needed to do that for rural
22 Nevada. We put it in our budget. And yesterday we decided one
23 of the groups that's going to go forward for us.

24 The other thing is coming up, of course, we have --
25 actually our celebration tomorrow. Right? Our 150th? And our
26 chukar tournament coming up on the 2nd of November.

27
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29 **STAFF REPORTS**

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31 CHAIRMAN WAITS: And with that, I will go directly into
32 staff reports on meetings, conferences, and seminars attended,
33 and go to our executive director. Keith?

34 KEITH WESTENGARD: So what we -- several months back, we
35 joined into a PILT lawsuit, a Payment in Lieu of Taxes lawsuit.
36 And we did receive a check back on that.

37 We were underpaid for '17/'18 fiscal year.

38 So we got a check for \$26,100 out of that lawsuit.

39 It was a \$5 million settlement. And that was Lander
40 County's cut.

1 A little bit about the airports -- we talked -- I talked
2 about it last time.

3 The east apron expansion -- we'll be getting into some
4 discussions with the FAA on the additional \$2 million.

5 Once we know -- or I know we have that secured, I'll be
6 back to ask for the match on that. We didn't budget for it. So
7 that will be something we have to -- have to talk about.

8 The Austin Airport, there con- -- on their -- the project
9 there, they're continuing with their environmental impact study.
10 It should be completed here shortly, and we can start to move
11 forward with that design.

12 The flu P.O.D. was on October 16th. We actually ran out of
13 shots. So it was successful.

14 Part of the problem we ran out of shots is we didn't get all
15 the -- all that we ordered. So next year we'll order a little
16 earlier and try to get it all.

17 COMMISSIONER CLARK: Do we have more coming in?

18 KEITH WESTENGARD: Yes, we do.

19 COMMISSIONER CLARK: When?

20 KEITH WESTENGARD: Let me see. And as Commissioner Waits
21 said, the fall festival is tomorrow.

22 I did attend with Liz Barela and Bert Ramos in a
23 POOL/PACT leadership conference last week in Carson City. Very
24 beneficial training program.

25 I don't see Jon Sherve here so I'm going to
26 tell you we did get our appraisal on our golf course. The
27 appraisal on --

28 And then when Jon gets here, maybe he'll go into it a
29 little more. But it came in at 431,000 for the county to buy
30 it.

31 The last two fiscal years -- or maybe it was just the last
32 fiscal year, we put -- put aside 300,000 for the purchase of the
33 golf course.

34 So we'll have to look at -- if the commission decides they
35 want to purchase it, we'll have to look at some additional
36 funding to do that purchase.

37 I do have a call today with Commissioner Ancho with Lee
38 Bonner of NDOT to talk about the truck backup in front of the
39 Maverick station. We have that call at 1:00 o'clock today.

40 So hopefully we can start looking towards some mitigation

1 of that -- of that backup.
2 That's it.
3 DISTRICT ATTORNEY HERRERA: NV --
4 COMMISSIONER CLARK: When -- when will the --
5 DISTRICT ATTORNEY HERRERA: -- NV Energy.
6 KEITH WESTENGARD: What about (indiscernible) Kingston.
7 We'll get to it on that. Oh, you -- yeah. We're going to --
8 I'll let you know. We'll get to it. Patsy just spoke to that.
9 We're talking about the franchise deal.
10 COMMISSIONER CLARK: Keith?
11 KEITH WESTENGARD: Yes.
12 COMMISSIONER CLARK: When will the flu shots be in?
13 KEITH WESTENGARD: I'll have to call -- get ahold of Brandy
14 and see.
15 CHAIRMAN WAITS: Thank you.
16 KEITH WESTENGARD: Uh-huh.

17
18
19 **PUBLIC COMMENT**

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21 CHAIRMAN WAITS: We move into public comment. This is for
22 nonagendized items only.

23 Persons are invited to submit comments in writing and/or
24 attend and make comments on any nonagenda item on the board
25 meeting, if any, and discussion of those comments at the
26 discretion of the board. All public comment may be limited to
27 three minutes per person, again at the discretion of the board.
28 Reasonable restrictions may be placed on public comments based
29 upon time, place, and manner, but public comment based upon
30 viewpoint may not be restricted.

31 Do we have any public comment today?

32 (No comment.)

33 CHAIRMAN WAITS: Austin, any public comment?

34 MITESHELL LANHAM: No comment.

35 CHAIRMAN WAITS: Thank you.
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1 **CONSENT AGENDA**

2
3 CHAIRMAN WAITS: Move down to the consent agenda.

4 All matters listed under the consent agenda are considered
5 routine, may be acted upon by the Board of County Commissioners
6 with one action, without extensive discussion. Any member of the
7 board or any citizen may request that an item be taken from the
8 consent agenda, discussed, and acted upon separately during the
9 meeting. Consent agenda materials are available at the Lander
10 County Clerk's Office for viewing, and copies are available for a
11 nominal charge.

12 We have Number 1, approval of October 24, 2019, agenda
13 notice; Number 2, approval of May 23, 2019, meeting minutes;
14 Number 3, approval of June 27, 2019, meeting minutes; Number 4,
15 approval of July 11, 2019, meetings minutes; Number 5, approval
16 of July 25, 2019, meeting minutes; Number 6, approval of
17 August 8, 2019, meeting minutes.

18 I don't have a Number 7. So I'm going to take that 8 down
19 there and put Number 7. Approval of September 19, 2019,
20 meeting minutes. And then that would be Number 8 next, approval
21 of October 10, 2019, meeting minutes. And then
22 Number 9 would be the approval of payment of bills.

23 Unfortunately we have not received any meeting minutes. So
24 all those will come out.

25 The approval of payment of bills I do need to pull out.

26 So we just need a motion to approve, actually, Number 1,
27 October 24, our agenda notice, today.

28 COMMISSIONER ANCHO: So moved.

29 COMMISSIONER ALLAN: Second.

30 CHAIRMAN WAITS: Thank you. Kathy made the motion. And
31 Judie seconded that.

32 Any discussion?

33 (No comment.)

34 CHAIRMAN WAITS: All in favor?

35 COMMISSIONER ALLAN: Aye.

36 COMMISSIONER ANCHO: Aye.

37 COMMISSIONER CLARK: Aye.

38 CHAIRMAN WAITS: Aye.

39 Thank you.

40 And that passes.

1 On the approval of the payment of bills, which is Number 9,
2 I do have two in there for reimbursement on my travel. I need
3 to pull out Check #205150 for \$102 and 205261 for 129.92.
4 So if I could have a motion to approve all the other bills,
5 minus those two.
6 COMMISSIONER ANCHO: So moved.
7 COMMISSIONER ALLAN: Patsy, there's one in there for me as
8 well.
9 CHAIRMAN WAITS: Is there one? I --
10 COMMISSIONER ALLAN: Yes.
11 CHAIRMAN WAITS: -- I missed that, Judie. Thank you.
12 COMMISSIONER ALLAN: 205123.
13 CHAIRMAN WAITS: 205123?
14 COMMISSIONER ALLAN: Yes. Okay. We'll pull that one out.
15 So the motion is to approve all the bills minus those three.
16 Kathy made the motion.
17 COMMISSIONER ALLAN: I'll second it.
18 CHAIRMAN WAITS: Thank you. Judie seconded that.
19 Anything else on that?
20 (No comment.)
21 CHAIRMAN WAITS: Okay. All in favor?
22 COMMISSIONER CLARK: Aye.
23 COMMISSIONER ANCHO: Aye.
24 CHAIRMAN WAITS: Aye.
25 Thank you.
26 Okay.
27 CHAIRMAN WAITS: Okay. The next motion, then, would be for
28 Check #205150 and 205261, which is mine.
29 COMMISSIONER ALLAN: Make a motion to approve.
30 COMMISSIONER ANCHO: Second.
31 CHAIRMAN WAITS: Thank you. Judie made the motion. Kathy
32 seconded that.
33 All in favor?
34 COMMISSIONER ALLAN: Aye.
35 COMMISSIONER ANCHO: Aye.
36 CHAIRMAN WAITS: Aye.
37 COMMISSIONER CLARK: Aye.
38 CHAIRMAN WAITS: Oh, I re- -- I abstain.
39 Thank you.
40 And the next one is for motion number -- Check #205123.

1 COMMISSIONER ANCHO: I make a motion to pay.
2 COMMISSIONER CLARK: Second.
3 CHAIRMAN WAITS: Thank you. Kathy made the motion. And
4 Art seconded that. That's for Judie's check, 205123.
5 All in favor?
6 COMMISSIONER ANCHO: Aye.
7 COMMISSIONER CLARK: Aye.
8 CHAIRMAN WAITS: Aye.
9 COMMISSIONER ALLAN: And I abstain.
10 CHAIRMAN WAITS: Thank you.
11
12

13 COMMISSIONERS

14 15 1) COUNTY MANAGER: Update from the Bureau of Land Management 16 (BLM) on various projects within Lander County. 17

18 CHAIRMAN WAITS: Moving down to Commissioners, Number 1,
19 County Manager.

20 Update from the Bureau of Land Management, BLM, on various
21 projects within Lander County.

22 KEITH WESTENGARD: I see Jon's here. So --

23 CHAIRMAN WAITS: Good morning, Jon.

24 JON SHERVE: Good morning.

25 Good morning, Commissioners.

26 COMMISSIONER ALLAN: Morning, Jon.

27 COMMISSIONER ANCHO: Good morning.

28 JON SHERVE: My name's Jon Sherve. I'm the field manager
29 for the Mount Lewis Field Office.

30 And at the request of Keith, I'm here to provide a number
31 of updates that are important to the county.

32 So I'll start off with the mining projects that we've got
33 going. We've got a number of large, of course, large projects
34 within the county.

35 Nevada Gold Mine's project, the Cortez Hills project has
36 been ongoing since the mid '90s and has been expanding since
37 that time.

38 We've recently issued a plan amendment approval on
39 September 9 that was a significant expansion of the -- of that
40 project.

1 It was -- it was September 9. And after that, normally we
2 go through a 30-day appeal process. And we did not receive any
3 appeals. And right now there's been no litigation. So that's
4 always good news for us and the company.

5 The more significant part of this project is that prior to
6 this permitting effort, we did issue -- the Battle Mountain
7 District -- District Manager Doug Furtado did issue a new
8 district policy that was consistent with the secretarial
9 order -- what we call Secretarial Order 3355, which was
10 direction, of course, from Washington that was desiring a
11 quicker and -- a permitting time frame and smaller environmental
12 documents.

13 So the policy that was issued from this district adhered to
14 those requirements and did -- and significantly shortened the
15 time -- permitting time frame.

16 So it was a -- it was one of the first projects -- or
17 probably the first project that went through that process. And
18 it -- it received a lot of attention at the Washington level
19 as -- as much -- it was important to the -- Washington that the
20 Secretary of Interior has been out here numerous times, most
21 recently in July, to -- to check in and see how things were
22 going. And he was very impressed with how -- how things went.
23 So that -- that's good news for -- for everybody.

24 The important part of that policy for Lander County, as far
25 as that goes, is it requires early -- it emphasizes early
26 engagement with the local -- state and local governments.

27 So we'll be using that here forward to solicit input early
28 on from the county and get the county involved if they desire to
29 be involved in any -- not just mining projects, but any -- any
30 of our permitting projects within Lander County.

31 So speaking of that, we've got some new projects that are --
32 are starting -- mining projects. After the Deep South project at
33 Cortez Hills, they're moving on to their next expansion called the
34 Gold Rush Project.

35 We're engaged with the company to -- to key in on
36 baseline -- baseline studies, environmental studies.

37 So we're about a number of months out before we'll be
38 soliciting input from the county if they have any desire to be
39 involved in that.

40 The Gold Rush Project is a new project, but it's coincident

1 with the eastern boundary of the Cortez Hills Project, which
2 means it's entirely in Eureka County.

3 However there's still going to be some socioeconomic
4 impacts and analysis that will -- it'll involve Lander County.

5 The next, near the Cortez area is the Robertson Project.
6 It's a new expansion. It's an old mine area, but the Nevada Gold
7 Mines does own that property. And they are planning expansion of
8 that. So that'll be coming up concurrent with the -- the Deep
9 South project.

10 And, again, that will be entirely in the coun- -- Lander
11 County. And we'll be soliciting engagement with the county at
12 the appropriate time.

13 The Phoenix Project, as we know, went through an expansion.
14 We approved that expansion about a year ago, September of '18.
15 Since then it's been business as usual. We haven't received any
16 additional permits or amendments for that project.

17 Haliburton's got a project called Scruffy Oz. And that's
18 just north. That's a newer project. It's north of the mill --
19 of Miller's Pit. They've been under -- in baseline
20 development -- baseline studies, environmental studies for quite
21 some time. So they're ready to move that forward. And, again,
22 we'll be asking the county for participation.

23 Hecla's Project, the Fire Creek Project, north -- located
24 north of Crescent Valley, the town of Crescent Valley, isn't
25 entirely in Lander County. They've been business as usual for
26 quite a few years, but they have been talking about a -- a fairly
27 significant expansion out there as well. So we're at the very
28 early sta- -- planning stages for that.

29 We've got a number of landscape projects we're working on,
30 mostly with sage grouse. One's called the BEA, the Bank Enabling
31 Plan -- the Bank Enabling Agreement that was put into effect by
32 Barrick. And that was a -- a plan to -- it was coincident with
33 the sage grouse plan back in 2015. It was our own sage grouse
34 plan. There's a little bit in Lander County. Most of that's in
35 Eureka County, but it is a landscape restoration plan that
36 we're -- that we're -- that we've been working on.

37 And similar landscape restoration plan is called Toiyabe
38 Fingers. That's in north -- Lander County as well. And that's
39 just to improve mostly sage -- cheat grass monoculture. So
40 we'll be doing some restoration to improve that habitat.

1 On the land side, as I reported at the -- at the last
2 meeting, the golf course is -- been moving forward. We've gone
3 out with a environment -- 30-day comment period on the
4 environmental assessment. That 30-day ends this Monday.

5 We've also finalized the appraisal. I forwarded that to
6 Keith. He has that, the appraisal. Came back at \$431,000.

7 So the process forward with the golf course, once this
8 40 -- 30-day public -- 30-day comment period ends, then we
9 need -- we'll review any comments. And I'm not sure that we've
10 received any. We'll review the comments. We'll need to respond
11 to the comments and modify the environmental assessment if
12 needed and then make that available to the public.

13 Once -- once we finalize the EA, we'll issue what's called
14 a finding of no significant impact.

15 As long as we -- as long as the environmental analysis says
16 that, we'll issue that finding of -- of no significant impact.
17 And then we'll also issue a decision. The decision will be
18 an -- an off- -- a land sale offer to the county.

19 At -- at that -- there's some additional time frames that
20 we -- that we need to adhere to, required time frames.

21 So that decision will be issued.

22 We'll also be working on a package to have this federal
23 action published in the *Federal Register*. It'll be at -- at --
24 since it's an internal ti- -- process to get there, that time
25 frame is unknown. But we'll push that package through our --
26 our internal -- internally to get that process -- or to get that
27 published.

28 That will need to be -- once that gets published that will
29 start a 45-day -- another 45-day comment period. It's a -- it's a
30 national publication on federal actions.

31 Then after that 45-day period, there's another 15-days
32 before we can make a -- an offer -- a formal offer to the county
33 to pay.

34 So there'll be a 45 days in the *Federal Register* notice.
35 Then we wait another 15 days before they're -- the -- the county
36 can, if so desired, if -- if you're moving this direction, then
37 af- -- another 15 days, after that, then the county will be --
38 that's the time frame for the county to make a payment to the
39 federal government for that land.

40 Then -- then that -- there's 180 days' time frame for the

1 county to make that payment at that time.

2 Then after that, once that payment is received, then
3 there's another process that will be actually patenting that --
4 the land over to Lander County.

5 So it's -- it's probably about a -- it's about a six-month
6 process from here to get everything finalized.

7 COMMISSIONER CLARK: So hopefully we can get this done
8 before the next season.

9 JON SHERVE: Yes. It's looking like --

10 COMMISSIONER CLARK: That would make --

11 JON SHERVE: -- we can --

12 COMMISSIONER CLARK: -- things so much easier.

13 JON SHERVE: Yeah. It's looking like we can do that.
14 Yeah.

15 This is taking up a lot of our -- of course, with the --
16 with the mining projects, the golf course, we haven't been able
17 to spend a lot of time on the Mill Creek Campground Expansion
18 but we're -- with where we are with the golf course, we'll be
19 able to focus some time on that.

20 So that's still in our queue. We're still looking at an
21 expansion of the campground, improvement of the facilities. But
22 that'll be a ongoing effort here for the next several months.

23 And -- and that, of course, we have to work through an
24 environmental analysis. It's on BLM land, but we still have to
25 do the environmental analysis as if it was a private party.

26 Then to range. I did -- talk about Argenta. Gave a briefing
27 on -- on Argenta last time and walked through the alternatives
28 that were in the environmental assessment.

29 Since that time, we've -- we've received just a handful of
30 comments on the EA itself. We did get a number of requests to
31 extend the public comment period, which we did.

32 We extended the public comment period another -- an
33 additional 30 days.

34 So right now the public comment period on the Argenta
35 Environmental Assessment will end on November 20. And then
36 after that, it'll be -- it'll go through a -- a decision-making
37 process.

38 And if there's any questions on that Sam Ault who's our
39 rangeland management specialist could get into the details on the
40 Argenta EA.

1 CHAIRMAN WAITS: Thank you.
2 COMMISSIONER ANCHO: I have some questions, but not on that
3 one, --
4 JON SHERVE: Okay.
5 COMMISSIONER ANCHO: -- not on that issue. Back on the
6 golf course.
7 So the water rights for the golf course, is that something
8 that if we -- when we purchase the land that we have to be able
9 to buy for the water rights for the golf course? Or are they
10 transferable with --
11 JON SHERVE: It shouldn't -- it shouldn't have any bearing
12 on the water right --
13 COMMISSIONER ANCHO: Okay.
14 JON SHERVE: -- status.
15 COMMISSIONER ALLAN: I believe we have the right water
16 rights.
17 JON SHERVE: Yeah.
18 COMMISSIONER ALLAN: I don't think that it -- that the
19 water --
20 COMMISSIONER ANCHO: So --
21 COMMISSIONER ALLAN: -- was --
22 COMMISSIONER ANCHO: -- why all -- even though we don't own
23 the property, we have the water rights?
24 JON SHERVE: Yes.
25 CHAIRMAN WAITS: Uh-huh.
26 COMMISSIONER ANCHO: All right.
27 JON SHERVE: That's the only thing to be cautious of. If
28 you plan on putting new wells in or expanding the golf course,
29 you probably need to identify or water right ap- -- change.
30 COMMISSIONER ANCHO: Okay.
31 CHAIRMAN WAITS: Thank you, --
32 COMMISSIONER ANCHO: That's my --
33 CHAIRMAN WAITS: -- Jon.
34 COMMISSIONER ANCHO: -- only question. Thank you.
35 JON SHERVE: Thank you.
36 COMMISSIONER ANCHO: Thank you.
37 COMMISSIONER ALLAN: Thank you, gentlemen.
38
39
40

1 **2) CIVIC CENTER: Update from the Battle Mountain Civic Center**
2 **supervisor.**

3
4 CHAIRMAN WAITS: We are moving to Agenda Item Number 2
5 under the Civic Center.

