

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 June 27, 2019, at 8:58 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                  **BRYAN SPARKS, COMMISSIONER**  
11                  **KATHLEEN ANCHO, COMMISSIONER**  
12                  **KEITH WESTENGARD, COUNTY MANAGER**  
13                  **SADIE SULLIVAN, COUNTY CLERK**  
14                  **THEODORE HERRERA, DISTRICT ATTORNEY**  
15  
16

17           (Let the record reflect the presence of a quorum of five  
18 commissioners. Let the record reflect the presence of Austin  
19 via teleconference.)  
20

21           MITESHELL LANHAM: Good morning.

22           COMMISSIONER SPARKS: Good morning.

23           CHAIRMAN WAITS: We will call to order the Lander County  
24 Commissioners' meeting, Town Board of Battle Mountain and  
25 Austin, Board of County Highway Commissioners for June 27, 2019.

26           And, again, we will remind you to please mute your cell  
27 phones or put them on jiggle or whatever you prefer.

28           And if I might ask Ms. Judie to lead us all in the Pledge  
29 of Allegiance.  
30

31           (Pledge of Allegiance)  
32

33           CHAIRMAN WAITS: Thank you. And if you might join us in  
34 just a moment of silence.  
35

36           (Moment of silence)  
37

38           CHAIRMAN WAITS: Thank you.

39           Lander County Commissioners may break for lunch from 12:00  
40 o'clock to 1:15. Any agenda item may be taken out of order, may

1 be combined for consideration by the public body, and items may  
2 be pulled or removed from the agenda at any time.

3 I am going to correct that for today. We do have a very,  
4 very long agenda, depending how we're running and how close we  
5 are.

6 But when we do come back, if we do break, I'm going to ask  
7 that we come back at 1:00 o'clock. And we'll just be gone from  
8 12:00 to 1:00 and then give us that extra 15 minutes on that,  
9 which is important because a couple of us are traveling today.

10  
11  
12 **COMMISSIONER REPORTS**

13  
14 CHAIRMAN WAITS: We're now looking at Commissioners'  
15 reports on meetings, conferences, and seminars attended.

16 Ms. Judie, if you will start us off. Do you have anything  
17 to report for us?

18 COMMISSIONER ALLAN: Actually, I'm -- I'm just going to  
19 touch base on it a little bit, but I'll let you continue.

20 When -- Monday evening by telephone I attended a community  
21 meeting in Austin regarding the -- their Water and Sewer  
22 District 2. And as it was by the phone, you know, I pretty much  
23 heard most of it. But I think I'll let Patsy kind of expand on  
24 that. She was there.

25 COMMISSIONER ANCHO: So --

26 CHAIRMAN WAITS: Kathy.

27 COMMISSIONER ANCHO: Most of my boards are in recess until  
28 September. But the Convention & Tourism, they're just basic  
29 budget items and nothing to really report on.

30 CHAIRMAN WAITS: Thank you.

31 COMMISSIONER SPARKS: Nothing.

32 CHAIRMAN WAITS: Bryan?

33 Nothing? Okay.

34 COMMISSIONER CLARK: Yeah. I -- I went to Nevadaworks  
35 meeting. And I don't usually attend these because there's not  
36 something to bring back.

37 But I attended this one since we're having layoffs with the  
38 mines, because Nevadaworks is the agency that helps you get  
39 retrained if you want.

40 But I don't know how long these layoffs are going to go with

1 gold above \$1400 an ounce. So --

2 And finding gold down at the southern end of the county,  
3 we'll see.

4 CHAIRMAN WAITS: Thank you.

5 I do have a couple things to share. On the 13th, I did  
6 attend the Kingston Town Board meeting.

7 Just to remind you all, their -- their big fundraiser --  
8 the fun one -- the firefighters picnic, is August 3rd, to put  
9 that on your calendar. That's for a Saturday.

10 On the 14th of June, I attended a webinar that was put on  
11 by BLM. And they've actually got their planning regulations,  
12 the --

13 They're embarking on writing brand-new regulations, and  
14 they're seeking input from their local and state partners.

15 So they do have a -- a time frame on that. June and July  
16 will be all the input from their partners. And then they'll do a  
17 draft proposal. Should be out in August. September will be the  
18 public comment time. And then they're hoping for the final rule  
19 for February 2020.

20 So that's the beginning of it, of what they're trying to do  
21 and -- and get things on line. At least we've got -- we're at  
22 the table. And that's -- that's a good sign.

