

1 The Honorable Board of Lander County Commissioners met in regular session in the
2 Commission Chambers of the Lander County Courthouse and Administration Building in Battle
3 Mountain, Nevada, 50 State Route 305, on August 22, 2019 at 9:00 a.m.

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5 **PRESENT: PATSY WAITS, COMMISSIONER**
6 **ART CLARK III, COMMISSIONER**
7 **JUDIE ALLAN, COMMISSIONER**
8 **KATHLEEN ANCHO, COMMISSIONER**
9 **BRYAN SPARKS, COMMISSIONER**
10 **KEITH WESTENGARD, COUNTY MANAGER**
11 **KATHY DUVALL, COUNTY CLERK'S OFFICE**
12 **TASHA SILL, COUNTY CLERK'S OFFICE**
13 **THEODORE HERRERA, DISTRICT ATTORNEY**
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16 (Let the record reflect the presence of a quorum of five commissioners. Let the record
17 reflect the presence of Austin via teleconference.)
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20 **9:00 A.M.**
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22 Chairman Waits called the meeting to order and she pointed out the changes in format to
23 the agenda. There is a new opening paragraph and the Public Comment notation has been
24 removed that was after each agenda item. People are still welcome to comment and are
25 encouraged to raise their hand or come forward to be recognized before making their comments.
26 It will not be asked specifically if someone has any public comment but the public still has the
27 freedom to do so.
28

29 Commissioner Allan led the Pledge of Allegiance.
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31 Chairman Waits called for a moment of silence. This was followed by reading the
32 opening statement regarding the possible break for lunch and the meeting instructions regarding
33 agenda items.
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36 **COMMISSIONER REPORTS**
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38 Chairman Waits asked for any reports the commissioners might have.

39 Commissioner Clark: None

40 Commissioner Sparks: None

41 Commissioner Ancho: She went to a LEPC (Local Emergency Planning Commission)
42 meeting but they didn't have a quorum to hold the meeting.

43 Commissioner Allan: None

44 Chairman Waits: LEDA and Kingston Board were both moved, too. She attended the
45 Pony Express Territory meeting on August 9th. They have advertising on channels out of Reno

for the Battle Mountain territory and Highway 50 that show people what they have to visit in their own backyard.

She also sits on the search committee for the Cooperative Extension Coordinator position. They have two to interview for the Lander County position, and a third as an alternate. It's an all-day event and is set for September 16th.

The Austin Wine Walk is coming up on September 14th and there will be dinner at the castle afterwards.

One exciting thing for Austin is a military convoy coming through, with old military vehicles from World War I and II. The vehicles are privately owned but belong to an association. This is the hundredth year from when the military convoy first went through the country in 1919 on the old Lincoln highway. It came from Washington, D.C. over to San Francisco, and that is what the convoy is honoring. The convoy left August 11th and will be in Austin on Sunday, September 8th, followed by dinner in the park. They cover about 115 miles per day.

STAFF REPORTS

Chairman Waits asked for any staff reports.

Keith Westengard: He mentioned our next meeting is set for September 19th. On August 21st he and Commissioner Waits met with Dr. Lyle, the State Cooperative Extension Director, regarding the new educator and possibly bringing back the Bootstrap Program to the county.

Improvements are continuing to the TV equipment in Austin and bringing it up into the 21st century.

He requested a litigation meeting after the regular commission meeting to go over some items.

PUBLIC COMMENT

Chairman Waits read in the Public Comment statement and asked for any public comment.

Commissioner Ancho: She wanted to address comments that have been flying around on Facebook. She is not a fan of Facebook but it has bothered her enough that she feels the need to address it. The comments she's referring to are about the County and its hiring practices. If someone is not happy with the outcome of who is hired for a position it doesn't mean there is cynical behavior behind it, or anything going on behind the scenes. When we hire people we have ethics in mind and as a county we are following those rules. When we hire people it's based on their training, qualifications, and years of service. We aren't going down dark tunnels when hiring and we hope that the public will trust that we are doing the job we've been entrusted to do. We have moral compasses that we hold to and I just wanted to make these statements to reassure the public that we are hiring people in the right way. Please approach us with your questions.

Commissioner Waits: She called for any other public comment.

(No additional public comment.)

CONSENT AGENDA

Chairman Waits read in the Consent Agenda introduction and the items listed under the Consent Agenda.