6 Update from the Battle Mountain Civic Center supervisor.
7 Gee, Rita, they didn't even give us your name.

8 RITA ROGERS: Rita Rogers, for the record, --

9 CHAIRMAN WAITS: Thank you.

10 RITA ROGERS: -- for the civic center.

11 I made out packets for you guys of what we've done the last
12 six months at the civic center.

13 We're starting to get back on our feet again because we
14 were shut down when we put our new floor in.

15 So that kind of held up, you know, some of the projects
16 going on, you know, people renting it and stuff like that.

17 And then with the mines getting together, we are now
18 getting back on track of renting out the civic center and -- and
19 all of that.

20 Might as well go into Number 3 while we're at it.

21 CHAIRMAN WAITS: I'll --

22 RITA ROGERS: Would that --

23 CHAIRMAN WAITS: -- I'll --

24 RITA ROGERS: -- be --

25 CHAIRMAN WAITS: -- I'll --

26 RITA ROGERS: -- okay?

27 CHAIRMAN WAITS: Yeah. I'll put it up in just a minute.

28 RITA ROGERS: Okay.

29 So that's kind of where I'm at.

30 CHAIRMAN WAITS: Okay. No --

31 RITA ROGERS: I give you a rental rate chart along with the
32 breakdown of my calendar, of what I've been going by.

33 CHAIRMAN WAITS: Did you get a rate chart?

34 RITA ROGERS: It should be on the back of your --

35 KEITH WESTENGARD: It's on Number 3.

36 COMMISSIONER ANCHO: It's probably under Number 3.

37 CHAIRMAN WAITS: Oh, it's --

38 RITA ROGERS: Oh.

39 CHAIRMAN WAITS: -- probably under Number --

40 RITA ROGERS: Okay.

1 CHAIRMAN WAITS: -- 3.
2 KEITH WESTENGARD: Yeah.
3 COMMISSIONER ANCHO: It's under Number 3.
4 KEITH WESTENGARD: You haven't opened --
5 CHAIRMAN WAITS: Yeah.
6 KEITH WESTENGARD: Number 3 --
7 CHAIRMAN WAITS: Okay.
8 KEITH WESTENGARD: -- yet.
9 CHAIRMAN WAITS: No.
10 COMMISSIONER ANCHO: I'm sorry.
11 RITA ROGERS: Okay.
12 CHAIRMAN WAITS: Yeah. I -- I know when -- when we had
13 done the budget and everything, we had asked you to please come
14 before us and give us a quarterly meeting. But if you didn't
15 want to come before us, just send it in -- that's fine.
16 RITA ROGERS: Oh.
17 CHAIRMAN WAITS: -- with Keith.
18 RITA ROGERS: Okay.
19 CHAIRMAN WAITS: So that we do know what's going on quarter
20 by quarter.
21 No. Not -- not a lot of activity, unfortunately.
22 But we -- we appreciate knowing where we're at.
23 RITA ROGERS: Yeah.
24 CHAIRMAN WAITS: So --
25 RITA ROGERS: Because, like I said, when we put the floor
26 in, we were down about six weeks or better. So there was
27 nothing.
28 CHAIRMAN WAITS: What did -- what did you do for six weeks?
29 RITA ROGERS: We --
30 KEITH WESTENGARD: That's all.
31 RITA ROGERS: -- took and just did the cleaning. And I did
32 the landscaping out front.
33 So we was working around the civic center, just not inside
34 with people.
35 So we were improving the outside of the civic center.
36 And then at that time, also, we was kind of over the
37 Livestock Event Center at that time. So we'd go out there and
38 help and get that improved and stuff out there while they were
39 working on my floor. So --
40 CHAIRMAN WAITS: Thank you.

1 RITA ROGERS: -- we stayed very busy. It was actually kind
2 of nice to get other things done that needed to be done and --
3 and all.

4 So -- but, yeah, it's --

5 CHAIRMAN WAITS: Thank you.

6 RITA ROGERS: It's -- it's going --

7 CHAIRMAN WAITS: Number 3.

8 RITA ROGERS: -- good now. So --

9 COMMISSIONER ANCHO: And if -- for anybody --

10 RITA ROGERS: Commissioners.

11 COMMISSIONER ANCHO: -- that hasn't seen the inside of the
12 civic center for the Halloween, it's very -- she's done a --
13 they've done a -- a very nice job on it.

14 RITA ROGERS: Thank you.

15 COMMISSIONER ANCHO: So --

16 Very nice.

17 CHAIRMAN WAITS: Thank you.

18
19 3) **COMMISSIONERS: For possible action, to discuss and/or modify**
20 **the rental fee rate schedule and discussion that the Civic**
21 **Center adheres to the original assurances made by the Max D.**
22 **Fleischman Foundation.**

23
24 CHAIRMAN WAITS: Number 3. Commissioners. For possible
25 action to discuss and/or modify the rental fee rate schedule and
26 discussion that the civic center adheres to the original
27 assurances made to the Max D. Fleischman Foundation, which we
28 went over last time.

29 So the -- the letter is in there again with our history
30 that Kathy got for us from the other Kathy Ancho. And we
31 appreciate that.

32 So you have the rental rates currently. And you see from
33 Number 2 what it has been rented for and how it's been going and
34 the ones that -- that we have been waiving on the nonprofit.

35 So what is your pleasure?

36 COMMISSIONER ANCHO: Well, did you --

37 RITA ROGERS: As of right now, we have just now started
38 waiving the nonprofit. That was normally 200 for a nonprofit to
39 rent the building. But since this has come up, I put it on the
40 rental rates so that we can say, yeah, we -- they get it free --

1 COMMISSIONER ANCHO: So --
2 RITA ROGERS: -- as nonprofit status. And --
3 DISTRICT ATTORNEY HERRERA: Commissioner, we looked for the
4 original policies mentioned in the minutes that we found.
5 And we -- we talked -- well, I'll let my secretary tell you what
6 she did on this.
7 JEANNE FALZONE: Jeanne Falzone.
8 I spoke -- well, I dealt with all of our elected officials
9 from the Clerk to the Recorder's Office to the Assessor's Office
10 to the Treasurer's Office and talked to them because a lot of
11 them had been employees back in the early '80s and trying to get
12 their recollection of what was going on back then.
13 I spoke in depth with Kathy Ancho yesterday, who gave me some
14 more names of people to talk to regarding this stuff.
15 When Kathy Ancho, Sr., left the civic center back in 1988,
16 she left file cabinets of meticulous records of everything that
17 happened with the entire civic center.
18 When Rogene Hill took it over, she questioned Kathy about
19 the records. And Kathy mentioned she'd left them there. And
20 Rogene said they were all gone. Every piece of paperwork that
21 had anything to do with the original civic center construction,
22 the grants, everything was gone.
23 Kathy Sr. was sick to her stomach when I told her this
24 yesterday, that we have nothing to go back on as far as what
25 assurances were made.
26 Forty years ago -- people's memories remembered differently
27 so I can't say yay or nay. And I'm not knocking these people
28 because I think very much of them.
29 But I went back and Googled the Max D. Fleischman
30 Foundation whose grants were mostly given so that places would
31 have libraries. That was one of the assurances that had to be
32 made is that there was a library in the building. And I can
33 only tell you because that's the basis of part of the
34 foundation.
35 I haven't found anything else regarding -- yes, they've
36 supported the performing arts and stuff like that, but -- and
37 that's who eventually took over the civic center board was the
38 performing arts group until it kind of went by the wayside. So
39 there never really was a civic center board to speak of.
40 So I guess you guys will have to try and figure out if --

1 how you want to do it. It's up to you -- the commission, the
2 county now, because we have no written proof that I can find --
3 and I will look further. I know we have lots of buildings
4 throughout this county, throughout this town that maybe them
5 file cabinets show -- are there somewhere.

6 But I guess we can't really depend on what happened 40 years
7 ago because we don't know what happened.

8 RITA ROGERS: And -- and I can attest at -- in 2000 when
9 Debbie Anderson and I were put into the civic center as part of
10 the parks and recreation and stuff, we had no files at that
11 time.

12 What I did find, when we were there, in the filing cabinet,
13 was the plaque that said Fleischman -- was donated. And that
14 was the only thing I had found that concerned that civic center.
15 And I still have it. I still have it. And I had put it and
16 another one up on a wall and then that one got taken down for
17 whatever reason. Of course, that's the storage room now. But I
18 still have -- I found that in a filing cabinet.

19 So as far as those records, we never seen them either, --

20 DISTRICT ATTORNEY HERRERA: So, --

21 RITA ROGERS: -- in 2000.

22 DISTRICT ATTORNEY HERRERA: -- Commissioner, in -- to sum
23 it up, in 1979 the county commissioners did adopt the first
24 policies for the civic center. Unfortunately those policies
25 have disappeared.

26 COMMISSIONER CLARK: You know, this is -- this is the same
27 thing that happened to us last term with the rec center.

28 There were big file boxes of records that had everything in
29 it and we had to start completely over because they were gone.

30 COMMISSIONER ANCHO: Well, and I also -- and I realize that
31 the -- the Fleischman Fund started off with libraries because
32 I -- because I researched countless hours as well. But they
33 also did other things that were civic minded.

34 And I contacted UNR because they were the original ones
35 that helped start the library -- that huge library for UNR. But
36 they're also -- helped beginning of the bluing of keeping Lake
37 Tahoe blue. They did college scholarships.

38 So they've done all different types of things. But, yes,
39 their main concept was for libraries and to make sure that those
40 libraries stay intact. So --

1 COMMISSIONER CLARK: We've -- we've kept the library
2 intact.

3 COMMISSIONER ANCHO: Oh, no. Absolutely. So -- and I --
4 and I'm not disputing that at all.

5 My thing is, is still going back to the civic thing. And I
6 can stand on this box and holler all I want, but it's a civic --
7 it's civ- -- it's civic and it's for the community.

8 So for nonprofits -- things that are nonprofit or for
9 government, I don't see why we would charge those organizations
10 or the county for that. But things like Newmont and things like
11 that, absolutely, we would have -- and have a -- a fee schedule.

12 COMMISSIONER CLARK: I agree. This is probably the tenth
13 time that I've talked about this in agreement. The only thing
14 that I have a concern about is I think we still need to have a
15 deposit --

16 COMMISSIONER ANCHO: Oh, --

17 COMMISSIONER CLARK: -- because --

18 COMMISSIONER ANCHO: -- absolutely. No. That's not --

19 COMMISSIONER CLARK: Okay.

20 COMMISSIONER ANCHO: -- even debatable.

21 COMMISSIONER CLARK: Because --

22 COMMISSIONER ANCHO: Because things --

23 COMMISSIONER CLARK: You know, --

24 COMMISSIONER ANCHO: -- get --

25 COMMISSIONER CLARK: -- when --

26 COMMISSIONER ANCHO: -- ruined.

27 COMMISSIONER CLARK: -- when Paula was running it, I -- she
28 talked to me and she told me they -- they'd lose ten beer
29 pitchers a night.

30 COMMISSIONER ANCHO: Oh, no. Agree.

31 COMMISSIONER CLARK: Knives and forks and saucers and
32 coffee cups. I mean, come on.

33 COMMISSIONER ANCHO: Yeah. No. And that's -- yeah. I
34 agree that there should -- should still be a deposit on anyone
35 who utilizes it, just because of that, for damages and things --

36 RITA ROGERS: Well, since I've --

37 COMMISSIONER ANCHO: -- like that.

38 RITA ROGERS: -- been in there, we haven't really lost as
39 far as any of that.

40 My thing is damage to the building.

1 COMMISSIONER ANCHO: Uh-huh.

2 RITA ROGERS: And we've had a couple of little incidents
3 there, but nothing, you know, drastic.

4 But one of the -- the stipulations here is, you know, all of
5 our funerals, you know, is free. And they do a \$300 deposit.

6 Now if they have alcohol, --

7 COMMISSIONER CLARK: Yeah. That's where we --

8 RITA ROGERS: -- then it's a --

9 COMMISSIONER CLARK: -- have a problem.

10 RITA ROGERS: -- 500. But then they also have to rent as
11 if it's a private party. So it's a \$500 rental and a \$500
12 deposit.

13 So that's one of those fine lines, you know, of what we get
14 free or not and the one that has just come to me again -- the
15 geol- -- geological society, I told them, I said, you know, if
16 you are with a 501(c)(3), you know, nonprofit, then you will get
17 it free, but you will also pay a \$500 deposit because they're
18 having alcohol.

19 COMMISSIONER CLARK: Yeah.

20 RITA ROGERS: So I don't know the difference between should
21 they do \$500 rental?

22 But they don't ha- -- they're -- what they're thinking is
23 their nonprofit status is a W-9 tax exemption. They don't realize
24 that's not a nonprofit status --

25 COMMISSIONER CLARK: Ted, do we have to --

26 RITA ROGERS: -- as far as that. Because I'm now going
27 after -- when they tell me they have a nonprofit status, I want
28 a copy of it.

29 COMMISSIONER ANCHO: But then --

30 COMMISSIONER CLARK: Yeah.

31 RITA ROGERS: And it goes into my files.

32 COMMISSIONER ANCHO: So what do you with like the quilt
33 guild or when they have the -- the fair where they're --

34 RITA ROGERS: That's another thing I wanted to bring up.

35 Okay. So, you know, it -- it's been a big to-do with Paula
36 getting, you know, everything free when she puts her two events
37 on. And -- and I can understand this.

38 One of the things is I have a -- a group in town. They're
39 quilt- -- they're not quilters. They're crafters. And they would
40 like to, you know, use the civic center one day to set up all

1 their little, you know, craft booths and have a craft fair for the
2 community and stuff.

3 And they would like to know what they have to pay. They
4 don't mind paying a deposit, but they are bringing, like, a
5 service to the community in a way. But they're still also going
6 to make some money, you know, with their crafts.

7 And so same way with the quilters guild. It's -- it's same
8 thing.

9 In the past, when I came -- when Robin and I came in, they
10 were told that they only had to pay \$100 a day, you know. That
11 was set up with them through Paula. And I thought, well, but they
12 still don't have a nonprofit, you know.

13 And -- and they would do their deposit. And it works
14 great. I mean, they're -- they're very, very good.

15 And this is another one. They're, you know, they're
16 quilters. And they put on a beautiful show. And we have some
17 vendors in there. People in town can come and buy.

18 And -- and at one time before we had our quilt shop here in
19 town, you know, it was kind of hard to -- and -- and I'm a
20 quilter so, you know, one of those things.

21 So it's these little things now that are coming up. Who
22 pays and who don't? I, myself, \$200, you know. Even with a
23 nonprofit status, 200, I didn't think was bad. But with the
24 Fleischman saying that -- that they were nonprofit, it was free.
25 So --

26 COMMISSIONER ANCHO: But nonprofit --

27 RITA ROGERS: There's where I need the guidance now, --

28 COMMISSIONER ANCHO: Well, a --

29 RITA ROGERS: -- guys.

30 COMMISSIONER ANCHO: -- nonprofit, I'd agree. And I'd have
31 to -- have to agree. If they're nonprofit and they're serving
32 alcohol, I have -- I look at that a little differently is that
33 they should be char- -- and you guys might disagree -- they
34 should be charged. If they're serving alcohol at a nonprofit,
35 it's just a differ- -- a little bit of a different twist thrown
36 on that.

37 So -- and I believe they have to be a 501(c)(3). And if
38 they're --

39 RITA ROGERS: Right.

40 COMMISSIONER ANCHO: -- not a 501(c)(3) and they're like a

1 craft that we have, you know, some kind of fee -- doesn't have
2 to be astronomical -- but they aren't a 501(c)(3). But for,
3 like, a craft fair --
4 RITA ROGERS: And, you know, --
5 COMMISSIONER ANCHO: -- or --
6 RITA ROGERS: -- with --
7 COMMISSIONER ANCHO: -- something --
8 RITA ROGERS: -- your --
9 COMMISSIONER ANCHO: -- like a fair --
10 RITA ROGERS: -- 501(c)(3), you know, I don't -- I mean --
11 And I'm with the Basque Club on that one. We -- finally we
12 got our 501(c)(3) again and all. And we do serve alcohol, you
13 know. And that's one of our big moneymakers, you know, for our
14 kids.
15 So -- and with your 501(c), it was -- it's \$200 if you're
16 serving alcohol like that.
17 So, you know, we -- I -- it -- it goes back to my
18 funeral -- I -- I just had one yesterday. And it's been free
19 for funerals so long as they don't have alcohol. But they pay a
20 \$300 deposit. And I kind of look at that of who's doing the
21 funeral and who's not.
22 But we had one with -- with (indiscernible). She wanted to
23 serve alcohol. And it states in here, if you're going to serve
24 alcohol, it's not free. You're going to pay a rental price, you
25 know, because we all know what alcohol does to people,
26 especially at funerals and weddings. It can get, you know, just
27 a little out of hand. And -- and even in our Basque Club. And
28 I mean, we've -- we've, you know, done several things too.
29 So it's one of those fine lines, guys, of what we need to
30 do and -- and maybe we can outline it and have it in black and
31 white and -- so --
32 CHAIRMAN WAITS: Okay.
33 RITA ROGERS: -- people don't start getting after us again.
34 COMMISSIONER ALLAN: I guess one of the things I'm kind of
35 curious about is making that differentiation between free as
36 long as you don't charge alcohol.
37 RITA ROGERS: Yeah.
38 COMMISSIONER ALLAN: I can see paying an additional
39 deposit. I don't really think that that's a justifiable reason
40 to ma- -- to charge them.

1 RITA ROGERS: To charge them rent?
2 COMMISSIONER ALLAN: To charge them rent. And --
3 RITA ROGERS: Right.
4 COMMISSIONER ALLAN: -- and I think the same thing goes
5 with the 501(c)(3). Now, I do have a question regarding that.
6 So I know there's different 501s.
7 RITA ROGERS: Yes.
8 COMMISSIONER ALLAN: Is why just the 501(c)(3)s?
9 COMMISSIONER ANCHO: Well, I think -- can I --
10 CHAIRMAN WAITS: The 501(c)(3) actually is the full
11 designation of nonprofit.
12 DISTRICT ATTORNEY HERRERA: Right.
13 CHAIRMAN WAITS: Other ones that are 501(c) --
14 RITA ROGERS: Four.
15 CHAIRMAN WAITS: Yeah. All --
16 RITA ROGERS: I -- I --
17 CHAIRMAN WAITS: -- kind --
18 RITA ROGERS: -- have one --
19 CHAIRMAN WAITS: -- all kinds of --
20 RITA ROGERS: -- in town --
21 CHAIRMAN WAITS: -- numbers.
22 RITA ROGERS: -- that's 501(c)(4).
23 CHAIRMAN WAITS: Right.
24 RITA ROGERS: So --
25 CHAIRMAN WAITS: But -- but they're not looked at as
26 totally nonprofit.
27 DISTRICT ATTORNEY HERRERA: Right.
28 COMMISSIONER ANCHO: Well -- sorry.
29 CHAIRMAN WAITS: Is --
30 DISTRICT ATTORNEY HERRERA: That -- that's --
31 CHAIRMAN WAITS: There --
32 DISTRICT ATTORNEY HERRERA: Correct.
33 CHAIRMAN WAITS: -- there's a lot of different areas.
34 But -- but that -- that's the only one that is truly for the
35 community or for the betterment of -- of another entity that --
36 DISTRICT ATTORNEY HERRERA: Commissioners, --
37 CHAIRMAN WAITS: -- gets all the --
38 DISTRICT ATTORNEY HERRERA: -- and --
39 CHAIRMAN WAITS: -- money.
40 DISTRICT ATTORNEY HERRERA: -- 501(c)(3) is the one that

1 the statute -- NRSs allow us to do, to give the buildings, to
2 give them free passes. And the other 501s we are not allowed to
3 do that. We have to find another way to do that.