23 On the 18th I had a Justice and Public Safety meeting  
24 teleconference. It's a national committee I sit on with NACo.  
25 The biggest thing is, of course, we've got resolutions coming up  
26 that will brought up before NACo at their annual meeting. The  
27 national meeting's in Clark County next month.

28 But they were real excited about the national flood insurance  
29 program. And they were able to -- to pass something -- Congress  
30 was, at least -- to avert the lapse because, otherwise, it  
31 wouldn't have been authorized. So they did authorize that through  
32 September. And the -- the U.S. House Financial Services Committee  
33 actually cleared a five-year reauthorization. It was a bipartisan  
34 vote of 59-0. So everything was for disaster. And it was a  
35 \$19.1 billion in the disaster aid package.

36 On the 24th we did attend an ethics workshop that was held  
37 here by the Department of -- of Ethics.

38 And also on the 24th we had our community meeting in  
39 Austin. This is the one we asked for the input regarding the  
40 future of the water board and the GID. And it wasn't as well

1 attended as I had hoped. But I did have some phone calls and  
2 people stopped me on the street. And the -- everyone was in  
3 favor of the county taking over for a couple different reasons.  
4 One was we had the actual amount of money it would cost if they  
5 had to go out and borrow the (indiscernible) funds.

6 It was an additional 48 and some change -- \$48 a month and  
7 some change for residential. That's the minimum. And that's if  
8 they could get the grant and -- or get the loan.

9 They actually grant 45 percent of it. So the payback is  
10 the 55 percent. And if they could get that whole amount, it  
11 would be a minimum of 48 and change.

12 The other thing is -- is with the county. And we do help a  
13 lot with the -- with Road and Bridge and our equipment and  
14 Public Works is on top of that, getting certified people.  
15 They -- they contract out. So they felt that the county could  
16 take that over.

17 Their biggest concern was losing another office in Austin.  
18 And so it's something if, when we put on the agenda, that I'm  
19 sure they'll give us the other input for.

20 I -- I understand that. Not that there's still hard  
21 feelings that our courthouse is here and administration instead  
22 of -- of Austin, but, yes. We just don't want to keep losing  
23 all of our presence there.

24 So that's something we'd have to look at of: Could we keep  
25 an office there once or twice a week or something? Or to pay  
26 bills or whatever?

27 So when we put that on the agenda, that all needs to be  
28 discussed. But that's the biggest thing.

29 Otherwise, they were fine with the county actually handling  
30 things. I didn't have anything --

31 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

32 CHAIRMAN WAITS: -- negative at all.

33 Unfortunately, there were no board members there so we had  
34 no input from the board.

35 We know that they would like to keep that authority there,  
36 and that's all that we know at that point.

37 So with that, we're going to ask we put it on the agenda  
38 and go forward on that.

39 Thank you.

40

1     **STAFF REPORTS**

2  
3           CHAIRMAN WAITS:   We're going to look at staff reports on  
4 meetings, conferences, and seminars attended.

5           KEITH WESTENGARD:   We're continuing to work forward with  
6 our design-only projects at both airports, Austin and Battle  
7 Mountain.

8           We have grants that can have come through that we'll be  
9 looking at here this week -- or next week.

10          Is Brandy here?   Brandy?   Oh.   I'd like you guys to meet  
11 Brandy Bengoa.   She is our new county community health nurse.

12          BRANDY BENGEOA:   Nice to meet you guys.

13          COMMISSIONER ALLAN:   Welcome aboard, Brandy.

14          KEITH WESTENGARD:   We're working hard --

15          COMMISSIONER ANCHO:   Welcome.

16          KEITH WESTENGARD:   -- to get -- get things in order there  
17 at community health.

18          I have just -- I have a couple of requests to move Number   1  
19 to the -- to the last, the bond transfers.

20          And then I need to make you aware at nine -- 9:25 we're  
21 going to do a -- I would request we do a litigation closed  
22 session regarding our union contracts.   That's the only time our  
23 attorney's available to talk is about 9:30 this morning.

24          So other than that, I think everything else is on the  
25 agenda.

26          CHAIRMAN WAITS:   Do you have any update for us on our --  
27 our cricket --

28          KEITH WESTENGARD:   Our -- our cricket?

29          CHAIRMAN WAITS:   Our crickets?

30          KEITH WESTENGARD:   Oh.   Yeah.   So we've -- I believe Public  
31 Works has been putting out some bait in the north and the south.

32          We had that whole pallet of bait for the Mormon crickets  
33 that we -- we bought last year.   I don't -- so I don't know -- I  
34 don't know what's the latest.   I know we were getting some in  
35 the county and the bait was being put out.