- (1) Approval of August 22, 2019 Agenda Notice
- (2) Approval of April 1, 2019 Special Meeting Budget Workshop Minutes
- (3) Approval of April 11, 2019 Meeting Minutes
- (4) Approval of April 25, 2019 Meeting Minutes
- (5) Approval of May 9, 2019 Meeting Minutes
- (6) Approval of May 23, 2019 Meeting Minutes
- (7) Approval of June 27, 2019 Meeting Minutes
- (8) Approval of July 11, 2019 Meeting Minutes
- (9) Approval of July 25, 2019 Meeting Minutes
- (10) Approval of August 8, 2019 Meeting Minutes
- (11) Approval of the Payment of Bills

Chairman Waits began by pulling out #1 and #11. We have received #2, the April 1st Meeting Minutes for approval. Item #3-10 Meeting Minutes have not been received and are pulled. Item #1 needed a correction on agenda Item #9 to read "Nevada Coalition", instead of "Nevada Collision".

Motion to approve #1 and #2: Commissioner Allan;

Seconded by: Commissioner Ancho;

Ayes;

Item #11 had three items that needed to be pulled out and voted on individually. The three check numbers are:

Check #204267

Check #204399

Check #204296

Motion to approve the payment of the rest of the bills: Commissioner Ancho;

Seconded by: Commissioner Allan;

Ayes;

Check #204267

Motion to Approve: Commissioner Ancho;

Seconded by: Commissioner Sparks;

Ayes; Commissioner Allan abstains;

Check #204399 & #204296

Motion to Approve: Commissioner Ancho;

Seconded by: Commissioner Allan;

Ayes; Commissioner Sparks abstains;

(Meeting of the Lander County Board of Commissioners Recessed.)

(Meeting of the Lander County Liquor Board Convened.)

COMMISSIONERS

- 1) **SHERIFF: For possible action, to approve/disapprove a Liquor License for the Silver State Bar & Grill in Austin, NV.**

Chairman Waits recessed the Lander County Board of Commissioners and convened the Lander County Liquor Board.

Sheriff Ron Unger: My office has done its research on this and it's ready to go.

Chairman Waits: She had a question on what happens to the previous liquor license that was approved for another party for this establishment. Was the license terminated?

Sheriff Unger: That was for Kip and Dee Helming who closed it down and no longer have it. It has gone back to the gentleman who had it before and he re-applied.

Chairman Waits: So they notify you and the previous one terminates, and this is for on and off?

Sheriff Unger: Yes.

Motion to approve: Commissioner Allan;

Seconded by: Commissioner Ancho; No discussion;

Ayes;

(Meeting of the Lander County Liquor Board adjourned.)

(Meeting of the Lander County Board of Commissioners Reconvened.)

2) **CLERK: For possible action, to approve/disapprove the U.S. Department of Homeland Security, Cybersecurity and Infrastructure Security Agency's Assessments Rules of Engagement.**

Chairman Waits: She hopes for enlightenment on this item. She read it and is really confused but we know it is something we have to do.

County Clerk Sadie Sullivan: This is over my head also, but I do know all counties have to have it done. Some have had it approved already and there are some still waiting to be completed and submitted.

District Attorney Herrera: He has reviewed it and it's a typical type of contract.

There was discussion on who would fill in the blanks of the document. This will be completed by the Clerk's office staff. Clerk Sullivan stated that she has technical contacts with the Secretary of State's office who will help her office to complete the document correctly.

Commissioner Sparks wondered whether we had a say in whether to comply with the contract, or not. County Manager Keith Westengard explained that they do have the authority to disapprove it, but that it's one of the avenues that are used in securing federal grants. It could affect our FAA grants or others.

Commissioner Clark wondered if the federal government would come in to help if we had a cybersecurity issue and it was stated that no, that isn't what the document states. He feels that we need to be thinking about being prepared to face security issues that other government entities have had to face.

County Manager Westengard went on to explain some of the software security systems we have in place in Lander County. He updated the commissioners on some of the concerns with

184 what we have in place at this time. The security software we currently have is not recognized by
185 the federal government as it failed tests for usage several years back. The government could
186 refuse us access to federal grants based on the security software we currently have.

187 Commissioner Sparks wondered why we have software that isn't approved and D.A.
188 Herrera explained that we purchased it from a company that is now out of business and we were
189 taken to the cleaners, basically. That's the long and the short of it. We were given outdated and
190 outmoded software, cameras that don't function, and that's just some of it.