4 COMMISSIONER ANCHO: And the reason why is because the NRS
5 has not caught up with our tax code --

6 DISTRICT ATTORNEY HERRERA: Yes.

7 COMMISSIONER ANCHO: -- on those.

8 So understand, it is not -- the -- our NRSs -- because
9 doing a ton of research on this, because I didn't understand. I
10 wanted somebody to make me understand the difference. And the
11 only reason at this time is because they've updated the tax code
12 and have not updated the NRS to reflect that.

13 RITA ROGERS: Okay.

14 COMMISSIONER ANCHO: So they're still -- they are -- these
15 people that -- federal government's giving out this tax code
16 saying, yes, you are a nonprofit. But our NRS is not
17 recognizing it because they have not updated it to -- because
18 nobody's brought it to anybody's attention to have it changed.

19 RITA ROGERS: And I never --

20 COMMISSIONER ANCHO: So --

21 RITA ROGERS: -- knew there was a difference until I have a
22 group here in town that is a 501(c)(4).

23 She said, Rita, we're different.

24 I said okay.

25 So then I -- I came to Liz and everybody else saying,
26 what's the difference between 501(c)(4) -- and there's 5 and 6
27 and --

28 COMMISSIONER ANCHO: And our auditors. Because I asked
29 our --

30 RITA ROGERS: So --

31 COMMISSIONER ANCHO: -- auditors too since --

32 RITA ROGERS: Yeah.

33 COMMISSIONER ANCHO: -- they're the ones that are -- take
34 care of our -- our monies. And they said truly that on the (c)
35 on the (c)(4)s, there's really no difference. But the NRS
36 states 501(c)(3). So --

37 CHAIRMAN WAITS: Well, --

38 RITA ROGERS: Okay.

39 CHAIRMAN WAITS: -- actually, but there -- but there is a
40 difference. If you read the IRS code, there is a difference.

1 COMMISSIONER ANCHO: They have not changed the NRS.
2 CHAIRMAN WAITS: No, no, no. I'm not talking about NRS.
3 I'm talking about the IRS. Their tax code that they give their
4 communities are done on different things, whether they have paid
5 staff, whether they --
6 COMMISSIONER ANCHO: Oh, that I understand. And I respect
7 that.
8 CHAIRMAN WAITS: All right.
9 COMMISSIONER ANCHO: And I --
10 CHAIRMAN WAITS: But --
11 COMMISSIONER ANCHO: -- understand --
12 CHAIRMAN WAITS: -- I'm saying, --
13 COMMISSIONER ANCHO: -- that.
14 CHAIRMAN WAITS: -- forget the NRS right now, because --
15 because you're saying that's outdated. But we're saying we're
16 going with a 501(c)(3), which is totally nonprofit.
17 Now my question is the deposit.
18 Are they all refundable deposits?
19 RITA ROGERS: Yes, they are. If -- if -- when -- and --
20 and I do it -- when they rent the building, I ask for two
21 checks: One for the deposit and one for their rental --
22 CHAIRMAN WAITS: Okay.
23 RITA ROGERS: -- on it.
24 CHAIRMAN WAITS: So we come in. And I'm serving alcohol
25 and let's just say we didn't ask any extra, just the extra
26 deposit.
27 RITA ROGERS: Uh-huh.
28 CHAIRMAN WAITS: Now with that, perhaps we have some --
29 some other items where they spill all kinds of alcohol or
30 whatever all over. Your cleaning is certainly a lot more when
31 alcohol is served than when it's not.
32 RITA ROGERS: It -- it can be.
33 So far we've been very, very lucky since I've been in --
34 back in. They clean up and they clean up quite well, you know,
35 to where when I come back in and do my check through everything,
36 everything is usually really good and -- and all as far as
37 cleaning.
38 The main thing on my deposit, for me, is breakage, you
39 know. You -- you get a fight --
40 CHAIRMAN WAITS: Well, I understand --

1 RITA ROGERS: -- that breaks --
2 CHAIRMAN WAITS: -- that.
3 RITA ROGERS: -- out. Yeah.
4 CHAIRMAN WAITS: But I'm also -- but I'm, I mean, you --
5 RITA ROGERS: Yeah.
6 CHAIRMAN WAITS: -- would naturally have them pay for
7 something they broke.
8 RITA ROGERS: Right.
9 CHAIRMAN WAITS: My concern is the extra time it might take
10 us to -- to get it back into --
11 RITA ROGERS: If --
12 CHAIRMAN WAITS: -- shipshape.
13 RITA ROGERS: Right. If we --
14 CHAIRMAN WAITS: So does --
15 RITA ROGERS: -- did, --
16 CHAIRMAN WAITS: -- that come --
17 RITA ROGERS: -- it --
18 CHAIRMAN WAITS: -- out?
19 RITA ROGERS: -- might not be enough. But so far I haven't
20 had to hold anybody's deposit since I've been in.
21 CHAIRMAN WAITS: Okay. With that, then, why are we
22 charging so much more if they're serving alcohol and it's a
23 fully -- funeral or -- or something that ordinarily would not
24 have a cost to it? Is that something you might want to reduce?
25 Or --
26 COMMISSIONER ANCHO: Well, like --
27 CHAIRMAN WAITS: -- exclude?
28 COMMISSIONER ANCHO: -- she said, then what she said made
29 sense.
30 I think that to try to not have a ton of different costs,
31 if you do the true 501(c)(3)s and the ones that are serving
32 alcohol, like funerals, I -- now that's the other one, the ones
33 that aren't 501(c)(3)s but they're funerals, then what do with
34 that?
35 And if they are serving alcohol, are we going to charge them
36 for it or not charge them? Or do we charge a higher deposit,
37 possibly, instead of char- -- I mean, I don't know. What is
38 every- -- what's the --
39 RITA ROGERS: Well, and then what I have found out is, you
40 know, you charge that \$500 deposit and they're real good about

1 cleaning up because they don't want to lose that money. Because
2 they --

3 COMMISSIONER ANCHO: Uh-huh.

4 RITA ROGERS: -- will lose it --

5 COMMISSIONER CLARK: There you go.

6 RITA ROGERS: -- if I have to come back in and clean behind
7 you.

8 And they're real good about cleaning it up.

9 And so what I do is I -- I have a receipt and stuff. And I
10 hand them back their check and then I write on the contract that
11 the cleaning was good, everything was the way it should be, and
12 I handed their check back to them. They sign it that they
13 received it. And then it goes into my files.

14 COMMISSIONER ANCHO: And don't they have to have insurance
15 if they're serving --

16 RITA ROGERS: We have --

17 COMMISSIONER ANCHO: -- alcohol --

18 RITA ROGERS: -- insurance.

19 COMMISSIONER ANCHO: -- anyway?

20 RITA ROGERS: Yes.

21 COMMISSIONER ANCHO: So, I mean, so that's already in
22 there. And most people have to put their house -- use their
23 house insurance.

24 RITA ROGERS: Well, we have -- anymore, I check even in on
25 their house insurance because sometimes their house insurance
26 will not cover outside events, other than off their property.

27 So now they have to get me an insurance policy that will
28 cover their event.

29 And both of our insurance companies here in town have, you
30 know -- they can go to them. They get that insurance. But
31 that's when they have alcohol. That's the only time they need
32 that insurance policy is when they have alcohol along with the
33 \$500 deposit.

34 CHAIRMAN WAITS: Okay. So let's see if we can --

35 COMMISSIONER ALLAN: I'd like to --

36 CHAIRMAN WAITS: -- get to bottom --

37 COMMISSIONER ALLAN: -- make --

38 CHAIRMAN WAITS: -- of this, what you'd like to do?

39 COMMISSIONER ALLAN: I would like to make a motion that the
40 civic center rental rates, as far as private events, excluding

1 funerals, will maintain the same typical -- or our -- our
2 501(c)(3)s will be free.

3 RITA ROGERS: Okay.

4 COMMISSIONER ALLAN: We will not -- we will charge an extra
5 deposit for alcohol. But we will not be charging a -- a rental
6 fee for alcohol for nonprofits or funerals.

7 RITA ROGERS: For funerals.
8 Okay.

9 And that's basically what I've been doing. So --

10 COMMISSIONER ALLAN: So we're not going to charge anything
11 for funerals, period.

12 RITA ROGERS: No.

13 COMMISSIONER ALLAN: And -- and we're not going to charge
14 anything for alcohol for the nonprofits either. Or --

15 RITA ROGERS: Oh, okay. So no -- no deposits for nonprofit
16 at all --

17 COMMISSIONER ALLAN: No.

18 RITA ROGERS: -- rental? Or --

19 COMMISSIONER ALLAN: No, no, no, no.

20 COMMISSIONER ANCHO: No, no, no.

21 COMMISSIONER ALLAN: No.

22 RITA ROGERS: Oh.

23 COMMISSIONER ALLAN: Deposits, --

24 RITA ROGERS: Okay.

25 COMMISSIONER ALLAN: -- yes. But we're not going to charge
26 rental rates if they serve --

27 RITA ROGERS: All right. Okay.

28 COMMISSIONER ALLAN: -- serve alcohol. So if they're free,
29 they're free.

30 RITA ROGERS: Right.

31 COMMISSIONER ALLAN: The -- the rental -- the deposits will
32 be adjusted whether or not they have alcohol.

33 RITA ROGERS: Right. Okay.

34 COMMISSIONER ALLAN: And the 501(c)(3)s will be --

35 RITA ROGERS: Okay.

36 COMMISSIONER ALLAN: -- free.

37 RITA ROGERS: So basically what I've been doing, what
38 I've -- what -- the sheet that you've got in front of you is
39 basically what I'll keep following then.

40 CHAIRMAN WAITS: The only clarification we're making is

1 that they're -- they're charging an extra deposit, yes, for --
2 for the liquor, but not any extra fee.
3 RITA ROGERS: Right.
4 CHAIRMAN WAITS: And that was your concern.
5 RITA ROGERS: Yeah.
6 CHAIRMAN WAITS: And that is to be waived.
7 COMMISSIONER ANCHO: And the craft --
8 CHAIRMAN WAITS: Okay.
9 COMMISSIONER ANCHO: -- shows. What about those?
10 RITA ROGERS: Okay. Yeah. Craft shows. Like, you know,
11 they're community. It's not like --
12 CHAIRMAN WAITS: Okay.
13 RITA ROGERS: -- somebody coming --
14 CHAIRMAN WAITS: Well, let's --
15 RITA ROGERS: -- in.
16 CHAIRMAN WAITS: -- go -- let's --
17 RITA ROGERS: Okay.
18 CHAIRMAN WAITS: -- go with the motion where we have it
19 right now. We'll start --
20 RITA ROGERS: Okay.
21 CHAIRMAN WAITS: -- with that. And we'll question another.
22 Kathy, did you second that?
23 COMMISSIONER ANCHO: I'll second that. That's fine.
24 CHAIRMAN WAITS: Okay. It's just the one item right now.
25 If we're all clear? Any other discussion?
26 (No comment.)
27 CHAIRMAN WAITS: All in favor?
28 COMMISSIONER ANCHO: Aye.
29 COMMISSIONER ALLAN: Aye.
30 CHAIRMAN WAITS: Aye.
31 COMMISSIONER CLARK: Aye.
32 CHAIRMAN WAITS: Art?
33 COMMISSIONER CLARK: I said aye.
34 CHAIRMAN WAITS: Thank you. I missed that.
35 Okay.
36 Now your other question is if they're community services --
37 RITA ROGERS: Yes.
38 CHAIRMAN WAITS: -- but they're not a 501(c)(3)?
39 RITA ROGERS: They're not a 501(c), --
40 CHAIRMAN WAITS: Okay.

1 RITA ROGERS: -- but they're a --
2 CHAIRMAN WAITS: How much do we --
3 RITA ROGERS: -- community --
4 CHAIRMAN WAITS: -- charge --
5 RITA ROGERS: -- service.
6 CHAIRMAN WAITS: -- now?
7 RITA ROGERS: Two hundred -- well, actually, without a
8 501(c), it's -- it would be a \$500 rental because it'd be like a
9 private party coming in because it's not been clarified.
10 But I only went with the 200 on a community service event,
11 you know, like the crafters coming in or even the quilters club.
12 I -- I honored the contract that they had set up when we
13 first came in.
14 CHAIRMAN WAITS: That was \$100?
15 RITA ROGERS: And that was \$100 a day because they have it
16 for three days. And then, you know, even the -- the crafters,
17 they're a community thing. Even a hundred dollars a day --
18 CHAIRMAN WAITS: Okay.
19 RITA ROGERS: -- for them would be --
20 CHAIRMAN WAITS: All right. If they're not a 501(c)(3),
21 the question is: Do you want to reduce the price to 100 for
22 community events?
23 COMMISSIONER ALLAN: I'm good --
24 COMMISSIONER ANCHO: For community --
25 COMMISSIONER ALLAN: -- with that.
26 CHAIRMAN WAITS: They're not --
27 COMMISSIONER ANCHO: -- events.
28 CHAIRMAN WAITS: -- a moneymaker, --
29 COMMISSIONER ANCHO: Yes. They're community --
30 COMMISSIONER ALLAN: Yeah.
31 CHAIRMAN WAITS: -- like a --
32 COMMISSIONER ANCHO: -- events.
33 CHAIRMAN WAITS: -- business coming in --
34 RITA ROGERS: Right.
35 CHAIRMAN WAITS: -- to do --
36 COMMISSIONER ANCHO: Yes.
37 CHAIRMAN WAITS: -- something.
38 RITA ROGERS: And they still pay their deposit --
39 CHAIRMAN WAITS: Right. Okay.
40 RITA ROGERS: -- on it.

1 COMMISSIONER ANCHO: Yes. I'm fine with that.
2 RITA ROGERS: But that would be just, you know --
3 COMMISSIONER ANCHO: Yeah. I'm not going to --
4 COMMISSIONER ALLAN: So I guess there's -- there's -- I
5 mean, I -- I -- definitely I -- I think this is a good idea that
6 we need to give these a break.
7 But, you know, you've got your crafters. You know, we
8 don't really have the time to sit up here and think of every
9 possibility as far as what --
10 RITA ROGERS: Right. Mine is commun- -- if -- if they're
11 coming in to --
12 COMMISSIONER ANCHO: For a community service?
13 RITA ROGERS: -- but it's for a community service. They
14 might be making a little profit themselves in selling something,
15 but they're -- they're to -- for the community.
16 COMMISSIONER ALLAN: So I guess the thing is, like I said,
17 without, you know, sitting here and going over all the
18 possibilities is, you know, basically giving Rita the -- the
19 authority to make that judgment call as far as, you know, your
20 crafters, your quilters, your -- I mean, I don't -- that's it.
21 I don't know what else. And we can't always be coming back.
22 CHAIRMAN WAITS: Well, what we're saying, if it's not -- if
23 it's not a business, if they're not --
24 COMMISSIONER ALLAN: Right.
25 CHAIRMAN WAITS: -- coming in to -- I mean, we -- we --
26 COMMISSIONER ALLAN: Communities --
27 CHAIRMAN WAITS: -- do have to --
28 COMMISSIONER ALLAN: -- or- -- oriented?
29 CHAIRMAN WAITS: There -- there are lots of contractors
30 that come in that want, like, our -- our races that come in.
31 They come in and they put on a -- all kinds of shows. And they
32 make money.
33 RITA ROGERS: Uh-huh.
34 CHAIRMAN WAITS: We're talking community events --
35 RITA ROGERS: Community events.
36 CHAIRMAN WAITS: -- and -- right -- and --
37 COMMISSIONER ALLAN: No, I understand that.
38 CHAIRMAN WAITS: -- civic things. So -- so you -- if
39 you -- the point is: Do you want to reduce it from 200 to 100?
40 Because she's going to make the decision on the others.

1 COMMISSIONER ALLAN: And I'm good with that.
2 CHAIRMAN WAITS: Okay.
3 COMMISSIONER ALLAN: So I'll make that motion. And --
4 and, --
5 RITA ROGERS: That would be great.
6 COMMISSIONER ALLAN: -- you know, Rita can make the
7 determination.
8 COMMISSIONER ANCHO: All right. I'll second --
9 RITA ROGERS: Okay.
10 COMMISSIONER ANCHO: -- that.
11 CHAIRMAN WAITS: Okay. Judie made the motion we move from
12 200 to 100 on the community services per day and everything else
13 stays the same.
14 Kathy seconded that. Any other discussion?
15 (No comment.)
16 CHAIRMAN WAITS: All in favor?
17 COMMISSIONER CLARK: Aye.
18 COMMISSIONER ANCHO: Aye.
19 COMMISSIONER ALLAN: Aye.
20 RITA ROGERS: Awesome.
21 CHAIRMAN WAITS: Aye.
22 Okay.
23 RITA ROGERS: Thank you, guys.
24 CHAIRMAN WAITS: Did that take care of it? Thank --
25 COMMISSIONER ALLAN: Thank --
26 CHAIRMAN WAITS: -- you.
27 COMMISSIONER ALLAN: -- you, Rita.
28 RITA ROGERS: That -- that makes it a whole lot nicer.
29 COMMISSIONER CLARK: Good job, Rita. And thank you --
30 COMMISSIONER ANCHO: Thank you.
31 COMMISSIONER CLARK: -- for your timeline. That was very
32 clear and very transparent.

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4) **COMMISSIONERS: For possible action, regarding the Austin
Realignment Project and including an update provided by
Summit Engineering.**

38 CHAIRMAN WAITS: Number 4. Commissioners. For possible
39 action regarding the Austin Realignment project and including an
40 update provided by Summit Engineering.

1 Okay, Larry.

2 LARRY GRUBE: For the record, my name is Larry Grube. I'm
3 the chief photogrammetrist and IT Director for Summit
4 Engineering.

5 Since I was last here, one of the critical issues was the
6 Austin Resources Properties, pretty much owned by Robert Hughes.
7 That entity had been -- was basically non-existent because they
8 hadn't kept their -- hadn't kept their fees with the state
9 up-to-date.

10 Tom Gallagher negotiated with Robert Hughes. Basically got
11 to a point where Robert Hughes was willing to go along with what
12 we were proposing, but we have had issues with Hughes in the past,
13 which included him threatening a personal lawsuit against me.