36          CHAIRMAN WAITS:   Actually, --

37          KEITH WESTENGARD:   And --

38          CHAIRMAN WAITS:   -- I ran into quite a number on 305.  
39 They're in different areas around Austin.

40          KEITH WESTENGARD:   Uh-huh.

1 CHAIRMAN WAITS: I don't know how they're doing on that.  
2 But that -- on Monday, like I said, they were -- they were about  
3 20 miles right on 305. And today coming up, there was none.  
4 KEITH WESTENGARD: Okay.  
5 CHAIRMAN WAITS: So that --  
6 COMMISSIONER ALLAN: Maybe --  
7 CHAIRMAN WAITS: -- must've --  
8 COMMISSIONER ALLAN: -- they ate each other.  
9 CHAIRMAN WAITS: -- got some somewhere.  
10 KEITH WESTENGARD: Good.  
11 CHAIRMAN WAITS: So that's -- that's a --  
12 KEITH WESTENGARD: And our mos- --  
13 CHAIRMAN WAITS: -- good sign.  
14 KEITH WESTENGARD: Just ano- --  
15 CHAIRMAN WAITS: Okay.  
16 KEITH WESTENGARD: -- one other thing, our mosquito -- our  
17 mosquito sprayer is continuing a pretty constant battle in the  
18 north and the south to keep the mosquitoes down. He's -- she's  
19 spraying pretty regularly. So hoping --  
20 CHAIRMAN WAITS: Now --  
21 KEITH WESTENGARD: -- that's getting a little bit better.  
22 CHAIRMAN WAITS: -- Austin itself hasn't been sprayed yet;  
23 right? Because we --  
24 KEITH WESTENGARD: No. Just Gilman and Kingston.  
25 CHAIRMAN WAITS: Okay. Because we do have bees in Austin.  
26 And we need --  
27 KEITH WESTENGARD: Yeah.  
28 CHAIRMAN WAITS: -- to get a heads-up on that one.  
29 KEITH WESTENGARD: And I -- I did talk with probably the  
30 individual you're talking about that has the bees. And I did  
31 talk with our -- our sprayer. And I --  
32 There's no concern because the bees are in the hou- -- in  
33 their houses at night. And this is a very low dosage of -- of  
34 the poison that's used from the air.  
35 CHAIRMAN WAITS: The -- the folks that have them just  
36 wanted to cover them.  
37 KEITH WESTENGARD: Right.  
38 CHAIRMAN WAITS: That's all. So if we get a --  
39 KEITH WESTENGARD: Got you.  
40 CHAIRMAN WAITS: -- heads up on that.

1 Thank you so much.

2 KEITH WESTENGARD: Uh-huh.

3  
4  
5 **PUBLIC COMMENT**

6  
7 CHAIRMAN WAITS: Okay. We'll move into public comment for  
8 nonagendized items only.

9 Persons are invited to submit comments in writing and/or  
10 attend and make comments on any nonagenda item at the board  
11 meeting, if any, and discussion of those comments at the  
12 discretion of the board. All public comment may be limited to  
13 three minutes per person, again at the discretion of the board.  
14 Reasonable restrictions may be placed on public comments based  
15 upon time, place, and manner, but public comment based upon  
16 viewpoint may not be restricted.

17 Do we have any public comment this morning?

18 (No comment.)

19 CHAIRMAN WAITS: And nothing in Austin?

20 (No comment.)  
21  
22

23 **CONSENT AGENDA**

24  
25 CHAIRMAN WAITS: Okay. We'll move on to consent agenda.

26 All matters listed under the consent agenda are considered  
27 routine, may be acted upon by the Board of County Commissioners  
28 with one action, without extensive discussion. Any member of  
29 the board or any citizen may request that an item be taken from  
30 the consent agenda, discussed, and acted upon separately during  
31 the meeting. Consent agenda materials are available at the  
32 Lander County Clerk's Office for viewing, and copies are  
33 available for a nominal charge.

34 Number 1, approval of June 27, 2019, agenda notice; Number  
35 2, approval of March 14, 2019, meeting minutes; Number 3  
36 approval of March 19, 2019, special meeting budget workshop  
37 minutes; Number 4, approval of March 28, 2019, meeting minutes;  
38 Number 5, approval of April 1, 2019, special meeting budget  
39 workshop minutes; Number 6, approval of April 11, 2019, meeting  
40 minutes; Number 7, approval of April 25th, 2019, meeting

1 minutes; Number 8, approval of May 9, 2019, meeting minutes,  
2 Number 9, approval of May 23, 2019, meeting minutes; Number 10,  
3 approval of June 13, 2019, meeting minutes; and Number 11,  
4 approval of the payment of bills.