191 Chairman Waits called for a motion on the actual item under discussion.

192 **Motion to approve & Chair to sign:** Commissioner Allan; No further discussion;

193 **Seconded by:** Commissioner Ancho;

194 **Ayes; 1 Nay** from Commissioner Sparks;

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197 **3) COUNTY MANAGER: For possible action, to reappoint one individual to serve on**
198 **the Lander County Advisory Board to Manage Wildlife. The term expires on June**
199 **30, 2022.**

200
201 **a) Scott Torgerson**

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203 Chairman Waits thanked the board member volunteers for continuing to serve.

204 **Motion to approve:** Commissioner Clark;

205 **Seconded by:** Commissioner Sparks;

206 **Ayes;**

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209 **4) COUNTY MANAGER: Agenda setting procedures/discussion only.**

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211 Keith Westengard: He explained the new agenda format and what process they are using
212 for the agenda settings. It has been streamlined quite a bit. On Mondays he sits down and looks
213 at all agenda requests that come to his office to setup a draft agenda. They are time-stamped and
214 put in a file by his secretary. They are reviewed and put on the agenda in the proper format. Once
215 that's done he gets with Liz Barela to review it before it goes up to the District Attorney's office
216 for final review. It's also sent for review by the chair, vice-chair, and the Clerk's office. We ask
217 that it's back within 24 hours and once it's back if any changes are needed, or not, those would
218 be made. It is then sent to the District Attorney's office for that final review. At times he may
219 have a face-to-face with Ted about proper wording on any items before it goes out for
220 publication. The goal is to have it ready to go on Fridays by midday, or by 5:00 p.m. at the latest
221 so that the commissioners can have the weekend to review it for any questions they might have.

222 Commissioner Allan asked why there was a change in the format. Keith explained that he
223 and Commissioner Waits met with POOL/PACT and these are their recommendations, as well as
224 from a seminar they attended last year at a NACO conference from a presentation put on by the
225 Supreme Court.

226 Commissioner Allan had questions for Keith regarding whether he decided if items made
227 it onto the agenda. He clarified that he does not personally decide if items are on the agenda, or
228 not. It's up to the chair or vice-chair if they want to take something off of the agenda. He has

never personally taken anything off of an agenda. He also mentioned that he coordinated with the chair, vice-chair, Ted, and Sadie on the streamlining of the agenda.

Commissioner Clark spoke about staff longevity being an important factor in preparing meeting agendas, as evidenced by the ones prepared for school board meetings. They have many years of experience in putting them together. We don't have that luxury here.

Chairman Waits addressed the changes and the efforts to streamline the processes. There were no additional comments.

5) COUNTY MANAGER: Request from John Gist for possible action to approve/disapprove \$4,644.00 for the high school band uniforms for the Battle Mountain High School band.

Chairman Waits: John Gist is available by phone if necessary. They have brought back to us what they have chosen and the amount. She was appalled that they didn't have band uniforms. It's exciting that they are finally going to have band uniforms and something to be proud of. She wondered if they could be given an even \$5,000.

Commissioner Ancho: She was originally the one that requested this, possibly not in the right way but she had requested that they represent us in the Nevada Day Parade. That is how this came to be on the agenda.

Commissioner Allan: She wondered why the school had not been able to provide them uniforms.

Commissioner Ancho: It seems the kids end up having to try and pay for it themselves.

Commissioner Allan: She's not opposed to it but doesn't want to make a habit of approving things like this so it doesn't get out of hand.

Commissioner Waits: The bottom line is they haven't paid for it so far and we have the opportunity to step up and help them. We did ask them to represent our county in the parade and they need the uniforms to do that.

Motion to approve up to \$5,000 for the band uniforms: Commissioner Allan;

Seconded by: Commissioner Ancho;

Commissioner Allan had a question for D.A. Herrera regarding the amount. It was determined that the amount needed to be exactly as the agenda stated since certain language had been removed.

Amended Motion to approve \$4,644.00: Commissioner Allan;

Seconded by: Commissioner Ancho;

Ayes;

6) COUNTY MANAGER: For possible action, renewal of lease of Frontier Community Action Agency located at 370 S. Mountain Street, Battle Mountain, NV 89820 for another two years.

Keith Westengard: The contract has been reviewed by the District Attorney's office and there are no changes to the contract other than the date.