14 But we've finally got Robert Hughes to understand that his
15 best interest in Austin is to have his properties consolidated,
16 eliminate his subterranean rights, which he's having to pay
17 separate taxes on.

18 Needless to say, about two months ago, Austin Resources is
19 now restored. Now once it became restored, that caused a little
20 more revisions of maps because we had been working around the
21 Hughes' property since he had no ability to sign.

22 But we have -- we did get revisions in to Kyla. She turned
23 those over to Bob Morley. We got the requested re- -- revisions
24 from Kyla and Bob Morley, who is the county surveyor. In
25 mid-September, we made all the corrections to the maps per those
26 comments. And I have a set of the maps to turn in to Kyla, the
27 revised maps, along with the flash drive of the PDFs.

28 I have given to each of the commissioners today a diagram
29 showing maps -- Map 1 is done. Maps 2 through 14, are the ones
30 that we have this -- this set of --

31 CHAIRMAN WAITS: Larry --

32 LARRY GRUBE: -- hopefully final revisions.

33 CHAIRMAN WAITS: Excuse me. I -- I know you were in
34 Austin. Did you drop one of these off in Austin?

35 LARRY GRUBE: No, ma'am. I'm going down to -- I was there
36 yesterday. And what I left at your office is the staking
37 diagram, which it's -- just shows -- when you go around Austin
38 now, you'll see a lot of lath with red ribbon --

39 CHAIRMAN WAITS: Okay. So the one we're looking at now you
40 will be taking down this --

1 LARRY GRUBE: I'm going --
2 CHAIRMAN WAITS: -- afternoon?
3 LARRY GRUBE: -- down -- yeah. I'm going down to --
4 CHAIRMAN WAITS: Okay. Got it.
5 LARRY GRUBE: -- down to Austin and will go to the Senior
6 Center for anybody that wants to come by and see me. It'll be
7 approximately an hour and a half after I'm done with this agenda
8 item, I -- I will be there. And anybody that wants to come by
9 and talk to me about where they want their property lines to be
10 situated, I will be happy to go over to their properties and put
11 -- put 60d nails in that we can pick up next week.
12 Now I talked to Keith at -- be -- prior to the meeting and
13 got the commission schedules for the next couple of months.
14 So on the 19th, we will have all the documents in, signed
15 for parcel MRPMs. There actually is one parcel map there.
16 Seven, eight, and nine, which involve the Lani properties and
17 Cantrell properties up -- up -- it's kind of that orangish
18 polygon that you see almost right in the center of the map, says
19 Parcel 19 for --
20 CHAIRMAN WAITS: Uh-huh.
21 LARRY GRUBE: -- for Louis Lani.
22 And then over on the left side of the map is MRPM Number 9,
23 which is White, Austin Lands, Louis Lani, and the Scoggin Family
24 Trust.
25 And to the best of my knowledge, you know -- verify this
26 with Kyla -- I believe the owner affidavits are in on all of
27 those, for all those owners.
28 Okay. Now what's going on with two through four is nobody
29 has any issues with how we're breaking it up. The problem we
30 have is Bonnie Maestretti died about a year and a half ago, I
31 believe and probate has not opened for her -- for her estate.
32 So we have another situation where we have an entity that -- for
33 which we cannot obtain signatures. I've talked to Craig on
34 multiple occasions about, you got to get probate open. There
35 has to be an executor so you -- so you can sign.
36 He says he's been in contact with his attorney, but the
37 attorney tends to say, I'm in court. I'll get back to you.
38 Any rate, I met with Carolyn Maestretti yesterday and said,
39 Carolyn, this is going to benefit your estate in the
40 distribution of the properties after everything is resolved.

1 So, anyway, she made -- made a commitment to get with Craig
2 to see what we can do about getting this off square -- square
3 one. Because two through four are -- are --

4 CHAIRMAN WAITS: Okay. Is that the only one that's going
5 to hold you up? Does everything else look smooth from now on?

6 LARRY GRUBE: I bel- -- I believe so. But let's -- let me
7 go on to what's going up on around the elementary school, which
8 is not part of these maps. These are for future maps down the
9 road.

10 So, anyway, for the commission meeting on the 19th, we will
11 have seven, eight, and nine in for processing.

12 KEITH WESTENGARD: Twenty-first.

13 LARRY GRUBE: Twenty-first. Sorry.

14 CHAIRMAN WAITS: Twenty-first of November, --

15 KEITH WESTENGARD: November --

16 CHAIRMAN WAITS: -- you're --

17 KEITH WESTENGARD: -- 21.

18 CHAIRMAN WAITS: -- talking.

19 LARRY GRUBE: On -- on --

20 CHAIRMAN WAITS: Okay.

21 LARRY GRUBE: -- 21st of November.

22 CHAIRMAN WAITS: Okay.

23 LARRY GRUBE: On December 19, we will have at least MRPM
24 12, which if you look over kind of lower center, it's a bluish
25 parcel with Alan Brewer, Alan Chamberlain. And Alan Chamberlin
26 and Lander County, which is the Gridley -- which is the Gridley
27 Store.

28 So I'd like to believe we're going to have 10 and 11 in
29 two, but we've been -- we've been having some discussions with
30 Phil Marshall, who is RPM Holdings. And going back a little
31 bit, when we were trying to figure out how to motivate Robert
32 Hughes to get Austin Resources restored, one of the
33 possibilities was to get RPM to purchase land of Austin
34 Resources. Phil indicated that he wanted to do a modular
35 overlay somewhere for -- to provide housing for ORMAT employees.

36 We talked to Kyla and Keith about, you know, hey, can we
37 just throw together something real quick for instance to try to
38 bring -- try to get something that would bring Phil and Marshall
39 and -- and Robert Hughes together.

40 I never got any response from Phil about what we've done.

1 So I've got to revisit that. And that may affect the exact
2 configuration of that -- of that MRPM.

3 But per my discussion with Dee Helming yesterday, who is
4 here, she seems to be amenable. She's representing her brother
5 Alan Brewer. She seems amenable to the way we have the parcel
6 lines laid out. We will have those staked by the end of next
7 week so that she can review where the actual corners are in the
8 field. So that one should be able to move forward.

9 And then 12, 13, and 14, we think they're going to go
10 smoothly, but we may do some -- a little bit of reconfiguration
11 because one of those maps involves the property that Tony Salis-
12 -- excuse me -- that Ray Salisbury -- that's where the hairpin
13 curve is with the junkyard.

14 We basically sent Tony Salisbury an email because he has
15 claims that he was awarded, by court, properties down here. And
16 my last email to him, for which I have received no response, was
17 basically, you need to come forward with the documentation --
18 with court documentation that shows you were awarded these lands
19 so that we can either decide whether you're going to get
20 something or you're not going to get something.

21 As it stands right now, the only parcel that Salisbury owns
22 in the hairpin turn is a very itty, bitty triangle. I mean,
23 really small, probably less than this area in front of us, in
24 the middle of U.S. 50.

25 So in terms of record, he has nothing there. But in terms
26 of the junkyard and structures, he may have some -- he may have
27 something. We're trying to -- we're trying to work it out.
28 Hughes is acceptable to it, but we haven't no -- we have no
29 response from -- from Salisbury.

30 CHAIRMAN WAITS: My understanding is Tony -- Tony has made
31 this -- since Ray has passed away -- he's made this -- this
32 information to us. But he's -- he's had over a year to bring
33 forth the documents, and he's done nothing.

34 So legally what do we do? Do we just continue on without
35 it?

36 I mean, if you've got somebody saying, "I own this, but I
37 can't prove it," what do we do?

38 DISTRICT ATTORNEY HERRERA: If they can't prove it, they
39 have to do a quiet title action. That's what it amounts to.

40 CHAIRMAN WAITS: Okay. But if he's not even beginning

1 that -- I mean, he's ignored us for over a year.
2 We -- we had the Hughes problem. We've got that settled.
3 Now we're into this one.
4 And we're saying, he's ignoring us. He's been saying --
5 because, I mean, his affirmation when he first came out after,
6 you know, Ray passed away was that I do own this. And Ray said
7 he did.
8 But if there's no proof -- I mean, I know what they have to
9 do to get it. I know they'd have to do quiet title. But if
10 they aren't and if they don't, how do we proceed?
11 COMMISSIONER CLARK: Start notification.
12 DISTRICT ATTORNEY HERRERA: Well, we'd -- we'd send them
13 notice. And -- and if -- if at some point in time we can make a
14 claim for the property and do our own quiet title. But -- but
15 that's --
16 CHAIRMAN WAITS: Okay. But I'm -- I'm --
17 DISTRICT ATTORNEY HERRERA: If we don't --
18 CHAIRMAN WAITS: -- saying --
19 DISTRICT ATTORNEY HERRERA: -- think we own it, though.
20 CHAIRMAN WAITS: Yeah. What can Summit Engineering do?
21 Just say, we are -- we are going forward without your
22 information -- without your proof of your affirmations, we are
23 going forward with the idea that you do not own this and let it
24 go at that and let him come back and see what he wants to do?
25 Because he has to -- you have to do something to make these
26 people move. I mean, --
27 DISTRICT ATTORNEY HERRERA: Well --
28 CHAIRMAN WAITS: -- we've been at this Austin one for how
29 many years? And -- and we keep running into all the little
30 problems --
31 DISTRICT ATTORNEY HERRERA: Well, --
32 CHAIRMAN WAITS: -- that stop --
33 DISTRICT ATTORNEY HERRERA: -- Hughes --
34 CHAIRMAN WAITS: -- everything.
35 DISTRICT ATTORNEY HERRERA: -- Hughes Resources was the
36 biggest problem we had.
37 CHAIRMAN WAITS: Yes. But that's -- but that's -- we're
38 getting that one handled.
39 DISTRICT ATTORNEY HERRERA: Fine.
40 LARRY GRUBE: But, yeah, --

1 CHAIRMAN WAITS: -- I'm trying --
2 LARRY GRUBE: -- no one's done.
3 CHAIRMAN WAITS: -- to nip this one in the bud, going, he
4 won't answer him so let's be a little bit --
5 DISTRICT ATTORNEY HERRERA: Pat -- Patsy, I haven't looked
6 at this one. I -- I research Hughes at the time. But I -- I
7 haven't even -- I wasn't even aware of this one because --
8 CHAIRMAN WAITS: Well, I'm -- I'm just saying, without
9 researching, if -- if we're saying he's saying we can't -- we
10 can't prove it, he's saying he can, but he's not bringing the
11 proof.
12 What do we do with that scenario? That's all I'm asking.
13 DISTRICT ATTORNEY HERRERA: Just send him notice that --
14 without looking at it, I -- I don't know. I can't --
15 CHAIRMAN WAITS: Okay.
16 DISTRICT ATTORNEY HERRERA: -- lay out your options.
17 CHAIRMAN WAITS: Okay.
18 DISTRICT ATTORNEY HERRERA: I -- I --
19 CHAIRMAN WAITS: Okay.
20 DISTRICT ATTORNEY HERRERA: -- I'm going to have to look at
21 it.
22 CHAIRMAN WAITS: Perhaps we better look at that, then, so
23 you can work with our DA on this -- on what we need to go
24 further.
25 COMMISSIONER CLARK: Can --
26 LARRY GRUBE: Yeah.
27 COMMISSIONER CLARK: -- we --
28 LARRY GRUBE: Counselor, are the -- in other words, per
29 record, Salisbury doesn't have anything here.
30 He just has this little triangle out in the middle of the
31 street. And I --
32 COMMISSIONER CLARK: When you say --
33 LARRY GRUBE: My --
34 COMMISSIONER CLARK: -- when you say "little triangle," do
35 you mean 4U8 or 3U8? Or is it that Number 1 right before the
36 hairpin turn?
37 LARRY GRUBE: It's -- it's -- I mean, it -- and I'm a
38 little -- I don't have it drawn on here. But it's just -- I
39 believe it's in the curve just before you turn to the right if
40 you're headed east.

1 COMMISSIONER CLARK: So right there --
2 LARRY GRUBE: Before you go --
3 COMMISSIONER CLARK: -- where it says --
4 LARRY GRUBE: -- down -- yeah.
5 COMMISSIONER CLARK: -- 1?
6 LARRY GRUBE: It's somewhere -- it's somewhere in there.
7 KYLA BRIGHT: Right. I'm sorry. Kyla Bright, for the
8 record.
9 It's -- it's not listed on the map. But if you could
10 imagine just down where the purple starts coming in, where
11 you're starting to turn, right before the hairpin turn, it's a
12 triangle down in the middle of the street there --
13 COMMISSIONER CLARK: Well, how --
14 KYLA BRIGHT: -- is pretty much --
15 COMMISSIONER CLARK: Oh.
16 KYLA BRIGHT: -- much what it is.
17 COMMISSIONER CLARK: Okay. I --
18 DISTRICT ATTORNEY HERRERA: Is he willing to convey any
19 interest he has to Lander County?
20 LARRY GRUBE: We did not discuss that with m- -- with --
21 with Tony Salisbury. I basically -- I sent him an email. And I
22 believe I CC'ed Kyla Bright and possibly Keith.
23 But I basically said, hey, you know --
24 CHAIRMAN WAITS: It's -- it's (indiscernible) out here --
25 LARRY GRUBE: -- if you have any --
26 CHAIRMAN WAITS: -- in the middle of it --
27 LARRY GRUBE: -- title --
28 CHAIRMAN WAITS: -- the US Highway 50.
29 LARRY GRUBE: -- and interest --
30 COMMISSIONER CLARK: Oh, okay. Right there.
31 LARRY GRUBE: -- in this land within the --
32 COMMISSIONER CLARK: But when the --
33 LARRY GRUBE: -- hairpin --
34 COMMISSIONER CLARK: -- state --
35 LARRY GRUBE: -- curve --
36 COMMISSIONER CLARK: -- comes in, don't they take it?
37 LARRY GRUBE: -- that your father occupied, you need to
38 bring that -- you need to bring that forward. And we've had no
39 response.
40 DISTRICT ATTORNEY HERRERA: Well, we can certainly ask him

1 to convey any interest he has without proof of ownership from
2 him.

3 LARRY GRUBE: Well, --

4 DISTRICT ATTORNEY HERRERA: And then --

5 LARRY GRUBE: -- see --

6 DISTRICT ATTORNEY HERRERA: -- then we can do something.

7 LARRY GRUBE: The -- I think the problem you have is you
8 have Tony Salisbury stating that he has a claim to properties
9 there. And we're just asking -- whereas on record, he has -- he
10 nothing.

11 And to the best of my knowledge, he hasn't been paying
12 taxes on the occupied land, which -- and I defer to you,
13 Counselor. I am not a lawyer, but for either adverse possession
14 or acquiescence and abeyance, one of the tests, in my
15 understanding, is that you pay taxes on the occupied land.

16 DISTRICT ATTORNEY HERRERA: Right. If -- if you take by
17 adverse possession, that's what you do. And -- and you can lose
18 land if you don't pay. The -- the county can do that.

19 But the easiest route is for him to convey any interest he
20 has. Whether he has an interest or not, it gives us standing --

21 LARRY GRUBE: And that --

22 DISTRICT ATTORNEY HERRERA: -- to proceed.

23 LARRY GRUBE: That's understood, Counselor. But what I'm
24 saying is, is -- is he's claiming he does have an interest here.
25 I don't think he wants to give it back.

26 COMMISSIONER ALLAN: Larry? Excuse me.

27 LARRY GRUBE: Yes, ma'am.

28 COMMISSIONER ALLAN: So if he's not paying taxes on it, who
29 is? Is anybody?

30 LARRY GRUBE: On -- well, Hughes is paying taxes on it.
31 Because it's of record, it's Hughes' property. So he's paying
32 the taxes on it.

33 DISTRICT ATTORNEY HERRERA: Well, then Hughes can get it by
34 adverse possession if it's --

35 COMMISSIONER ALLAN: So I guess -- I guess the thing -- the
36 situation here is Salisbury has no provable claim. And my
37 recommendation is move forward with, you know, as -- you know,
38 until Salisbury decides to come up and say, here's the proof, is
39 to move forward as if he doesn't have any ownership of it
40 because we don't know for a fact if he does or not. But to --

1 to pro- -- proceed and --

2 LARRY GRUBE: And --

3 COMMISSIONER ALLAN: -- and if Salisbury comes back and
4 says, here. But if he doesn't have anything to come back with,
5 we're not going to sit around and wait for him.

6 LARRY GRUBE: And Steve Mollath, who's the attorney we've
7 been asking questions to when we get to something like this,
8 is -- is -- I can pose that question to -- to Steve and
9 basically say, hey, you know, what do I have to do now to make
10 sure that this is airtight? So --

11 DISTRICT ATTORNEY HERRERA: Well, if we -- if we get some
12 type of a conveyance permission from all possible owners, is
13 what I'm saying, which would include Hughes and Salisbury.

14 And if Salisbury won't do it, we've proceed around him with
15 Hughes. Because Hughes at least can prove that he's been paying
16 taxes.

17 LARRY GRUBE: Okay. Well, we'll -- we will move forward.
18 And I will --

19 CHAIRMAN WAITS: Please do.

20 LARRY GRUBE: -- I will put it out to Steve Mollath to get
21 his -- get his opinion on -- on what the best -- best way to
22 proceed is.

23 The -- so any rate, that pretty well covers all the maps
24 that we've got in process right now. One of the -- we're
25 working on Bispo properties that are at Fifth and Bateman,
26 basically. And we've got a proposed break down for those.

27 I'm hoping to chase down Chuck Bispo today in Austin to see
28 if he's -- if he's good with the configurations. If he is,
29 since he's the primary owner, there's the -- believe it's the
30 Reiland (?) family owns -- owns a little parcel right up there
31 at Fifth and Bateman.

32 Hopefully if everybody's good, that one -- that one will be
33 coming in sooner than later if we have any issues on
34 getting the, -- getting the property. Resolved down here
35 we're -- we're dealing with Salisbury.

36 But I think it's pretty safe to say, that we should be
37 processing a minimum of two maps a month -- no, it's finalizing
38 a minimum two maps a month going forward.