5 Okay. With that, we don't have any minutes except Number  
6 10, June 13th, our meeting minutes in Austin are in.

7 And we do need to pull Number 11 under the approval of  
8 payment of bills.

9 And then just a -- a quick note on our minutes because it has  
10 been extremely difficult for our paralegal because we are  
11 overtalking -- and that also means comments from the public.

12 And so we ask that you -- you please wait for public  
13 comment and come then forward with your comments.

14 And we're going to try and talk one at a time.

15 She said what would take her an hour to look at things now  
16 takes her, like, three hours to one area when it's overtalking  
17 and she has to keep going back.

18 So we're going to really try and -- and work on that today  
19 and in the future.

20 So with that, I'm looking for an approval of Number 1, the  
21 agenda notice, and Number 10, the June 13th meeting minutes.  
22 And those are your new minutes.

23 COMMISSIONER SPARKS: I'll make a motion to approve.

24 COMMISSIONER ANCHO: I'll --

25 CHAIRMAN WAITS: Thank you.

26 COMMISSIONER ANCHO: -- second.

27 CHAIRMAN WAITS: Kathy, that was you?

28 COMMISSIONER ANCHO: Yes.

29 CHAIRMAN WAITS: Thank you.

30 Bryan made the motion. Kathy seconded.

31 All those in favor?

32 COMMISSIONER SPARKS: Aye.

33 COMMISSIONER ANCHO: Aye.

34 COMMISSIONER ALLAN: Aye.

35 CHAIRMAN WAITS: Aye.

36 COMMISSIONER CLARK: Aye.

37 CHAIRMAN WAITS: Thank you. And that passes.

38 So the next thing we have is Number 11, approval of payment  
39 of bills.

40 I'd like to pull out Number -- let's see -- 203519 is yours,



1 Art? Right?  
2 Okay. And 203590 and 203536.  
3 So can I have a motion for the other bills with these three  
4 out, please.  
5 COMMISSIONER ANCHO: I'll make a motion.  
6 COMMISSIONER SPARKS: I'll second.  
7 CHAIRMAN WAITS: Thank you. Kathy made the motion. Bryan  
8 seconded that.  
9 Any other discussion?  
10 (No comment.)  
11 CHAIRMAN WAITS: Public comment?  
12 (No comment.)  
13 CHAIRMAN WAITS: All in favor?  
14 COMMISSIONER SPARKS: Aye.  
15 COMMISSIONER ANCHO: Aye.  
16 CHAIRMAN WAITS: Aye.  
17 COMMISSIONER ALLAN: Aye.  
18 CHAIRMAN WAITS: Thank you.  
19 Okay. The next motion will be for paying all bills except  
20 Check #203519. And that's for Commissioner Clark. And that's  
21 for your travel reimbursement.  
22 COMMISSIONER CLARK: Okay. Thank you.  
23 CHAIRMAN WAITS: I need a motion for that.  
24 COMMISSIONER ANCHO: I'll make a motion.  
25 CHAIRMAN WAITS: Thank you, Kathy.  
26 COMMISSIONER SPARKS: I'll second.  
27 CHAIRMAN WAITS: And Bryan seconded. Thank you.  
28 All in favor?  
29 COMMISSIONER SPARKS: Aye.  
30 COMMISSIONER ANCHO: Aye.  
31 CHAIRMAN WAITS: Aye.  
32 COMMISSIONER CLARK: Aye.  
33 CHAIRMAN WAITS: And Art has abstained. Thank you. That  
34 one --  
35 COMMISSIONER CLARK: Yeah, I'll --  
36 CHAIRMAN WAITS: -- passes.  
37 COMMISSIONER CLARK: -- abstain from that.  
38 CHAIRMAN WAITS: The -- the next one is from Bryan. And  
39 you are recusing yourself because...  
40 COMMISSIONER SPARKS: Yeah. Yeah. 203590 is made to my

1 employer. And 203536 is a check made to my nephew.

2 CHAIRMAN WAITS: Thank you. Okay. Motion that we approve  
3 those two checks?

4 COMMISSIONER ANCHO: I'll make a motion.

5 CHAIRMAN WAITS: Thank you.

6 COMMISSIONER CLARK: Second. I'll second it.

7 CHAIRMAN WAITS: Thank you.

8 Kathy made the motion. Art seconded it.

9 Any other discussion?

10 (No comment.)