Chairman Waits: So the dates will be October 1, 2019 to September 30, 2021 and the chair to sign. She asked for a motion.

Motion to approve: Commissioner Allan;
Seconded by: Commissioner Ancho;
Ayes;

7) **COUNTY MANAGER: For possible action, to submit letter of support for the proposed expansion at the Cortez Mine site.**

Chairman Waits: She inquired as to who requested the letter. Mr. Westengard stated that yes, Cortez Mine had requested it. She requested that the letter be reviewed to see if it needed any changes before being approved. After review Commissioner Allan made a motion to approve submitting the letter of support for the proposed expansion at the Cortez Mine site, with the County Manager to sign.

Motion to approve: Commissioner Allan;
Seconded by: Commissioner Ancho;
Ayes;

8) **COUNTY MANAGER: For possible action, to ratify the appointment of Chance Ellis as the town of Kingston Fire Company Fire Chief.**

Chairman Waits: He was appointed by the Kingston Board back in May so it is up to us to ratify that.

Motion to approve: Commissioner Allan;
Seconded by: Commissioner Ancho;
Ayes;

9) **COUNTY MANAGER: For possible action, to approve the mapped route for Nevada Coalition for Suicide Prevention Annual 5k Walk/Run scheduled for September 14, 2019.**

Chairman Waits: Monica Sill couldn't be here today so this is being brought to us by our county manager. She asked that it be reviewed for any questions. Commissioner Allan made a motion to approve the request.

Motion to approve: Commissioner Allan;
Seconded by: Commissioner Ancho;
Ayes;

10) **CONVENTION AND TOURISM: For possible action, to read into the record a proclamation in support of the 20th year of the Human powered bike race held annually in Lander County.**

Chairman Waits: She introduced the item and asked for a motion, with the proclamation to be read into the record. Commissioner Allan made the motion and read in the proclamation.

Paula Tomera, with Convention and Tourism, was in attendance for this item.

Motion to approve, with chair to sign: Commissioner Allan;

Seconded by: Commissioner Ancho;

Ayes;

A break was taken from 9:38 – 9:49 a.m.

11) J-U-B ENGINEERS: Update on F.A.A. projects within Lander County/Informational Only.

Tom Lemenager & David Meyer from J-U-B Engineers were in attendance. They gave an overview of current projects, beginning with projects at the Battle Mountain airport. There are two that are under contract to design and they will be constructed in 2020. Part of this is existing pavement that will be rehabilitated and another portion is an expansion of the apron to the west, about 100 feet, and about 200' north and south. They discussed the layout and configuration of the project. They are trying to stay away from fancy turns that drive up costs. We should also be able to handle aircraft up to about 155,000 pounds, which is a win-win for us. There was discussion of aggregates and costs. They plan to keep the airport operational as best they can. The F.A.A. likes projects to be scheduled in phases in case somethings happens. Lander County's share of the project should be around \$192,000. The different areas discussed are Schedule 1, 2, and 3. It will be a 3 ½ to 4 ½ month project set for early next year, before fire season starts. Tie-down configurations were also discussed.

Keith Westengard brought up the need for a different wind machine at the airport. So far they haven't been able to prove to the F.A.A. that it is needed. We have crosswinds out there that affect the aircraft. They are looking into all that and trying to prove to the F.A.A. that it's needed and still working out the details.

The other project is down at the Austin airport. It was talked about it back in May and it is a paving project for a gravel road that goes into the airport. They drove the road the day before and it will be nice when it is completed. Currently it is a bit bumpy, as gravel roads tend to be. They have discussed this project with the Austin Airport Board and it's been really helpful. They have reached out to NDOT as they will be tying in to some of their right-of-ways. They heard back from the NDOT engineer this morning and he's not seeing any major issues with the project. They are also looking at rehabilitating a secondary access while doing this project. It's an older access that was cut off back when the crosswinds was built. The crosswinds is no longer being used so they can re-use the access and it will eventually tie into the hangar area. Also it will provide access should there be a problem with the gate access. There will be a cattle guard and a swing gate for the required security. There will be parking and apron access with paving going down for the planes to move on. The plans have been submitted to the F.A.A. and will be moving forward.

12) BUILDING OFFICIAL: For possible action, use of portable storage units such as sea-tainers and Conex boxes.