39 KYLA BRIGHT: That's what I wanted to ask a question if I
40 may.

1 Again, Kyla Bright, for the record.
2 You had mentioned --
3 CHAIRMAN WAITS: Kyla, would you speak up for us, please.
4 KYLA BRIGHT: Would -- you mentioned that you were going to
5 have which numbers? Eight and nine?
6 LARRY GRUBE: Seven, eight and nine.
7 KYLA BRIGHT: Seven eight and nine? So my first question
8 is: Are there any abandonments of other streets? Or things --
9 LARRY GRUBE: Yes.
10 KYLA BRIGHT: -- of that that --
11 LARRY GRUBE: Yes, there is. And that's --
12 KYLA BRIGHT: -- are going to be from one through five that
13 may --
14 LARRY GRUBE: No.
15 KYLA BRIGHT: Does --
16 LARRY GRUBE: It's -- basically it's seven. Two through
17 four are all interconnected. And it's 7, 8, and 9. That's
18 where that they're separated out from 2 through 5.
19 So --
20 KYLA BRIGHT: I was --
21 LARRY GRUBE: -- there will -- there will be abandonments
22 and then dedications on the MRPMs.
23 KYLA BRIGHT: Okay.
24 LARRY GRUBE: And we -- basically, the way I'm planning on
25 doing this is we're going to send the mylars to Bob Hughes first
26 to have him sign them because they'll be at -- you know, they'll
27 be out of state and out of our hands.
28 And then once they get back, we'll -- we have one more --
29 try and think the other owner that we have to send out to. Oh,
30 well, Scoggins fortunately lives right -- lives literally less
31 than a mile from -- from Summit. So when we get his map back,
32 we'll just call him up -- both brothers who are the owners of
33 the trust -- both owners showed up within a week of being
34 contacted. And they're very -- they're very pleased with what's
35 going on.
36 Donna is living in her -- her house. And the Lanis of
37 course, are there too.
38 CHAIRMAN WAITS: Okay. We'll -- we'll -- we'll go ahead
39 with that and -- and look for you on the nin- -- the 21st of
40 November and the 19th of December with the rest; right?

1 KYLA BRIGHT: Are you planning on having them in front of
2 them for signatures on those days? Because they need to go
3 through the Planning Commission. And --
4 LARRY GRUBE: Correct.
5 KYLA BRIGHT: -- we planned on doing those meetings in
6 Austin.
7 LARRY GRUBE: Okay. Probably what I should do is get with
8 Kyla on this and come up with --
9 CHAIRMAN WAITS: Yes.
10 LARRY GRUBE: -- a schedule.
11 CHAIRMAN WAITS: Please --
12 LARRY GRUBE: But --
13 CHAIRMAN WAITS: -- do.
14 LARRY GRUBE: -- we're -- we're -- we're prepared to move
15 forward on finalizing 7, 8, and 9, definitely, unless Dee has --
16 the Helmings have some -- or the Chamberlains and the -- or
17 excuse me -- Brewers and Helmings have some disagreement with
18 12.
19 And then 10 and 11 are hopefuls. But we also will be
20 having other maps coming in because we're -- that we're -- that
21 we've got in proc- -- not in process, but that we're hammering
22 out at the moment.
23 CHAIRMAN WAITS: Okay. And you are leaving right after
24 this and going to the Senior --
25 LARRY GRUBE: Yes, ma'am.
26 CHAIRMAN WAITS: -- Center in Austin?
27 LARRY GRUBE: Yes, ma'am.
28 CHAIRMAN WAITS: So Austin, if there's anybody there that
29 has any questions, Larry will be at the Senior Center.
30 MITESHELL LANHAM: Okay.
31 CHAIRMAN WAITS: Okay. Anything else for us to finish up?
32 LARRY GRUBE: No, ma'am. It just -- around the elementary
33 school, we've got a couple of -- of lawsuits going regarding the
34 properties there.
35 We've been advised by Steve Mollath to not take -- to be
36 very careful about taking any sides.
37 We're going to throw out one concept that we -- I
38 tentatively had discussed with Keith and Kyla on doing a land
39 swap to make everybody happy.
40 But there's been a lot of misunderstandings between the

1 parties involved. And fortunately, I talked to both parties
2 yesterday, which is Pastor Charlie Vaughn and Mike Ratkovich.
3 And it sounds like the lawsuits -- the litigation has turned
4 more towards the title company due to the fact that what
5 happened with the school was the Historical Society conveyed
6 certain number of lots to Charlie Vaughn and then later on did
7 a -- help me here, Counselor Ted, is it scrivener's --

8 DISTRICT ATTORNEY HERRERA: Scrivener, yes.

9 LARRY GRUBE: At any rate, it was a deed of correction.

10 DISTRICT ATTORNEY HERRERA: Right.

11 LARRY GRUBE: According to Pastor Charlie Vaughn, he was
12 not informed of anything until he got this deed, basically
13 changed what he received.

14 We did finally get an answer from Western Title that said
15 that, hey, the lots didn't -- and once again, I'm going to have
16 to defer to Counselor Herrera here -- the lots didn't correspond
17 to the assessor's parcel number named in the deed, but the lots
18 are legal parcels that can be conveyed.

19 So that's the -- that's the problem you've got.

20 So you've got a person who got a bunch of stuff. And there
21 was even the northeast corner staked by Bob Morley, which tells
22 me that Pastor Charlie definitely believed he got that property.
23 And then it was taken away.

24 And Mr. Ratkovich -- Pastor Charlie did a lawsuit against
25 Ratkovich. And then Ratkovich tried to do an ejectment
26 against Pastor Charlie. And it's just getting way out of hand.

27 But fortunately when I talked to both of them yesterday,
28 it's kind of like, hey, we're -- we're bringing pressure to bear
29 on the title company. We have that -- entire area around the
30 school ready to go. And -- which -- and then going back to the
31 Bispo properties, which are right across the street there, and
32 if we can just get the school stuff defused, then we've got --
33 that area will be completely cleaned up.

34 CHAIRMAN WAITS: Okay.

35 LARRY GRUBE: So any rate, --

36 CHAIRMAN WAITS: Thank you.

37 LARRY GRUBE: -- that's our commitment to have -- to
38 finalize at least two maps a month until it's done.

39 CHAIRMAN WAITS: Thank you, Larry. We appreciate you
40 coming to update us.

1 And with that, we're going to take a 10-minute break.

2
3 (Break taken between 10:28 a.m. and 10:39 a.m.)

4
5 7) **AIRMED: Update from AirMedCare transportation by Gina**
6 **Faccenetti, medical air transportation services.**
7

8 CHAIRMAN WAITS: AirMed. Update from AirMedCare
9 transportation by Gina Faccenetti, medical air transportation
10 services.

11 GINA FACCENETTI: Hi, Commissioners.

12 Gina Faccenetti, membership manager for AirMedCare network.

13 Keith asked me just to give you a brief overview of the
14 partial municipal site plan that Lander County has in effect.

15 And, of course, we have one of our talented crews here to
16 answer any operational questions and give you a tour of one of
17 the helicopters if you'd like.

18 The partial municipal site plan that you guys have covers
19 all residents of Lander County. So if they're flown from
20 Lander, they do not get balanced billed. They're no money out
21 of pocket for -- for the people that live here if they have to
22 take a flight.

23 We are the largest membership-based program in the United
24 States with over 3 million members and over 320 bases across the
25 United States.

26 Currently, how you have it set up with your site plan is
27 that they can upgrade for \$35 to the full coverage to be covered
28 by all of our bases should they leave Lander County.

29 We are gathering information. I just told him about a
30 possible full site plan, which is what some of the other
31 counties in the area have done -- Elko, White Pine. And what
32 that does is covers them for the whole footprint. So they're
33 covered even if they leave that county. If any of our bases
34 took them, they would still be covered for no money out of
35 pocket.

36 So what that does is keeps more money in the community. It
37 not only protects the residents of the community, you know,
38 fiscally personally, but also keeps, you know, money here.
39 Because if they do have to take a flight, they're not sending
40 thousands of dollars out of state, paying out in medical bills

1 as well.

2 Does anybody have kind of any questions about how we work?

3 Or -- or the site plan?

4 CHAIRMAN WAITS: Just -- just a clarification. I thought I

5 was following you and then you said something and I wasn't sure.

6 Okay. So we're covering all our Lander County residents,

7 but we're covering them in the whole state of Nevada.

8 GINA FACENETTI: You're covering them in Lander County.

9 Right now what you guys have is a partial municipal site

10 plan.

11 CHAIRMAN WAITS: Okay.

12 GINA FACENETTI: So --

13 CHAIRMAN WAITS: So if -- if one of our residents is picked

14 up in Humboldt County --

15 GINA FACENETTI: Then unless they have that upgrade, the

16 \$35 upgrade --

17 CHAIRMAN WAITS: Okay.

18 GINA FACENETTI: -- for the full --

19 CHAIRMAN WAITS: So --

20 GINA FACENETTI: -- footprint, --

21 CHAIRMAN WAITS: -- all right --

22 GINA FACENETTI: -- then they are not covered.

23 CHAIRMAN WAITS: I did not understand that properly, then,

24 because I thought as a Lander County resident, as long as we --

25 we could prove you're a Lander County resident and carried that

26 ID, --

27 GINA FACENETTI: Uh-uh.

28 CHAIRMAN WAITS: -- that we were covered with you.

29 I knew we weren't covered out of state. But you're saying

30 if I'm not picked up in Lander County, I'm not covered at all.

31 GINA FACENETTI: Correct. As far as -- unless you have a

32 private --

33 COMMISSIONER CLARK: Well, that's --

34 GINA FACENETTI: -- membership.

35 COMMISSIONER CLARK: -- not the way I understood --

36 CHAIRMAN WAITS: That's not the way --

37 COMMISSIONER CLARK: -- it either, --

38 CHAIRMAN WAITS: -- I understood --

39 COMMISSIONER CLARK: -- Patsy.

40 CHAIRMAN WAITS: -- it, when we --

1 COMMISSIONER ALLAN: Exactly.
2 CHAIRMAN WAITS: -- bought --
3 COMMISSIONER ALLAN: That's --
4 CHAIRMAN WAITS: -- it.
5 COMMISSIONER CLARK: Whoa. No, no, no. We need to correct
6 this.
7 KEITH WESTENGARD: It w- -- it was just Lan- -- it's always
8 been just Lander County.
9 COMMISSIONER ALLAN: Well, then we were misled because we
10 believed it was Lander County --
11 KEITH WESTENGARD: It was always --
12 COMMISSIONER ALLAN: -- residents --
13 KEITH WESTENGARD: -- just --
14 COMMISSIONER ALLAN: -- within the --
15 KEITH WESTENGARD: It was always --
16 COMMISSIONER ALLAN: -- state.
17 KEITH WESTENGARD: -- just Lander County.
18 CHAIRMAN WAITS: Now I knew they were -- I knew they had
19 bases out of state. And when they got the information, I know
20 you could upgrade to be covered out-of-state.
21 GINA FACCENETTI: Yeah. You can, for the whole -- so what
22 it is, is either the partial one covers that particular county
23 so that if they're picked up in that county they're covered, no
24 money out of pocket. A full site plane, like -- like I
25 explained, like Elko and White Pine have covers them for the
26 full footprint.
27 So if they were picked up in -- by any of our, you know,
28 300-and-some-odd bases, they would be covered.
29 COMMISSIONER CLARK: How much extra is that?
30 GINA FACCENETTI: Actually, he just barely talked to me
31 about getting pricing on that. So that's --
32 COMMISSIONER CLARK: Good --
33 GINA FACCENETTI: -- something that I can do.
34 CHAIRMAN WAITS: So if we --
35 GINA FACCENETTI: I still --
36 CHAIRMAN WAITS: -- have --
37 GINA FACCENETTI: -- will have that.
38 CHAIRMAN WAITS: -- 6,000 residents, at \$35 apiece --
39 GINA FACCENETTI: Well, that would be for the upgrade. I
40 have to take it back to --

1 CHAIRMAN WAITS: Well, he said how much extra.
2 GINA FACCEENETTI: Yeah. This -- is what it is right now.
3 Because they've already paid, like, a portion of it.
4 So if you guys were to do a full site plan, what they would
5 do is tell you what the full site plan would cost. It's not
6 going to be \$35 a person, probably, the way that they're going
7 to do it.
8 But I'll take that to them and get that information for
9 you.
10 COMMISSIONER CLARK: Please get back to us quickly.
11 GINA FACCEENETTI: Okay.
12 COMMISSIONER ALLAN: Definitely. Because --
13 And I just want to reiterate that what we have is not what
14 we were led to believe. Is, you know, we've got three
15 commissioners sitting here --
16 GINA FACCEENETTI: Uh-huh.
17 COMMISSIONER ALLAN: -- that we went through this process
18 last year. Is we believed that it was -- it was statewide, that
19 the extra coverage would be for out-of-state.
20 GINA FACCEENETTI: So, just for the record, I've never
21 actually presented to a commission.
22 I was contacted by -- by you guys to do a partial municipal
23 site plan.
24 So the contract that is recorded on file and stuff is
25 exactly what you guys have asked for. And that's how it's
26 always been in this particular county. Like we -- we could have
27 done the full site plan from the start to cover them for every,
28 you know, all of our bases, the full footprint. But that's not
29 what you guys asked us to do originally.
30 So I'll be happy to get that information for you, but
31 that's what we have.
32 COMMISSIONER ALLAN: Absolutely.
33 COMMISSIONER ANCHO: As someone from the public that was
34 involved in reading about this, I understood it the same exact
35 way that these guys did.
36 So I don't know if it's just a breakdown in communication
37 on how the information got out to the community. Because as a
38 community member, that's exactly what I thought as well, that it
39 covered within the state of Nevada.
40 GINA FACCEENETTI: Okay.

1 KEITH WESTENGARD: That was --
2 CHAIRMAN WAITS: Well --
3 KEITH WESTENGARD: -- Chris that presented at that time.
4 GINA FACCENETTI: Oh, Chris Beck?
5 KEITH WESTENGARD: Chris.
6 GINA FACCENETTI: Okay.
7 KEITH WESTENGARD: Yeah.
8 COMMISSIONER CLARK: This --
9 CHAIRMAN WAITS: The good news is you're here for the
10 update and we caught it.
11 COMMISSIONER ALLAN: Absolutely.
12 CHAIRMAN WAITS: So --
13 COMMISSIONER ALLAN: Thank you.
14 CHAIRMAN WAITS: -- we will move --
15 GINA FACCENETTI: If --
16 CHAIRMAN WAITS: -- forward.
17 GINA FACCENETTI: And if you have any operations questions
18 or would like to see another aircraft, they are here to show
19 you.
20 COMMISSIONER ALLAN: So I guess the other thing that --
21 that I do remember was the fly me home program.
22 GINA FACCENETTI: Uh-huh.
23 COMMISSIONER ALLAN: And how much is that again?
24 GINA FACCENETTI: So there's an optional fly you home
25 program people can add on there.
26 Since they already have the basic coverage, the fly you
27 home program is 134 a year. A little bit more than the emergent
28 care because obviously we can't bill insurance for that so we
29 absorb the total cost.
30 COMMISSIONER CLARK: How much?
31 GINA FACCENETTI: 134 a year.
32 COMMISSIONER CLARK: Now I --
33 GINA FACCENETTI: Covers everybody in the house- --
34 COMMISSIONER CLARK: -- filled out -- when -- when we
35 joined this, I filled out a form. And I spent -- I sent in
36 \$300, I believe, that covered me for, like, five or ten years.
37 GINA FACCENETTI: Uh-huh.
38 So normally per household, its \$85 a year, is what the
39 basic price is. That covers everybody in the household.
40 If you're 60 or older, that fee goes down to \$65 a year.

1 And then we have three-, five-, and ten-year programs that
2 get even less expensive per year.
3 COMMISSIONER CLARK: And that --
4 GINA FACCENETTI: So if you --
5 COMMISSIONER CLARK: -- that --
6 GINA FACCENETTI: -- pay 300, you probably bought --
7 COMMISSIONER CLARK: -- that program is for anybody in my
8 house if they need to be careflighted; right?
9 GINA FACCENETTI: Correct. It's -- yep. It doesn't have
10 to be a relative --
11 COMMISSIONER CLARK: Even if they're --
12 GINA FACCENETTI: -- or a dependent.
13 COMMISSIONER CLARK: -- visiting.
14 GINA FACCENETTI: If they live -- no -- if they live in
15 your household, they're covered.
16 COMMISSIONER CLARK: Live.
17 GINA FACCENETTI: Yes. It's not for people visiting your
18 house. It covers everybody that lives in that household.
19 COMMISSIONER CLARK: Hm.
20 CHAIRMAN WAITS: Okay.
21 COMMISSIONER CLARK: Do we need a motion to bring you --
22 bring --
23 CHAIRMAN WAITS: No.
24 COMMISSIONER CLARK: -- this lady --
25 COMMISSIONER ANCHO: No.
26 COMMISSIONER CLARK: -- back and --
27 KEITH WESTENGARD: When she gets me the information, I'll
28 give it to --
29 COMMISSIONER CLARK: Okay.
30 KEITH WESTENGARD: -- you.
31 GINA FACCENETTI: Thank you.
32 CHAIRMAN WAITS: Thank you, Gina.
33 COMMISSIONER ALLAN: Thank you.
34 COMMISSIONER ANCHO: Thank you --
35 CHAIRMAN WAITS: Thank you, --
36 COMMISSIONER ANCHO: -- very much.
37 CHAIRMAN WAITS: -- Gentlemen.
38 COMMISSIONER ANCHO: Thanks.
39 CHAIRMAN WAITS: Safe flying.
40 KEITH WESTENGARD: Did you want to see the helicopter --

1 COMMISSIONER CLARK: Yeah.
2 KEITH WESTENGARD: -- at all?
3 CHAIRMAN WAITS: Do you want to see the what?
4 KEITH WESTENGARD: The --
5 COMMISSIONER ANCHO: Aircraft.
6 KEITH WESTENGARD: -- helicopter that they brought.
7 COMMISSIONER ANCHO: They brought the --
8 KEITH WESTENGARD: They probably --
9 COMMISSIONER ANCHO: -- aircraft --
10 KEITH WESTENGARD: -- have it here for --
11 COMMISSIONER ANCHO: -- so we would --
12 KEITH WESTENGARD: -- to show you.
13 COMMISSIONER CLARK: They brought the --
14 CHAIRMAN WAITS: A helicopter?
15 COMMISSIONER CLARK: -- helicopter.
16 COMMISSIONER ALLAN: Is it the --
17 CHAIRMAN WAITS: Yes. Let's --
18 COMMISSIONER ALLAN: Same one you brought --
19 CHAIRMAN WAITS: -- let's --
20 COMMISSIONER ALLAN: -- last year? Do you know?
21 CHAIRMAN WAITS: Okay. We'll go ahead and take another
22 quick 10-minute break so we can at least see the helicopter.
23 Okay. You --
24 MITESHELL LANHAM: Okay.
25 CHAIRMAN WAITS: -- guys can't come. I'm sorry in Austin.
26 MITESHELL LANHAM: That's okay.