11 CHAIRMAN WAITS: All in favor?

12 COMMISSIONER ANCHO: Aye.

13 COMMISSIONER ALLAN: Aye.

14 COMMISSIONER CLARK: Aye.

15 CHAIRMAN WAITS: Aye.

16 Thank you.

17 And Bryan --

18 COMMISSIONER SPARKS: I abstain.

19 CHAIRMAN WAITS: -- abstained. And that passes.

20 And we move on to -- still okay? -- Number 2.

21  
22  
23 **COMMISSIONERS**

24  
25 **2) Discussion and possible action to approve/disapprove or**  
26 **modify the lease agreement for the aircraft hangars at the**  
27 **Battle Mountain Airport, and all other matters properly**  
28 **related thereto.**  
29

30 CHAIRMAN WAITS: Discussion and public [verbatim] action to  
31 approve or disapprove or modify the lease agreement for the  
32 aircraft hangars at the Battle Mountain Airport, and all other  
33 matters properly related thereto.

34 KEITH WESTENGARD: This was put on the agenda to look over  
35 this -- the current contract to see if the commission is -- is  
36 okay with it or to in- -- increase it or decrease it.

37 We had an individual that wanted to rent a hangar and just  
38 had some issues with the -- the \$200 -- or not the \$200, but the  
39 \$50 utility fee that I put onto it so that the cost of the  
40 hangars are 250 per month, including the utilities.

1           So --  
2           COMMISSIONER SPARKS:   What -- what was our cost in building  
3 that, in -- in the --  
4           KEITH WESTENGARD:   It was right at --  
5           COMMISSIONER SPARKS:   -- hangars?  
6           KEITH WESTENGARD:   -- at 780,000 to build the three  
7 hangars.   I can get exact numbers for you if you would like.  
8           COMMISSIONER SPARKS:   I mean, \$250 seems awfully cheap to  
9 rent a hangar.  
10          KEITH WESTENGARD:   So -- so I did some -- some research.  
11          Battle Mountain Airport's unique in the sense that the  
12 county owns the hangars.  
13          Other airports, Elko and Winnemucca, they lease the land to  
14 a private individual for an amount of time.   An individual will  
15 come in, build the hangars, and then the individual will set the  
16 price.  
17          So we're unique in the sense that we -- the county actually  
18 owns the hangars.   So we -- we set the price.  
19          I talked to our FBO.   He felt that price -- Walt Wardell is  
20 our FBO at the airport -- he felt that was a -- a -- a good  
21 price.   Really didn't go into detail.  
22          And he's got -- you know, he's got responsibilities in  
23 Fallon all the way up into -- to Oregon for different airports.  
24 So --  
25          COMMISSIONER SPARKS:   So is that -- is that rental -- is  
26 that -- is that pretty consistent amongst other counties and  
27 they're charging for --  
28          KEITH WESTENGARD:   From -- from what I can find, yes.   Like  
29 I said, we're a little unique because we have --  
30          COMMISSIONER SPARKS:   We own.  
31          KEITH WESTENGARD:   -- we own -- own it ourselves.   But --  
32          COMMISSIONER ALLAN:   I'd like to point out, actually, we  
33 own these particular hangars.  
34          There are some hangars available at the airport that are  
35 privately owned.   And I believe their rate is around 200.  
36          Those hangars -- I haven't seen them personally.   My  
37 understanding is they have dirt floors.   I don't know if they  
38 have doors.   And I don't believe they have power.  
39          So you're sitting here looking at \$250 for a very nice  
40 hangar as compared to \$200 for a private individual's business.

1 I -- I believe -- I feel we should be asking more than 250.  
2 COMMISSIONER ANCHO: And then I have a question going back.  
3 Because you mentioned that most of the time the counties don't  
4 own them.  
5 KEITH WESTENGARD: Right.  
6 COMMISSIONER ANCHO: Why did we build these to begin with?  
7 Was there a --  
8 KEITH WESTENGARD: That was a --  
9 COMMISSIONER ANCHO: -- a demand for them that we built  
10 them so we would recoup our money at any point? Or --  
11 KEITH WESTENGARD: It came -- it was a -- a previous  
12 commission. And it was what they decided to --  
13 COMMISSIONER ANCHO: Okay.  
14 KEITH WESTENGARD: -- to move forward with at a budget  
15 workshop, I believe, two years ago. And they were completed  
16 last year.  
17 COMMISSIONER ANCHO: Okay.  
18 CHAIRMAN WAITS: I do have a couple questions on the actual  
19 contract. And I'm fine with -- with the fee. I'd hate to see  
20 us go a whole lot higher. We're still a very rural community  
21 here.  
22 One is the late fee. And apparently -- that's Number 4.  
23 If rent is not paid on the due date, there shall be no fee  
24 assessed, but a notice to pay or quit shall be submitted to the  
25 lessee for the requested payment.  
26 KEITH WESTENGARD: Okay. Would you like a late fee  
27 added --  
28 COMMISSIONER SPARKS: I would.  
29 KEITH WESTENGARD: -- onto that?  
30 COMMISSIONER SPARKS: Yeah. Absolutely.  
31 KEITH WESTENGARD: What would you like the late fee to --  
32 or I guess in your motion you can say what the late fee should  
33 be.  
34 CHAIRMAN WAITS: I -- I think probably a minimum of  
35 10 percent.  
36 COMMISSIONER SPARKS: I'd agree.  
37 CHAIRMAN WAITS: And we -- we -- we need a date on there  
38 too. So what do you want? Ten days?  
39 COMMISSIONER SPARKS: Yeah.  
40 CHAIRMAN WAITS: Okay.