367 Anna Penola began with a statement regarding the need for language to go into the
368 county code for an exemption and she's looking to the commissioners to accept and approve it.

369 Commissioner Sparks asked for clarification as to what structures this applies to and why
370 it's necessary to purchase permits for structures that can be moved around a person's property.

371 Anna explained the square footages and requirements of the current county code
372 regulations. Some of those are as follows:

373 Under 200 sq. ft. - no permit is required;

374 200-400 sq. ft. - can stay on skids and requires a permit;

375 400-600 sq. ft. - has to be on a non-frost protected foundation and requires a permit;

376 Over 600 sq. ft. - has to be on a frost protected foundation and requires a permit;

377 Commissioner Sparks wanted to know what the reasoning is for this?

378 Anna explained the need for foundations to be below the frost line to prevent cracking
379 and things like that. The language that is needed to be approved applies to units that are intended
380 for storage only. This does not include garages or pole buildings. It's whatever the intended use
381 of the structure is. It's also revenue for the county.

382 There was discussion on the revenue stream from the permits and what exactly was being
383 asked for. Commissioner Allan felt that more backup was needed. Anna explained that the
384 correct language needs to be added to the code regarding exempting the sea-tainers and Conex
385 boxes from permitting.

386 There was further discussion of why we do or don't do certain things in Lander County.
387 Chairman Waits brought the discussion back to the agenda item discussion of what language
388 needs to be added to the code. Anna explained that she is on a timeframe to get this done for the
389 IRC and the other entities that are involved. Keith Westengard explained that the County got
390 audited by the ISO, which sets our insurance rates and if we don't get our codes up to date we
391 will hear from just about every homeowner in the county, as their rates will go up. Anna stated
392 that we would go from a 4 rating to a 10 and that would be very bad. Commissioner Clark
393 requested a copy of the report to review. Chairman Waits addressed Commissioner Sparks'
394 issues and explained that those issues are a whole different thing than what this agenda item is
395 about and they couldn't be figured out during this meeting. It was agreed to approve the verbiage
396 in question and look at the rest at a later date. They went with 500 square feet or smaller, pre-
397 engineered, or portable as the possible guideline for not permitted and will visit that at a future
398 time. Commissioner Allan made a motion to approve excluding storage containers such as sea-
399 tainers and Conex boxes from the permitting process. It was seconded by Commissioner Ancho.

400 **Motion to approve:** Commissioner Allan;

401 **Seconded by:** Commissioner Ancho;

402 **Ayes;**

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405 **13) CORRESPONDENCE: Correspondence/reports/potential upcoming agenda items.**

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407 Commissioner Clark: He would like to have an agenda item that addresses something
408 like the Area 51 thing, where you could have an influx of people that could run us out of food
409 and fuel, and stretch our resources. It's something to think about.

410 Keith Westengard: He stated we do have a line item for emergency operations that could
411 cover something like that. It can be discussed with LEPC, the Sheriff's Department, etc. to have
412 a plan in place.

Chairman Waits: She mentioned having NV Energy on the September 19th agenda.

Commissioner Ancho: She brought up the County Manager evaluation and what is needed to get that going. District Attorney Herrera asked that he be directed to do the proper notification to the County Manager. Chairman Waits stated that they do so direct the District Attorney to do the notification.

Commissioner Allan: She was questioning whether something would be on the agenda regarding county code verbiage. Keith Westengard stated he needed to know how she wanted it to read on an agenda request, or they could sit and talk about it. Chairman Waits suggested they get together on that and figure out what wording is needed.

PUBLIC COMMENT

Keith Westengard: He wanted to make the commissioners aware of something he didn't mention in his update. The Recreation Center will be having a UV system installed to help the water stay clear and clean. It will require a shutdown from September 23rd through the 27th to make the installation. It has been advertised and publicized as much as possible. During roughly that same period of time, roughly September 24th through 26th they will be re-doing the gym floor. It's an oil based coating that's a stronger harder-shelled surface than what was put down before. It's similar to what's in the schools and it's a no-scratch floor. It has been coordinated with the vendors that are putting the things in. There was no additional public comment. Chairman Waits reminded the board of the litigation meeting afterwards.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Allan moved to adjourn the meeting of August 22, 2019. Seconded by Commissioner Sparks, the motion was voted and carried. **ADJOURNED.**

Motion to adjourn at 10:31 a.m.



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

ATTEST:


LANDER COUNTY CLERK