27
28 (Break taken between 10:46 a.m. and 10:57 a.m.)
29

- 30 5) **PLANNING: For discussion only, information and presentation**
31 **regarding the Nevada Main Street program presented by**
32 **Patricia Herzog, the director of Rural Economic and Community**
33 **Development of the Governor's Office of Economic Development**
34 **(GOED).**
35

36 CHAIRMAN WAITS: And going into Number 5. Planning. For
37 discussion only, information and presentation regarding the
38 Nevada Main Street Program presented by Patricia Herzog, the
39 director of Rural Economic and Community Development of the
40 Governor's Office of Economic Development, which is fondly known

1 as GOED.
2 Welcome.
3 PATRICIA HERZOG: Thank you.
4 CHAIRMAN WAITS: And thank you for waiting.
5 PATRICIA HERZOG: Thank you, Commissioners.
6 Good morning. And -- and thank you for the opportunity to
7 present today on the Nevada Main Street Program.
8 I'd like to start out by congratulating Kyla Bright for all
9 of her hard work over the past year. And we --
10 MITESHELL LANHAM: Can we ask that she speak up?
11 CHAIRMAN WAITS: Okay. Yeah. See, we're recording, but
12 they can't hear you so you have to talk really loud for us.
13 PATRICIA HERZOG: Okay. Sorry about that.
14 So I just wanted to say that Kyla Bright has really stepped
15 forward over the last year to collect so much information about
16 the Main Street Program and to see what it would take to bring
17 that to Lander County.
18 Over the past years, we -- over the past year, we've had
19 many, many meetings to -- to talk about the program. And I
20 presented this to the LEDA board members and also to the local
21 Chamber of Commerce here in Battle Mountain.
22 Kyla also participated in the National Main Street
23 Conference that was held earlier this year.
24 And that's where all the main streets across the country
25 get together to share their stories of how they're bringing
26 economic development and historic preservation to their
27 communities.
28 So thank you, Kyla, for your commitment to the program.
29 So I'll go ahead and start with the presentation here.
30 COMMISSIONER ALLAN: Patricia?
31 PATRICIA HERZOG: Yes.
32 COMMISSIONER ALLAN: I'm sorry, but you didn't introduce
33 yourself for the record.
34 PATRICIA HERZOG: Okay. My name is Patty Herzog. I'm with
35 the Governor's Office of Economic Development. Thank you.
36 And hopefully I can figure --
37 Yeah. It's not working. So I'm just going to use the
38 computer screen over here.
39 There you go.
40 And I believe you have this in your packets. And I'm happy

1 to provide this for any other of the community that would like a
2 copy of this presentation as well.

3 So the Main Street Program is a national program. And
4 there's over a thousand affiliates with -- across the country.

5 We support small business revitalization, historic
6 preservations. It's also in urban communities as well as rural
7 communities.

8 It helps equip communities with the leadership skills that
9 they need to support their community and also improve the
10 quality of life.

11 It -- it's a commitment to that revitalization and
12 combining the unique characteristics of your community.

13 Battle Mountain and Lander County are different than any
14 other place, and this program celebrates the unique aspects and
15 assets of your community.

16 It's based upon a four-pillar approach. And those four
17 pillars are econ- -- economic vitality, design, organization,
18 and promotion.

19 This graph right here -- I like this -- this graphic image
20 that shows what -- what the Mainstream Program does.

21 When it starts out, what Kyla's been doing is collecting a
22 lot of information about the community, understanding what the
23 market looks like. There's a possibility of doing a vacancy
24 survey to see what kind of building inventory is available. And
25 really understanding what the needs and the desires of the
26 community are when it comes to the businesses that they'd like
27 to see in their downtown.

28 So after understanding what your market is in Lander
29 County, then you move to developing your transformational
30 strategies.

31 These are based upon what the community im- -- would like
32 to -- to see their community be. And, again, it's based upon
33 those four different pillars.

34 On the outside of this, we're looking at collecting data so
35 we can refer back to those things and see how many vacancies we
36 were able to fill your businesses, how much increase in tax
37 revenues that the -- the county was able to see as a result of
38 the businesses that were brought in.

39 So it's really a comprehensive approach to -- to this.

40 Not one of those pillars alone can support this effort.

1 It's the combination of all of those working together with a
2 community-driven transformation strategy that's really the
3 unique characteristic of this program.

4 A little bit about the four pillars design. This is really
5 about getting our downtown communities in their physical form.
6 You know, if you -- we go to the gym to work on our -- our
7 bodies and make sure they're looking good. We also want to make
8 sure that our downtowns have that appearance as well.

9 So it's improvements to sidewalks, to facade improvements,
10 to -- to businesses. And it's getting it in top physical shape.

11 The organizational pillar, this is where the community
12 leadership side of things come in -- into play.

13 It's getting the board to organize. It's hiring an
14 executive director. It's working with the volunteers in the
15 community to -- to bring programming to your downtown area and
16 support the businesses that want to come in there.

17 Promotion, this is the rah-rah cheerleaders. Anybody who
18 wants to -- to spread the word about Main Street and what's
19 going on in your community, this is where that -- that activity
20 takes place. And Kyla is definitely the cheerleader. You've
21 already got a very strong one.

22 And then the economic vitality. We all want to see our
23 businesses thrive and create this economic district that really
24 improves our economy and helps Lander County be a -- a strong
25 place, not only for the folks who live here, but also for the
26 visitors that come through.

27 It's a comprehensive approach, again. It works best when
28 it's seen as a framework. It's a very inclusive process so we
29 want to have lots of public members in- -- involved, whether you
30 own a business or not, whether you dream of owning a business or
31 not, or whether you have an interest in preserving your historic
32 nature of your town.

33 It is very flexible in how it's organized. Some
34 communities have business improvement districts that they're
35 able to fit their Main Street Programs in -- into.

36 Other communities formed 501(c)(3)s.

37 That is probably the -- the most common format. And I
38 think that's what Kyla is really working towards when it -- when
39 it comes to what would work best for the community.

40 But that's really something that's driven by the -- the

1 folks that live here.

2 And then to be most effective, it's focused upon the -- the
3 outcomes and not the process. So there are -- there are these
4 four pillars, but it's really up to the community how they want
5 to implement the -- the program. And that's why it's unique.

6 We -- we have a R&D program, Rip Off and Replicate
7 [misspoke, meant Duplicate] Program with the -- the Main Street.
8 And so you might find a community that's similar to Lander
9 County, maybe in Wyoming or Montana, and they've already gone
10 through some of the challenges that you might be facing here in
11 Battle Mountain and be -- and be able to pull some of those
12 ideas and rework them to work in your communities here.

13 Again, the principles here. It supports that historic
14 preservation. Main Street really came out of the -- the
15 National Historic Preservation. So -- so this is something
16 that's a strong aspect of the program.

17 It's part of economic development. That's why it's seeded
18 with the Governor's Office of Economic Development to -- to
19 support this.

20 It drives overall community improvement, a sense of pride
21 in your community. And also a very attractive and vibrant
22 economic district for -- for people to enjoy.

23 It's community driven. This is not a program that the
24 state comes in and runs for you. It's the community that does
25 that.

26 And there is no finish line. This is a -- a -- constantly
27 working to improve and get better as we go. There is no --
28 we -- we get to take our main street hat off and say we're done
29 with this. This is something that will continue generations
30 to -- to come, hopefully.

31 This is a famous economist. And -- and he says that there
32 simply is no better way or cost-effective way to show the
33 improvements there.

34 And what I wanted to point out here is really when you're
35 putting money into a Main Street Program, it's an investment
36 into your community.

37 And these are -- are national figures in the 40-year
38 history of the National Main Street Program. These are the
39 statistics that are collected.

40 So they've -- we've seen close to \$79 billion worth of --

1 of investment into our communities. Quite a few of those
2 rehabbed buildings, 284,000 buildings that have been
3 refurbished. And then, you know, the net -- we gain jobs and
4 businesses there.

5 This is just looking at a snapshot of the -- the year 2018
6 and those figures. Nationally, they're looking at \$4.2 billion
7 of investment into communities and a net gain in businesses of
8 5300.

9 One thing to point out too in this slide, if you look at
10 the very last line, the reinvestment ratio, this -- this is what
11 happens when a public entity puts a dollar in. They see a
12 return on that investment of close to \$26. So that's what
13 happens when -- when we do this.

14 And nationally, these are -- these are national figures.

15 So this is in Washington. I just wanted to point out one
16 of those other reinvestment statistics. In 2015 and '16, in
17 Washington State, they had 2.4 million to 22 million in tax
18 revenues that -- that they saw -- that they wouldn't have seen
19 had they not had the Main Street Program.

20 How did this program come to our state? Assemblywoman
21 Heidi Swank is -- brought forth the legislation that created the
22 Nevada Main Street Program. And it was reupped in 2019. And so
23 this will be an ongoing program with the Governor's Office of
24 Economic Development.

25 What do we provide at the state level? Well, we've been
26 providing support and funding and helping get communities
27 onboard with the Main Street Program.

28 Currently we have 11 programs throughout the state. Two of
29 them are urban. The rest of them are rural. And so, you know,
30 it's been a very successful program.

31 We have one nationally designated community in the state.
32 That's Gardnerville. And that's why that picture's up there.

33 And this is just one example of what the Mainstream Program
34 has done in Gardnerville.

35 They had an -- this abandoned building that wasn't looking
36 so good, and they decided to turn that into a art walk. And so
37 that's artwork that's put up on an abandoned building so it
38 doesn't look like, you know, there's a vacancy there.

39 So that's one of the -- the ways that the communities work
40 there. They've also got a community garden that they've worked

1 on. They do flower pots along the -- the streets and many
2 different activities.

3 It's the only nationally accredited program too in the
4 state. So that's something to --

5 They've been around for ten years.

6 What do we require to be a part of the Main Street Program?

7 Well, currently, Lander County's at the exploring level,
8 which is just filling out an application, saying that you have
9 an interest in learning about the program.

10 If you want to move to the affiliate level or a designated
11 level, you would need to establish a public/private partnership.
12 And so really this is where the public bodies step up and say,
13 we want to invest in our community and we want to see the
14 private sector invest as well.

15 And I -- I really like to use that term, "investment,"
16 because that's what you're doing. You're -- you're investing in
17 your communities to make it a stronger economy.

18 You define what your Main Street area's going to be, where
19 do you want to focus your activities?

20 And here in -- in Battle Mountain, you have a unique
21 situation with the two potential Main Street areas that you
22 could focus on.

23 Really, you want to look at a small area that you can show
24 some real impact and then kind of grow from there.

25 Down into Austin, it'll be a little bit easier to work
26 on -- on the Main Street Program there, since it's pretty
27 compact and pretty clear where your Main Street area would be.

28 You want to establish that Main Street organization, get
29 your 501(c)(3) and your bylaws all set and ready to go. And
30 then hire your executive director.

31 When you hire your executive director, we re- -- this is a
32 person, like, you know, if you think of a -- a -- a mall
33 situation, the malls just don't have businesses in there. They
34 have somebody that manages that busin- -- that -- that mall.
35 And that's really what a Main Street person does. They go out.
36 They talk to the business owners. They make sure that there's
37 consistency in hours of operation. And they're really out there
38 to bring forth the information to the public bodies and also to
39 the private sector to help bridge that gap and help people
40 understand what -- what the needs are of the downtown area.

1 We also require that there's some funding for -- for
2 training and for volunteers to establish an office within the
3 district and then, you know, put together your budget, a
4 fundraising plan, and a work plan.

5 Again, this is a public and private. So they -- they will
6 be required to -- to raise money on their own. And this isn't a
7 completely publically funded program.

8 Typically, this is the funding structure that you see.
9 Between 30 to 50 percent of the funding for Main Street comes
10 from the local governments. Then business districts usually
11 pitch in between 20 and 30 percent. Five to fifteen is
12 miscellaneous. And 30 to 40 can come from the -- the community
13 as well.

14 So, you know, it's really about events that are held. But
15 that's one way that -- that Main Street programs raise their
16 funding, corporate sponsorships that they get, and then the
17 commitment of their local governments.

18 What do you get out of the program? Well, the support
19 services to build your organization. There are many resources
20 available nationally to help get the -- the program going,
21 training for board members and staff and community members as
22 well, business development assistance for those businesses
23 locating in your downtown area, marketing and promotional
24 materials. The network, as I mentioned, that's a huge strength
25 of the program.

26 We also, at the state level, have a grant program and also
27 scholarships that we provided to assist with training.

28 And then we come out to communities. We brought out our
29 national consultant, Kathy La Plante. And she's been to Wells
30 and Lovelock and Ely, giving training with communities. And
31 she's stopped here as well.

32 One thing too I want to -- I'm really proud of the Main
33 Street communities that we have in our state.

34 Last -- in this -- starting in January of this year, we
35 were able to offer \$100,000 in loans -- or not loans, but grants
36 to our Main Street communities.

37 And we were able to fund each of their requests at a
38 hundred percent. The community of Ely received a \$35,000 grant
39 to pay for way finding signs that they put up and a complete
40 branding guidebook. So that will take them forward.

1 They're using that logo that they developed. And right now
2 it says Ely in the center. But they're able to use that for
3 McGill or Ruth as they move forward with Main Street. So that's
4 one example.

5 Winnemucca also received a grant for a historic book to be
6 published about their downtown. They received about \$8,000
7 for -- for that project.

8 So there will be more of these grants coming forward
9 through National Main Street. I -- I applied for a revolving
10 loan fund for just odd improvements on businesses. And that
11 program would allow for -- if a -- if a business owner wanted
12 the facade improved, they'd put in 50 percent. This loan would
13 be for 50 percent. And then they'd paid -- the business owner
14 would pay that back over three years at zero percent.

15 And then as it's paid back, it's re-lent out and, you know,
16 other facades get improved as they go along there.

17 So that is the -- the overview of the Main Street Program.
18 And I'm just pointing out this last slide here, we will be going
19 down to -- to Dallas in May for the National Main Street
20 conference. I would encourage any of the commissioners that
21 would like to attend that to please contact me and we can see
22 about getting a scholarship to you so that you could -- could
23 attend that.

24 Kyla went last year along with a couple of folks from
25 Newmont Mine at the time and to participate in -- in that last
26 March.

27 I'm happy to answer any questions you might have.

28 COMMISSIONER ANCHO: I need to --

29 COMMISSIONER CLARK: How many businesses --

30 COMMISSIONER ANCHO: -- a couple --

31 COMMISSIONER CLARK: -- have you spoken to in Battle
32 Mountain about this?

33 PATRICIA HERZOG: I -- I presented at the Chamber of
34 Commerce in --

35 COMMISSIONER CLARK: Okay.

36 PATRICIA HERZOG: -- September.

37 COMMISSIONER CLARK: Because I don't see any business
38 people here today. So I'm just wondering about their level of
39 interest in this program.

40 PATRICIA HERZOG: Uh-huh.

1 COMMISSIONER ANCHO: I've attended -- I've gone to a couple
2 of cities who have done this pro- -- project. Albany, Oregon,
3 is one of them. Beautiful, what they've done.

4 And it's almost -- you smile when you go through the area
5 that's been done.

6 The other one -- and I know this is a huge city and you
7 wouldn't think that -- you'd think that the city would be taking
8 care of this.

9 But Boston, Massachusetts, had a huge program. And it's
10 absolut- -- it's -- not only did the city buy in unto it, but
11 when they got it all -- everything done that they wanted to do
12 and they -- the city put in as far as, like, law enforcement,
13 you can walk up and down the city in Boston -- where on Fenway
14 Park, all around that area, and you don't have to worry about
15 people coming -- being scared at night at 11:00 o'clock at night
16 to walk in downtown, that city, because they bought into these
17 programs. They -- the city bought in. They got the law
18 enforcement. They cleaned up the areas. And they're ab- --
19 they're absolutely beautiful.

20 And there's a lot of old-time history, like their pubs and
21 things like that, that they went through and -- to this --
22 because it's they're -- they're absolutely beautiful. So I
23 commend the program because it really is, for the cities that
24 I've been into and seen it, they're gorgeous.

25 KYLA BRIGHT: I would like to answer Art's question.

26 PATRICIA HERZOG: Could -- could I --

27 KYLA BRIGHT: Yeah.

28 PATRICIA HERZOG: -- just want to --

29 KYLA BRIGHT: -- please.

30 PATRICIA HERZOG: Thank you, Commissioner, for your -- your
31 comments.

32 I -- I would like to -- to point out we have this network
33 nationally, which you point to some really great Main Street
34 Programs across the country.

35 Laramie, Wyoming is another one --

36 COMMISSIONER ANCHO: Oh. Yeah.

37 PATRICIA HERZOG: -- that has a really great Main Street
38 Program.

39 But not only is it this national network, but Kyla's been
40 able to participate with the other communities in Nevada.

1 So it's not one of these things like you're doing this out
2 on your own. You're able to draw on the resources of the folks
3 working in Wells or the people working in -- in Lovelock.

4 We had a meeting a few months ago -- end of August, I think
5 it was -- in Gardnerville. And we pulled together all of the
6 leaders that are working on their Main Street Programs. And we
7 took a walking tour to see what worked in -- in Gardnerville.
8 They've been doing this 10 years. So they -- they know some --
9 some things. And they have a new executive director right now.
10 And he took us through to talk about where they started from.
11 And then we had a roundtable discussion where we were able to
12 kind of share what are successes? Because, I mean, it's really
13 a new program. And we do have a lot of successes to share.

14 But also how to support each other with some challenges.
15 You know, what -- what are we going to do about fundraising?
16 How are we going to get an executive director that's really
17 focused on our communities and -- and want to make it work?

18 So --

19 COMMISSIONER ANCHO: And I think that in some -- some of
20 the smaller areas, they're thinking that it's Big Brother coming
21 in there and telling them what to do.

22 PATRICIA HERZOG: Right.

23 COMMISSIONER ANCHO: And that's where I think the
24 misconception is, is that we're not here to come in and take
25 over and tell you how to run your business or how to do your --
26 if you don't want to be involved in it, you're not involved in
27 it.

28 But we want to make you -- your business as profitable
29 as -- as possible so we can get people through your door.

30 But we're not going to tell you how to do that. We're
31 going to throw out some ideas and you have to say, yes, I want
32 to do this or, no, I don't want to. I want to leave my purple
33 building with big flowers on the front of it that way. Well,
34 then so be it. But here are some other ways to get some foot
35 traffic through your door.