1 And my next question is on Number 10, which is the  
2 insurance.

3 Wow. I just thought a million dollars was a lot. But I --  
4 I needed some input because I don't -- I don't know. I didn't  
5 check to see how much -- if there's a great deal of difference  
6 insurance-wise if we ask for 500,000 instead of a million  
7 dollars?

8 KEITH WESTENGARD: It was just county liability to protect  
9 the county in the future if other --

10 CHAIRMAN WAITS: Well, I under- --

11 KEITH WESTENGARD: -- from other events.

12 CHAIRMAN WAITS: -- -stand --

13 KEITH WESTENGARD: Yeah.

14 COMMISSIONER ALLAN: I --

15 CHAIRMAN WAITS: I'm --

16 COMMISSIONER ALLAN: -- think --

17 CHAIRMAN WAITS: -- sorry.

18 COMMISSIONER ALLAN: I think a million is reasonable  
19 because, I mean, we paid almost \$800,000 for these hangars. And  
20 if something happens and there's a claim on a leasee, we want to  
21 be sure to get our money back --

22 COMMISSIONER CLARK: Bingo.

23 COMMISSIONER ALLAN: -- and -- and be able to rebuild new  
24 ones that the cost is only going up ev- -- more each year.

25 COMMISSIONER CLARK: I agree. If we paid 800,000 and a  
26 rental is insured at 500,000, some catastrophic issue starts  
27 down here and it burns them all, then we're out \$780,000 --  
28 well, \$380,000 on insurance if we --

29 CHAIRMAN WAITS: Well --

30 COMMISSIONER CLARK: -- we just cap it at 500,000. So  
31 that --

32 CHAIRMAN WAITS: Number --

33 COMMISSIONER CLARK: -- would cover the cost of the whole  
34 facility should something explode, burn up.

35 CHAIRMAN WAITS: I -- I understand that. However, we're  
36 talking each renter to do that.

37 KEITH WESTENGARD: Yes.

38 CHAIRMAN WAITS: But we also have our own insurance. So we  
39 wouldn't be out the money if something happened.

40 KEITH WESTENGARD: That -- that's correct.

1 CHAIRMAN WAITS: What we're saying is if it was someone's  
2 fault.

3 COMMISSIONER ALLAN: But if it's someone's fault and we  
4 have all four units rented is their loss is going to cover the  
5 county, not to mention the other renters. They may have their  
6 own personally dwelled -- hopefully have their own personal  
7 insurance on their -- their airplanes.

8 But, you know, if one unit, through something, burns the  
9 entire thing down, that million isn't going to cover everything.

10 DISTRICT ATTORNEY HERRERA: I'm more concerned with if  
11 somebody gets hurt, a renter has a guest there and somebody gets  
12 injured or -- or killed. That's what I'm concerned with.  
13 That's why the million dollars is a good amount.

14 CHAIRMAN WAITS: Okay. If you're all happy with that,  
15 that's fine.

16 COMMISSIONER ALLAN: Because --

17 DISTRICT ATTORNEY HERRERA: Plus -- plus what you're  
18 saying, Judie. But also the -- the liability of -- of injury.

19 COMMISSIONER ALLAN: Right.

20 So I really want to -- I mean, I understand, Patsy, that  
21 you -- you don't want to go too high on the rent, but by the  
22 same token is, you know, governments are not supposed to be in  
23 competition with private businesses. And I realize that the --  
24 the rental amounts are different. But that is the -- the extra  
25 funds are to cover the utilities.