36 And the one in Albany, like I said, that -- just that --
37 it's a fun little community you walk through. Even the little,
38 you know, the pla- -- places that are only open for breakfast.
39 I mean, you see them and they're fun little places that you go
40 into and -- and hugely help the foot traffic in their doors just

1 from what it looks like on the outside.
2 So --
3 PATRICIA HERZOG: Yeah.
4 COMMISSIONER ANCHO: But nice --
5 PATRICIA HERZOG: I --
6 COMMISSIONER ANCHO: -- program.
7 PATRICIA HERZOG: I appreciate your comments and thank you
8 very much, --
9 COMMISSIONER ANCHO: Uh-huh.
10 PATRICIA HERZOG: -- Commissioner. If -- if I could share
11 one other example and this happened just recently. In Ely, they
12 had a Main Street mixer. And what they did was put a sign over
13 one of their vacant buildings. They just put a sign over it and
14 it said, most eligible building in Ely.
15 And they had snacks. And folks came in there. The
16 landlord that owned the building talked about what he kind of
17 envisioned in that space. And community members also talked
18 about what they'd like to see in there.
19 They took -- they took pictures. They talked about what
20 kind of ideas they had. And it's just to spur some activity and
21 some creative thinking about what it could be.
22 COMMISSIONER ANCHO: Uh-huh.
23 PATRICIA HERZOG: And, again, like you said, it's not a
24 matter of saying, this is how it has to be done. That was their
25 own idea they came up with.
26 COMMISSIONER ANCHO: And it's -- yeah. And it's
27 community-wide. It's what they want to do as a community. It's
28 not us telling them what they have to do or what color they have
29 to paint their -- you know, it's just we're -- these are some
30 ideas what would -- what do you think is going to work for your
31 business to get, you know, more foot traffic through? So, like
32 I said, nice program.
33 PATRICIA HERZOG: Thank you. Any other --
34 CHAIRMAN WAITS: Okay.
35 PATRICIA HERZOG: -- questions to be answered?
36 CHAIRMAN WAITS: Thank you so much.
37 KYLA BRIGHT: Do you -- do you mind if I touch on how many
38 businesses we've spoken to?
39 CHAIRMAN WAITS: No. Please, go ahead.
40 KYLA BRIGHT: All right. So she actually came down

1 September 11 and presented to the business owners that attended
2 at the --
3 COMMISSIONER CLARK: How many?
4 KYLA BRIGHT: -- Chamber luncheon.
5 COMMISSIONER CLARK: How many?
6 KYLA BRIGHT: I have a list.
7 COMMISSIONER CLARK: Okay.
8 KYLA BRIGHT: I'm pretty --
9 COMMISSIONER CLARK: I'd like --
10 KYLA BRIGHT: -- sure --
11 COMMISSIONER CLARK: -- to --
12 KYLA BRIGHT: -- we need a --
13 COMMISSIONER CLARK: -- see the list --
14 KYLA BRIGHT: -- copy of --
15 COMMISSIONER CLARK: -- because --
16 KYLA BRIGHT: -- that.
17 COMMISSIONER CLARK: -- the people I talk to, they don't
18 like the idea of government giving businesses money. Okay.
19 Business owners have told me they don't want to see people
20 getting grants or they don't want to see loans --
21 KYLA BRIGHT: Hm.
22 COMMISSIONER CLARK: -- because what if the business fails?
23 KYLA BRIGHT: So it's not -- I mean, yes, you're -- it is a
24 pu- -- public/private relationship where --
25 COMMISSIONER CLARK: Uh-huh.
26 KYLA BRIGHT: -- the 501(c)(3) would be asking for funds.
27 But that wouldn't be -- let's say in the MOU, you would say,
28 this money that we're going towards you -- towards this
29 501(c)(3) would be to pay for the director or whatever. It
30 doesn't -- that doesn't have to.
31 But either way, the businesses that I spoke to, which were
32 a lot of our Front Street businesses, including some back here,
33 the newer -- the newer business area, they were interested.
34 A lot of them would like to sit on the board. They'd like
35 to get more information about it.
36 One example I have is someone who has been trying for years
37 and years and years and years to do their front facade.
38 However, that is half a million to a million dollars of
39 money that they just can't at that time.
40 So where Main Street would come in to help them out with

1 that is in the grants or is in the revolve -- revolve -- revolve
2 -- revolving loan funds.

3 Sorry.

4 COMMISSIONER CLARK: And you're saying that if we put a --

5 KYLA BRIGHT: So --

6 COMMISSIONER CLARK: -- new front on stores, we're going to
7 get a \$24 return for every \$1 we invest.

8 KYLA BRIGHT: So one --

9 COMMISSIONER CLARK: Now I just want to mention Elko. Elko
10 spent how many millions of dollars? They're not getting people
11 off of I-80 when they're traveling to Salt Lake City or Back
12 East or to the West. You know, you've got all this iron art,
13 steel art. You've got new -- you're not going to get people off
14 of the freeway.

15 I read a newspaper article the last time this thing came up
16 that people would be buying suits to promenade up and down Front
17 Street on the weekend.

18 Oh, it was in the paper, Kyla. Don't shake your head. It
19 was in *The Bugle*.

20 KYLA BRIGHT: I don't doubt that it wasn't in *The Bugle*. I
21 shook my head because that's not the goal.

22 COMMISSIONER CLARK: Well, bringing people in town is the
23 goal. And the --

24 KYLA BRIGHT: Yes.

25 COMMISSIONER CLARK: -- way you bring people into town is
26 with events. Events bring people in the town.

27 KYLA BRIGHT: So on that, that's kind of one of the larger
28 areas for this 501(c)(3) is all the events that we do need to
29 have to be able to raise that money to reinvest back into our
30 community. The money that comes in from the events that we
31 host. So all the booth fees, all the -- if we do whatever
32 thing, something, a cook-off, anything like that. The money
33 that goes into that pot comes back out into your community to
34 paint the fence, to help with roofs, re- -- replacing roofs, to
35 help with --

36 COMMISSIONER CLARK: When we have --

37 KYLA BRIGHT: -- replacing --

38 COMMISSIONER CLARK: -- events --

39 KYLA BRIGHT: -- your signs, to make your Front Street look
40 better, look appealing, where people don't just blow right on

1 through.

2 COMMISSIONER CLARK: I live right --

3 KYLA BRIGHT: So --

4 COMMISSIONER CLARK: -- off --

5 KYLA BRIGHT: -- it's both.

6 COMMISSIONER CLARK: -- of Front Street and I can --

7 KYLA BRIGHT: Both --

8 COMMISSIONER CLARK: -- I could give --

9 KYLA BRIGHT: -- together.

10 COMMISSIONER CLARK: -- you a list of 50 businesses that

11 have sprung up and died. And you know why?

12 KYLA BRIGHT: And that is why we're --

13 COMMISSIONER CLARK: -- because we've --

14 KYLA BRIGHT: -- here.

15 COMMISSIONER CLARK: -- got an off-ramp.

16 And now everything is on Elquist. That's where the

17 business is. The only way you're --

18 PATRICIA HERZOG: Elquist?

19 COMMISSIONER CLARK: The only way you're going to slow

20 people down is if you have one-way traffic or you go back to

21 diet or to facing the curve to --

22 KYLA BRIGHT: So --

23 COMMISSIONER CLARK: -- slow people down. That was the one

24 recommendation that I got from the business people.

25 KYLA BRIGHT: So this is something that has been said to me

26 as well. And that's what I'm saying. This group is here for,

27 that they raise the money for that. That way there's not people

28 coming into the county or going to NDOT, hollering at them

29 saying, "What are you going to do about this Front Street?"

30 Main Street can help with that transition and help with the

31 funding.

32 If we want to bring it back to -- to just two one-way and

33 close in, make wider sidewalks, put -- put some benches out

34 there with some trees and lighting so it invites people to stay,

35 sitting in those benches in front of our businesses, then that's

36 something that Main Street can help with. That's something that

37 we can help provide.

38 COMMISSIONER ANCHO: And I --

39 KYLA BRIGHT: And that's what Main Street's there to gather

40 that information in, bring it in, and actually implement it

1 without --

2 COMMISSIONER CLARK: Well --

3 KYLA BRIGHT: -- having to set on just the business owners'
4 shoulders or just the public sector's shoulders.

5 COMMISSIONER CLARK: I have completely different views.

6 COMMISSIONER ANCHO: Well, and I -- the one view I have and
7 from the different people that I have spoken to is the pride of
8 your community of what it looks like --

9 KYLA BRIGHT: And the ownership and the --

10 COMMISSIONER ANCHO: -- and the ownership of it. Because
11 the pride of what the community looks like.

12 And you may not get a million people dropping off the
13 interstate. But when they come through your community, it's a
14 beautiful community that the people who live here can be proud
15 of.

16 I want to be proud of when I go down the street that -- of
17 the community that these -- all these taxpayers pay into our
18 community that we did an effort and not Big Brother doing it.
19 It's not a Big Brother, you know, it's not the government doing
20 all of it. It's the community saying, hey, this is where I
21 live. This is where I raise my children. This is where my
22 grandchildren -- and I want to have a beautiful community. And
23 that's a -- kind of where the bottom line is, just the pride of
24 our community.

25 COMMISSIONER CLARK: Well, I think you're talking about
26 aesthetics. And aesthetics are up to the individual.

27 I happen to love Lander County. I love Austin, Gilman
28 Springs, Kingston, and especially Battle Mountain.

29 I think it's beautiful the way it is because of the people
30 and the hard work that people put in.

31 And when you start talking about taking tax money away from
32 events for -- and giving it to private businesses, that's
33 bothersome.

34 COMMISSIONER ANCHO: And we -- and I -- I'm not disagreeing
35 with that, but we ta- -- we use public -- not that I'm saying to
36 dump all the public money into this. That isn't absolutely -- I
37 don't want that taken out of context.

38 But when we put -- we put public money towards other things
39 that we're trying to build up, it's the same idea. We're trying
40 to -- these events, we give them X amount of dollars to try to

1 get people in their door and they fail. And these things happen
2 all the time in Lander County. We've been getting -- long
3 before I sat on this board. But lived in -- been living in this
4 community. We give X amount of dollars to different events and
5 things in town to try to get the foot traffic in the door for
6 them for their businesses and they fail. So it's, like, kind of
7 a Catch-22. We're trying to do the best we can with what we
8 have.

9 So if Plan A doesn't work, then let's try Plan B. I mean,
10 COMMISSIONER CLARK: Well, and I talked to some of the
11 business owners, they said that they love the events, the
12 baseball games, the football games, all these things because
13 that's where they put heads in beds. And that's where they sell
14 meals.

15 I don't want that money taken away from the business owners
16 and given to other business owners.

17 COMMISSIONER ANCHO: Two separate --

18 COMMISSIONER CLARK: That money is --

19 COMMISSIONER ANCHO: -- projects.

20 COMMISSIONER CLARK: -- taxable and it needs to go into the
21 General Fund. It needs to go into the -- into the --

22 PATRICIA HERZOG: Let me --

23 COMMISSIONER ALLAN: Kyla.

24 COMMISSIONER CLARK: -- county.

25 PATRICIA HERZOG: -- clarify. If I could clarify.

26 COMMISSIONER ALLAN: Go ahead.

27 PATRICIA HERZOG: Com- -- Commissioner, this program,
28 you're not taking public funds to give to any specific business.

29 If a public entity chooses to participate in the Main
30 Street Program, which most of them have public moneys involved,
31 like the slide shows, 30 to 50 percent of the funding. And that
32 can be -- either be in cash or in-kind.

33 So, for instance, in -- in Gardnerville, our -- our
34 longest-standing and nationally accredited program, the -- the
35 town of Gardnerville offers office space.

36 And then that way they -- the Main Street Program does not
37 have the expense of paying for office space.

38 So I just want to make it really clear that none of the
39 moneys in Main Street are going directly to a business. It's
40 going to support the Main Street organization, which supports

1 your downtown businesses as a whole. It's not directed
2 individually at anybody.

3 And most of that funding does go to hiring an executive
4 director who is working with those businesses so that the
5 elected folks and the community members understand the
6 challenges that they're facing and hopefully is able to provide
7 some resources so they just don't shut the door, that possibly
8 they can give them programs, they can connect them to other
9 people to help them be able to keep their doors open.

10 To your point about events, that's why one of the pillars
11 of the Main Street Program is promotion. And -- and the events
12 are a big part of that.

13 So, again, I'm going to go back to -- to Gardnerville.
14 They just recently had one of their longest standing and most
15 popular events that they do is the Coffin Races. And, you know,
16 it's a thing they do every fall. And that's a huge fundraiser
17 for their community.

18 And people come, they decorate every -- they had 3,000
19 people turn out for that.

20 Another event that they did in combination with a pop-up
21 business that they have there, the Eddy Street Vintage Shop held
22 a craft fair this summer. And for every ticket sale that went
23 in there -- a \$5 ticket sale -- they generated \$5,000 for their
24 mainstream program through that.

25 So I -- I agree with your comments about events. That's
26 part of the building of the pride that --

27 COMMISSIONER ANCHO: Uh-huh.

28 PATRICIA HERZOG: -- that Commissioner Ancho spoke to.

29 It -- it's not a one solution here.

30 And -- and again, you know, it's up to the community to
31 determine what their aesthetic is and what they want their
32 community to look like.

33 Nobody's coming in to dictate that.

34 COMMISSIONER ANCHO: Sisters, Oregon, has a quilt show once
35 a year that is -- and to -- and it helps raise money. But a
36 quilt show. That town is so -- you can't a room while -- on
37 either end of, you know, in Oregon to that city to get --
38 there's so many thousands of peop- -- women, mostly, that come
39 in for this -- these quilt shows. So -- and they -- part of the
40 proceeds go to different things within their -- within their

1 community. And it's the same idea. I mean, it's a quilt show
2 that started out this big that is, you know, anybody who's into
3 quilting knows that -- and you almost -- it's almost like you
4 have to get a ticket to be able to get in because it's so -- has
5 become such a huge phenomenon.

6 So -- but, I mean, it's a moneymaker. And so just a little
7 idea -- different ideas like that, it's -- that's -- that city
8 makes I don't even know how much money over that three days --
9 it's over a three-day weekend.

10 And it's beau- -- and it's beautiful what they do with it.

11 So I've seen some of the different projects that have come
12 out of these that -- and it isn't the Big Brother. And I think
13 at first the misconception of that truly is that the government
14 sticking their nose. But it has to be a commun- -- the
15 community has to buy into it. And if they don't buy into it,
16 then it goes into absolutely nowhere.

17 So --

18 And business owners, if they don't -- if they don't want
19 it, we -- we can try as hard as we want to have this
20 organization. But if the business owners don't want it, it goes
21 absolutely nowhere.

22 So that depends on its success or it's what the business
23 owners want.

24 COMMISSIONER ALLAN: So I'd just like to say, Ms. Herzog,
25 thank you for your presentation.

26 And, Kyla, you know you've got a lot of heart into this.
27 And I want to thank you for that and for all your efforts and
28 the really good work that you're doing on this, because it does
29 kind of open our eyes and gives really good thoughts of -- of,
30 you know, possibilities. So thank you.

31 COMMISSIONER ANCHO: Yes. Thank you.

32 AMY NELSON: Can the community talk? Or I didn't know
33 if we're --

34 CHAIRMAN WAITS: You want public comment?

35 AMY NELSON: Sure.

36 CHAIRMAN WAITS: Come on up.

37 AMY NELSON: Do I have to come up there and talk?

38 CHAIRMAN WAITS: Absolutely.

39 AMY NELSON: I'm -- I'm working a little bit with Kyla.

40 CHAIRMAN WAITS: I'm sorry. Amy.

1 AMY NELSON: Amy Nelson. Sorry. I am sorry. I took a day
2 off of work because the challenge is sometimes coming to these
3 events where you have an interest, but you also have a full-time
4 job.

5 The thing that I wanted to also bring is I appreciate the
6 quilt shows and I appreciate all of the events that come to
7 town. But the real opportunity here in my mind is that Nevada
8 Gold Mines, Battle Mountain is the hub. Battle Mountain is the
9 central location for all of these mines. And I know from
10 talking directly with folks -- and I'm not going to speak for
11 Nevada Gold Mines, but I know from my communications that
12 there's an interest in the mining -- Nevada Gold Mines to bring
13 the hub to Battle Mountain and make this potentially the
14 economic hub transportation-wise. It saves significant money
15 from commuting from Spring Creek to Twin Creeks or Winnemucca to
16 Phoenix or Winnemucca to Cortez. I think it's an opportunity.
17 Part of that opportunity is the aesthetics, is the
18 beautification of this town so people want to move here, people
19 want to invest in homes here and shave --

20 COMMISSIONER CLARK: Aesthetics --

21 AMY NELSON: -- their commute --

22 COMMISSIONER CLARK: -- are in the --

23 AMY NELSON: -- significantly --

24 COMMISSIONER CLARK: -- eye of the beholder.

25 AMY NELSON: -- if nothing else. Pardon me?

26 COMMISSIONER CLARK: Aesthetics are in the eye of the
27 beholder.

28 AMY NELSON: Yeah. And a lot of beholders don't see the
29 aesthetics in Battle Mountain right now because --

30 COMMISSIONER CLARK: Well, that's a shame.

31 AMY NELSON: -- some -- some of us love this community in
32 spite of some of its aesthetics. But other folks really -- I
33 mean, if you go to Gardnerville, if you even go to some of these
34 communities that are investing in Main Street, they're so
35 remarkably beautiful that people are willing to relocate, move
36 their family, move their homes. And ideally, it shaves off
37 their commute so it's a win-win for them.

38 Right now the -- the aesthetics are -- are not drawing in
39 folks from -- from Elko, Spring Creek, or Winnemucca
40 communities. But I don't think it would take much to do that.

1 And Kyla has so much energy around this. And, of course,
2 I'm in full support of it and willing to jump in as I can. It's
3 hard with the full-time job, like I said, but I do retire in a
4 year and a half.

5 COMMISSIONER ANCHO: Yay.

6 AMY NELSON: Thirty years of PERS.

7 COMMISSIONER CLARK: And you're looking for a job; right?

8 AMY NELSON: Not looking for a job, but looking to --

9 COMMISSIONER CLARK: There you go.

10 AMY NELSON: -- get excited --

11 COMMISSIONER CLARK: You want a job.

12 AMY NELSON: -- about --

13 COMMISSIONER CLARK: That's why you're here. You --

14 AMY NELSON: No, I don't --

15 COMMISSIONER CLARK: -- want to be the executive --

16 AMY NELSON: -- want a job --

17 COMMISSIONER CLARK: -- director of Main Street.

18 AMY NELSON: Lord, no. I don't want to do --

19 COMMISSIONER CLARK: Absolutely.

20 AMY NELSON: -- that.

21 No. Heck no. But I do --

22 COMMISSIONER CLARK: That fits your -- it fits your --

23 AMY NELSON: -- beautify this town. I was in LEDA when I
24 was here. This town needs beautification. And it's an exciting
25 opportunity to compete --

26 COMMISSIONER ANCHO: And it's fun.

27 AMY NELSON: And it's fun. And it makes it beautiful. And
28 it makes people not only stop, potentially stay and move here.

29 KYLA BRIGHT: I was always told if you're going to get the
30 family that -- or the man that works at the mines to live here
31 that we need to attract his wife --

32 COMMISSIONER ANCHO: Uh-huh.

33 KYLA BRIGHT: -- to this community. So it's the amenities
34 that we can give to those stay-at-home moms, the shops that we
35 can get in our vacant buildings downtown with different
36 opportunities for entrepreneurs here, our home-based businesses
37 here, helping them get out of their homes and into the vacant
38 buildings on Front Street. Opening up, we have -- what? -- four
39 or five bakers here in town.

40 Main Street can help them with funding, an opportunity to

1 get it out of their homes and onto Front Street.
2 And I think if we have something to help our community
3 people get out of their homes -- PC places, people that fix PCs
4 in their home, that fix phones in their home, that fix cakes and
5 pastries and all of that, they don't need to be in their homes.
6 They need to be in our vacant buildings on Front Street.
7 COMMISSIONER ANCHO: And they were -- just had a thing on
8 the news I was watching yesterday where they -- Reno had where
9 they -- and I don't know what the name of that -- when they
10 bring like -- I -- there's 20 businesses and they bring it into
11 one building, you know, and how -- how well that is doing in
12 Reno, actually. All these little stop -- pop-up businesses.
13 KYLA BRIGHT: Right.
14 COMMISSIONER ANCHO: And they get so big and then they move
15 out of that into their own buildings.
16 PATRICIA HERZOG: That's right.
17 COMMISSIONER ANCHO: But they start out in those --
18 PATRICIA HERZOG: Incubators.
19 COMMISSIONER ANCHO: -- in those -- in those --
20 KYLA BRIGHT: Incubators. Yeah.
21 COMMISSIONER ANCHO: Yeah. And into tho- -- and it's kind
22 of really cool to see how successful because they start out in
23 those small ones and they utilize each other for information.
24 And then they're able to move out on their own. So that was
25 very interesting to see. So --
26 KYLA BRIGHT: I'm done.
27 COMMISSIONER ANCHO: Thank --
28 CHAIRMAN WAITS: Thank --
29 COMMISSIONER ANCHO: -- you.
30 CHAIRMAN WAITS: -- you. Thank you.
31 COMMISSIONER ANCHO: So --
32 CHAIRMAN WAITS: You're expanding our visions and we
33 appreciate your presentation.
34 COMMISSIONER ANCHO: Much appreciated. Thank you very
35 much.
36 CHAIRMAN WAITS: Thank you.
37
38
39
40

1 **6) PLANNING: For possible action to approve/disapprove the**
2 **acceptance of a business impact statement with a motion, if**
3 **approved, stating "This rule DOES NOT impose a direct and**
4 **significant economic burden upon a business, nor does it**
5 **directly restrict the formation, operation or expansion of a**
6 **business; therefore, we approve moving forward with an**
7 **ordinance initiating the dissolution of the Lander County**
8 **Combined Sewer and Water District #2 General Improvement**
9 **District and its board of trustees."**
10

11 CHAIRMAN WAITS: Okay. We're going to be moving on to
12 Number 6.

13 Planning. For possible action to approve or disapprove the
14 acceptance of a business impact statement with a motion, if
15 approved, stating: This rule does not impose a direct and
16 significant economic burden upon a business, nor does it
17 directly restrict the formation, operation, or expansion of a
18 business; therefore, we approve moving forward with an ordinance
19 initiating the dissolution of the Lander County Combined Sewer
20 and Water District #2 General improvement District and its board
21 of trustees.

22 Actually, I'll call on our district attorney clarify this
23 for us because my understanding is your research that's actually
24 is in -- is in the backup, but we are not going to make that
25 designation right now that it does -- does or does not impose
26 that we should impose the business impact statement. Right?

27 DISTRICT ATTORNEY HERRERA: That -- that's correct; --

28 CHAIRMAN WAITS: You just want us --

29 DISTRICT ATTORNEY HERRERA: -- Commissioner.

30 CHAIRMAN WAITS: -- to go forward with it?

31 DISTRICT ATTORNEY HERRERA: What -- what I'd like to do
32 today is if you all four approve of -- of the business impact
33 statement prepared by the staff, then I would ask that you say,
34 based on -- on the business impact statement that we approve
35 moving forward with an ordinance initiating the di- --
36 dissolution of the Lander County Combined Sewer and Water
37 District #2 General Improvement District and its board of
38 trustees.

39 And then if you do that, then as soon as this is over,
40 Keith is going to have his staff or Sadie send out a notice.

1 And we've done that up. And the notice will give the public
2 notice that -- that the County Commissioners plan on making a
3 determination that -- that it is not -- does not impose a direct
4 and significant economic burden upon a business nor does it
5 directly restrict the formation, operation, or expansion of
6 business.

7 And that determination needs to be made at the same time of
8 the presentation of the ordinance itself. Now if there's not
9 enough time for the publication before the next county
10 commissioner meeting, we'd have to put it on the second. And
11 Keith's going to find that out when -- when he sets up the
12 notice.

13 CHAIRMAN WAITS: November 21st is what we're looking at for
14 the public hearing?

15 DISTRICT ATTORNEY HERRERA: Probably. Because I don't
16 think there's enough time between --

17 CHAIRMAN WAITS: Okay.

18 DISTRICT ATTORNEY HERRERA: -- now and the first one.

19 And it will also -- now I've had a small discussion with
20 the -- with the head -- head of the Water and Sewer District 2.
21 She's here today. And she informs me that she's going to call
22 a -- a meeting of the board and try to get the resolution to
23 agree to this, which would make everything better.

24 So if we put it on the 21st, that will give her more time
25 to do this, and -- and it will make it more efficient.

26 CHAIRMAN WAITS: Okay.

27 DISTRICT ATTORNEY HERRERA: Now, did that make any sense?

28 CHAIRMAN WAITS: Yes. I --

29 DISTRICT ATTORNEY HERRERA: Okay.

30 CHAIRMAN WAITS: -- I think I have it. If -- we have
31 talked before, if they would do a resolution, we would not have
32 to proceed with all these legal --

33 DISTRICT ATTORNEY HERRERA: Well, --

34 CHAIRMAN WAITS: -- things that we --

35 DISTRICT ATTORNEY HERRERA: I'd have --

36 CHAIRMAN WAITS: -- need to do.

37 DISTRICT ATTORNEY HERRERA: -- to make the slight changes
38 to the ordinance. But if -- when everybody is in agreement,
39 it's a lot easier --

40 CHAIRMAN WAITS: Right.

1 DISTRICT ATTORNEY HERRERA: -- on our next public meeting.
2 CHAIRMAN WAITS: Okay. So we're -- we're looking at -- at
3 the -- the public hearing on the 21st of November.
4 DISTRICT ATTORNEY HERRERA: And the presentation of the
5 ordinance at the same time.
6 CHAIRMAN WAITS: Okay. The only thing that I would add to
7 that, which was not in -- I didn't see it in the information. I
8 may have missed it. It talks about the exhibit? If we wanted
9 an exhibit of reference to the -- it gives a reference to the
10 rates. And it said if we're going to hold the rates the same or
11 change the rates, whatever we're going to do, that would be in
12 an exhibit.
13 DISTRICT ATTORNEY HERRERA: Right?
14 CHAIRMAN WAITS: So we need to put the exhibit in there
15 also.
16 DISTRICT ATTORNEY HERRERA: If -- if we're going to
17 change -- well, we -- we should.
18 CHAIRMAN WAITS: That we are not --
19 DISTRICT ATTORNEY HERRERA: That --
20 CHAIRMAN WAITS: -- going to change the rates.
21 DISTRICT ATTORNEY HERRERA: Okay. Then -- then whichever
22 way you want to proceed.
23 CHAIRMAN WAITS: Right?
24 DISTRICT ATTORNEY HERRERA: But --
25 CHAIRMAN WAITS: Okay.
26 I'm just saying it needs to be in there. So okay. So
27 we're okay. What we need to do is just simply have the motion
28 that we move forward with the business impact statement.
29 DISTRICT ATTORNEY HERRERA: To move forward with the
30 ordinance.
31 CHAIRMAN WAITS: And the ordinance. Both; right?
32 DISTRICT ATTORNEY HERRERA: Well --
33 CHAIRMAN WAITS: Because we can't do the determination of
34 the business impact statement, whether --
35 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
36 CHAIRMAN WAITS: -- we need to do one or not, until the
37 next one too.
38 DISTRICT ATTORNEY HERRERA: Right.
39 CHAIRMAN WAITS: Right?
40 DISTRICT ATTORNEY HERRERA: Right.

1 CHAIRMAN WAITS: So we're -- we're -- made the motion to
2 move them forward.
3 DISTRICT ATTORNEY HERRERA: Okay. With both. Yes.
4 CHAIRMAN WAITS: Okay.
5 COMMISSIONER ALLAN: I'll make that motion.
6 COMMISSIONER ANCHO: I'll second.
7 CHAIRMAN WAITS: Okay. Is there any other discussion?
8 Okay. All in favor?
9 COMMISSIONER ANCHO: Aye.
10 COMMISSIONER CLARK: Aye.
11 COMMISSIONER ALLAN: Aye.
12 CHAIRMAN WAITS: Aye. Okay.
13 DISTRICT ATTORNEY HERRERA: (Indiscernible.)
14 KEITH WESTENGARD: (Indiscernible.) We'll talk about it.
15 DISTRICT ATTORNEY HERRERA: Do you -- it's --
16 COMMISSIONER ALLAN: Almost.
17 DISTRICT ATTORNEY HERRERA: -- probably if that's put it
18 off to (indiscernible).
19 CHAIRMAN WAITS: You gentlemen are being recorded, you
20 know.
21 DISTRICT ATTORNEY HERRERA: That's all right.
22 KEITH WESTENGARD: That's all right.
23 CHAIRMAN WAITS: But you need to speak up instead of saying
24 "inaudible, inaudible."
25 DISTRICT ATTORNEY HERRERA: We were wondering if -- if
26 there was any ambiguity in the motion since it wasn't stated.
27 And -- and as long as the idea comes across that we are to move
28 forward with both the ordinance and the business impact
29 statement --
30 CHAIRMAN WAITS: Right.
31 DISTRICT ATTORNEY HERRERA: -- we're --
32 CHAIRMAN WAITS: That's what we --
33 DISTRICT ATTORNEY HERRERA: -- fine.
34 CHAIRMAN WAITS: -- said. To move forward with the
35 ordinance. And -- and --
36 DISTRICT ATTORNEY HERRERA: Business --
37 CHAIRMAN WAITS: -- the business --
38 DISTRICT ATTORNEY HERRERA: -- impact.
39 CHAIRMAN WAITS: -- impact statement.
40 DISTRICT ATTORNEY HERRERA: Fine. We're fine.

1 COMMISSIONER ALLAN: Patsy said it and I made the motion --
2 CHAIRMAN WAITS: And the reference --
3 COMMISSIONER ALLAN: -- as stated.
4 CHAIRMAN WAITS: -- around that was that it would move
5 forward until the 21st of November --
6 DISTRICT ATTORNEY HERRERA: Okay.
7 CHAIRMAN WAITS: -- when we will hold the public hearing
8 and make that determination and look at the ordinance.
9 DISTRICT ATTORNEY HERRERA: Sounds great.
10 CHAIRMAN WAITS: Okay.
11 DISTRICT ATTORNEY HERRERA: Sounds great.
12 CHAIRMAN WAITS: There. Hope that clarifies it. Okay.

13
14
15 **CORRESPONDENCE**

16
17 **8) Correspondence, reports, potential upcoming agenda items.**

18
19 CHAIRMAN WAITS: Then we are moving on to Number 8, which
20 is correspondence, reports, potential upcoming agenda items.

21
22 (The following correspondence was received:

23 1. Monthly reports to the Lander County Commissioners for
24 September 2019.)

25
26 COMMISSIONER CLARK: Yeah. I have an agenda item. Since
27 Amy came today, it jogged my remembering.

28 I'd like to have a report from the courthouse people, where
29 they're at with the old elementary school project or courthouse,
30 whatever it is. And I'd like to see receipts where the money's
31 been spent. Fifty or a hundred thousand dollars we've put in
32 that project.

33 CHAIRMAN WAITS: Okay. Report on the Old Courthouse.

34 I know we've kind of been postponing this, but I would like
35 to see us go forward if they -- the rest of the commissioners
36 are okay with our executive director's evaluation.

37 COMMISSIONER CLARK: The what?

38 CHAIRMAN WAITS: Our director -- executive director's --

39 COMMISSIONER ALLAN: County manager's.

40 CHAIRMAN WAITS: -- evaluation.

1 COMMISSIONER CLARK: He's got a satisfaction. What do we
2 need another evaluation for? We passed the annual mark. That's
3 automatic satisfactory.

4 COMMISSIONER ANCHO: No. It's not.

5 CHAIRMAN WAITS: We need to do --

6 KEITH WESTENGARD: Twenty-fourth.

7 CHAIRMAN WAITS: -- an evaluation.

8 COMMISSIONER ANCHO: So when is the next date that Bryan
9 was going to be here?

10 KEITH WESTENGARD: Twenty-fourth.

11 COMMISSIONER ANCHO: The 24th.

12 KEITH WESTENGARD: Sorry.

13 CHAIRMAN WAITS: The 24th?

14 KEITH WESTENGARD: Twenty-first. Twenty-first.
15 Twenty-first.

16 COMMISSIONER ANCHO: Twenty-first? November 21st?

17 CHAIRMAN WAITS: Okay. So we'll move towards --

18 COMMISSIONER ANCHO: So --

19 CHAIRMAN WAITS: -- that.

20 COMMISSIONER ALLAN: So --

21 COMMISSIONER CLARK: Is there enough time for notice?

22 COMMISSIONER ALLAN: There is enough.

23 COMMISSIONER ANCHO: Uh-huh.

24 COMMISSIONER ALLAN: Yeah. Definitely.

25 CHAIRMAN WAITS: Plenty of time.

26 COMMISSIONER ALLAN: May have to have him served
27 personally, but --

28 COMMISSIONER CLARK: I can't -- I can't hear. Hold on.
29 Let me turn this up a little bit more. Okay. Try now.

30 COMMISSIONER ALLAN: Is I'm not sure if it meets the --
31 enough time for certified delivery, but there's definitely
32 enough time for personal notice.

33 And I would just like to make a comment on that that I
34 think we all know what the notice procedures are and ask who- --
35 whoever is responsible or whatnot to get that process, please.

36 DISTRICT ATTORNEY HERRERA: I -- I --

37 CHAIRMAN WAITS: They were just questioning whether we had
38 time legally to give him the notification --

39 COMMISSIONER CLARK: The notice.

40 CHAIRMAN WAITS: -- of the evaluation.

1 DISTRICT ATTORNEY HERRERA: Oh.
2 CHAIRMAN WAITS: And it's almost a month. So we know we
3 do.
4 DISTRICT ATTORNEY HERRERA: Yes.
5 CHAIRMAN WAITS: So --
6 COMMISSIONER ANCHO: And for whomever is responsible for
7 that, to please move forward with doing that is what --
8 CHAIRMAN WAITS: Which would --
9 COMMISSIONER ANCHO: -- she was --
10 CHAIRMAN WAITS: -- be your department. Right?
11 DISTRICT ATTORNEY HERRERA: Yes.
12 COMMISSIONER ANCHO: Okay.
13 CHAIRMAN WAITS: To our --
14 DISTRICT ATTORNEY HERRERA: Well, if -- if you ask me to do
15 it, I'm -- I'd be more than happy to.
16 CHAIRMAN WAITS: Yes. We're setting the evaluation for the
17 21st of November.
18 DISTRICT ATTORNEY HERRERA: Okay.
19 CHAIRMAN WAITS: If you would give the proper notices to
20 our executive director.
21 DISTRICT ATTORNEY HERRERA: Absolutely.
22 COMMISSIONER ANCHO: Yes. Thank you.
23 CHAIRMAN WAITS: How's that?
24 DISTRICT ATTORNEY HERRERA: That's great.
25 CHAIRMAN WAITS: Okay. Anything else on the agenda?
26 Also, let's see. We had some we put on, we took off, we're
27 waiting.
28 KEITH WESTENGARD: Opioid lawsuit.
29 CHAIRMAN WAITS: Oh, the opioid. Yeah. The opioid
30 lawsuit. That needs to be on.
31 COMMISSIONER CLARK: Will we get money from that if they
32 win? If we join?
33 COMMISSIONER ALLAN: Yeah. We bought -- we're already
34 joined. We're joined kind of by default; aren't we?
35 I mean -- but --
36 So that's the discussion is, is whether or not we want
37 to --
38 COMMISSIONER CLARK: Because I just don't see any pill
39 mills and questionable doctors in Battle Mountain or -- or
40 Austin.

1 CHAIRMAN WAITS: Actually, I -- I have a full amount --
2 COMMISSIONER ANCHO: (Indiscernible) doctor can be doing
3 it.

4 CHAIRMAN WAITS: -- of the --

5 COMMISSIONER ALLAN: Yeah.

6 CHAIRMAN WAITS: -- opioids that have been -- the amount
7 spent and the type of -- of companies that are all involved for
8 Lander County. I have the breakdown for that.

9 But the key here is that when the counties came forward to
10 sue individually, we said no.

11 Well, there's a class-action suit the federal government
12 has put on and also the state has put on. So we have to at
13 least make a decision if we want to pull out of the class action
14 suit from the federal government. That's what -- we need --

15 COMMISSIONER CLARK: Oh, that's --

16 CHAIRMAN WAITS: -- to make the determination.

17 COMMISSIONER CLARK: -- what we need.

18 CHAIRMAN WAITS: Yeah. We need to make the determination.
19 And that's what will go on. And I'll back it up with the
20 information that you're talking about, Art. Okay.

21 COMMISSIONER CLARK: Okay.

22 CHAIRMAN WAITS: All right.

23

24

25 **PUBLIC COMMENT**

26

27 CHAIRMAN WAITS: With that, we will move to public comment
28 for nonagendized items only.

29 Persons are invited to submit comments in writing and/or
30 attend or make comments on any nonagenda item at the board
31 meeting, if any, and discussion of those comments at the
32 discretion of the board. All public comment may be limited to
33 three minutes per person, again at the discretion of the board.
34 Reasonable restrictions may be placed on public comments based
35 upon time, place, and manner, but public comment based upon
36 viewpoint may not be restricted.

37 Any other public comment?

38 COMMISSIONER ANCHO: I do. I wanted just to do an update
39 on the railroad as far as getting it stopped here. I have
40 spoken to one of the top people in the leasing department for

1 the -- having a stop both eastbound and westbound. And it might
2 be a lot easier than we think it is. It falls -- it falls under
3 a lease. We don't have to do a spur. We can just have them
4 stop and it falls under a rest going through a leasing program.

5 So I have that ball started at both the BLM and Congress-
6 -- Congressman Amodei's office on board for helping us through
7 any hoops that we need to go through.

8 But it doesn't -- from right now, it doesn't seem like it's
9 going to be nearly as complicated as we all thought it was going
10 to be.

11 So that has been started. And I should be hearing within
12 the next week or so about moving forward with that. So I just
13 wanted to give an update.

14 CHAIRMAN WAITS: Thank you, Kathy.

15 COMMISSIONER ANCHO: All right.

16 CHAIRMAN WAITS: Any other public comment?

17 Hearing none...

18
19
20 **ADJOURNMENT**

21
22 COMMISSIONER ALLAN: Motion to adjourn.

23 COMMISSIONER ANCHO: Second.

24 COMMISSIONER CLARK: Second.

25 CHAIRMAN WAITS: All in favor?

26 COMMISSIONER CLARK: Aye.

27 COMMISSIONER ALLAN: Aye.

28 CHAIRMAN WAITS: Aye. Thank you.

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30 (Meeting adjourned at 11:51 a.m.)
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Orancho

**CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

ATTEST: Sadie Sullivan
LANDER COUNTY CLERK

Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.

1 STATE OF UTAH)
2) ss.
3 COUNTY OF DAVIS)
4
5
6

7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
8
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"
10
11 DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE
12
13 THE 24TH DAY OF OCTOBER, 2019, AND SAID RECORDING AND INFORMATION
14
15 PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER
16
17 COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS
18
19 THE AUDIO/VIDEO RECORDING ALLOWED.
20

21
22 DATED AT _____
23 THIS _____ DAY OF _____
24

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26 _____
27 TIFFANY ELKINGTON, CCR #930
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AMY NELSON: [20] 74/32 74/35 74/37 74/39 75/1 75/21
75/23 75/25 75/28 75/31 76/6 76/8 76/10 76/12 76/14 76/16
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