26 So in essence we really are in competition with private  
27 entity on our rates.

28 COMMISSIONER SPARKS: I agree. I think it's -- for  
29 the quality of the hangar, I think it's too cheap. And exactly  
30 what she's saying. If I was a private hangar owner and the  
31 county came and built this \$800,000 facility with taxpayer  
32 dollars and set up in -- and renting it for \$250, I'd be pissed.  
33 You know.

34 So it's just -- I don't think it's -- I think it's too  
35 cheap.

36 CHAIRMAN WAITS: Okay. Well, before you make your motion,  
37 I just have one other question, then. And it's on Number 15.  
38 And it's just the terminology, actually. I'm not reading this  
39 properly.

40 If for any reason other than for county convenience the

1 airport is closed by county, the lease shall be terminated and  
2 the leasee...

3 Is there more to follow?

4 And the leasee what?

5 COMMISSIONER ALLAN: Evacuated?

6 KEITH WESTENGARD: (Indiscernible.) This one here.  
7 (Indiscernible.)

8 DISTRICT ATTORNEY HERRERA: I don't know.

9 It wasn't my contract. Sorry.

10 KEITH WESTENGARD: Well, you -- you reviewed it. So I  
11 thought maybe you looked at it.

12 Okay. So I'll --

13 DISTRICT ATTORNEY HERRERA: I don't know what the intent  
14 was, is what I'm saying. And I'd -- I'll have to look into that  
15 because --

16 CHAIRMAN WAITS: We need to clarify that sentence  
17 somewhere. That's all.

18 DISTRICT ATTORNEY HERRERA: We may find out what the intent  
19 of --

20 CHAIRMAN WAITS: Okay.

21 DISTRICT ATTORNEY HERRERA: -- that -- that statement is.  
22 And --

23 CHAIRMAN WAITS: Okay.

24 DISTRICT ATTORNEY HERRERA: -- like I said, I'd -- it  
25 wasn't my contract so I don't know off the top of my head --

26 CHAIRMAN WAITS: No. That's okay.

27 DISTRICT ATTORNEY HERRERA: -- what the intent was.

28 CHAIRMAN WAITS: No. That's okay.

29 The question is: --

30 DISTRICT ATTORNEY HERRERA: That's all I'm saying.

31 CHAIRMAN WAITS: -- Indeed we're missing some other words  
32 behind --

33 DISTRICT ATTORNEY HERRERA: Yeah.

34 CHAIRMAN WAITS: -- it. The lessee will be notified,  
35 whatever you look at.

36 But when we make our notion, we'd like you to finish up  
37 Number 15.

38 COMMISSIONER ANCHO: So then I have a question. If we have  
39 someone who flies in and one -- that's there for one night, are  
40 we going to have -- do we have to go to a separate pay scale for

1     them to rent the hangar     for one night?  
2             KEITH WESTENGARD:     That -- and that was a -- that was a  
3     question I was going to     ask --  
4             COMMISSIONER ANCHO:     Okay.  
5             KEITH WESTENGARD:     -- because it's -- there's nothing in  
6     here about a single night or -- or multiple nights.  
7             COMMISSIONER ANCHO:     It's -- can we combine them? Put that  
8     in this as well? So we don't have to go -- have two separate --  
9     or not?  
10            KEITH WESTENGARD:     Is that a -- can we do that, Ted? Can  
11     we combine them? Make it long-term and --  
12            DISTRICT ATTORNEY HERRERA:     Well, you -- you could. You  
13     could have both of them in one contract. Or you could have a  
14     small one and a -- and a longer one, either way.  
15            KEITH WESTENGARD:     What -- what would you be looking at for  
16     a -- a nightly rental on that?  
17            COMMISSIONER ANCHO:     Did you --  
18            COMMISSIONER CLARK:     One thirtieth --  
19            COMMISSIONER ANCHO:     -- ask?  
20            COMMISSIONER CLARK:     -- of the --  
21            KEITH WESTENGARD:     My --  
22            COMMISSIONER CLARK:     -- cost.  
23            KEITH WESTENGARD:     -- my -- what -- I'm sorry. What?  
24            COMMISSIONER CLARK:     One thirtieth of the cost.  
25            COMMISSIONER ALLAN:     Well --  
26            COMMISSIONER CLARK:     One thirtieth of a month.  
27            COMMISSIONER ALLAN:     And I guess I --  
28            COMMISSIONER CLARK:     Thirty days in a month, in a legal  
29     month; --  
30            KEITH WESTENGARD:     Right.  
31            COMMISSIONER CLARK:     -- right?  
32            KEITH WESTENGARD:     Yeah.  
33            COMMISSIONER CLARK:     So --  
34            COMMISSIONER ALLAN:     But -- but if -- how does that work as  
35     far as liability?  
36            You know, naming the county as liability on the million  
37     dollar liability responsibilities?  
38            KEITH WESTENGARD:     I don't know.  
39            CHAIRMAN WAITS:     Most of the time when people --  
40            KEITH WESTENGARD:     I don't know.



1 CHAIRMAN WAITS: -- when people travel, they -- they just  
2 hook up outside, you know.  
3 DISTRICT ATTORNEY HERRERA: Right.  
4 CHAIRMAN WAITS: They -- they really don't ask for a hangar  
5 inside.  
6 DISTRICT ATTORNEY HERRERA: If -- if they want a hangar for  
7 some particular reason that -- they're going to have to do a  
8 waiver of liability and add insurance. It's that simple.  
9 Otherwise, we'd be --  
10 KEITH WESTENGARD: My initial thought --  
11 DISTRICT ATTORNEY HERRERA: -- (indiscernible).  
12 KEITH WESTENGARD: -- was --  
13 COMMISSIONER ALLAN: If --  
14 KEITH WESTENGARD: My initial --  
15 COMMISSIONER ALLAN: -- they're --  
16 KEITH WESTENGARD: -- thought was we would look at \$30 a  
17 night.  
18 That seems to be what other -- other airports have looked at  
19 is -- is 30 to 35 dollars per night.  
20 COMMISSIONER ALLAN: So another question I have is, is our  
21 FPO [verbatim] out there all the time? Is there someone that is  
22 in the office all --  
23 KEITH WESTENGARD: Yes.  
24 COMMISSIONER ALLAN: -- the time out there to be able to  
25 collect these fees for an over- --  
26 KEITH WESTENGARD: Yes.  
27 COMMISSIONER ALLAN: -- -night -- okay.  
28 KEITH WESTENGARD: He has staff out there. He's not there  
29 himself.  
30 COMMISSIONER ALLAN: Right. But --  
31 KEITH WESTENGARD: But --  
32 COMMISSIONER ALLAN: -- his staff.  
33 KEITH WESTENGARD: -- he does have staff at the airport  
34 during regular business hours. And he does have someone on  
35 call.  
36 COMMISSIONER ANCHO: So with waiver also. The \$30 plus  
37 a --  
38 KEITH WESTENGARD: Right.  
39 COMMISSIONER ANCHO: -- waiver of liability.  
40 COMMISSIONER ALLAN: I'm going to make a motion that we

1 approve the contract with the -- with the said changes being  
2 monthly installments of \$400 a month to include -- that includes  
3 the -- the -- the utilities; under late fee, a -- a late fee  
4 will be assessed at 10 percent of the monthly payment within  
5 ten days; clarification on Item Number 15; and also continue a  
6 verbiage being added for a night- -- nightly rental of \$30 with also  
7 a waiver of liability.

8 COMMISSIONER SPARKS: I'll second.

9 CHAIRMAN WAITS: Thank you.

10 Judie made the motion. Bryan seconded.

11 I will now open it up for public comment.

12 Commissioner Mills.

13 DOUG MILLS: Hello. Doug Mills, for the record.

14 I just want to clarify a couple of things that you've  
15 discussed today.

16 First off, it was mentioned that the -- the renting hangars  
17 out there for \$200 a month that have dirt floors and no doors  
18 and no electricity, that's not the case.

19 I currently rent a -- quote/unquote -- hangar out there  
20 that it's \$100 a month. It is just basically a sun shade. It's  
21 the old hangar out there that is pretty dilapidated. It does  
22 not have doors. It does -- it's got cement right under the  
23 airplane, but the rest of it's dirt on the ground. And it does  
24 have electricity. It does have a light out there.

25 And it has a outlet that we can plug in. We use a  
26 Torpedo heater to warm up the engine in the winter.  
27 So it does have electricity. And that's \$100 a month.

28 There are other hangars out there by Rick Harless. And he  
29 does -- he has a contract with the county. He owns the hangars.  
30 And he -- and he has actual real hangars, not like the sun shade  
31 that I'm renting. And he rents those for \$200 a month.

32 They have cement floors. They have doors. They're pretty  
33 nice hangars. And, again, those are \$200 a month.

34 I would like to point out the county does own another  
35 hangar out there. They rent it for ten cents a square foot a  
36 year. I'd love to get that kind of rate. I think -- I think  
37 that would be great.

38 I don't think the \$200 a month is -- is over the top for a  
39 hangar out at the airport in Battle Mountain.

40 On overnight rentals, it is very common for people who are

1 traveling to -- to rent a hangar for overnight. A lot of people  
2 have very nice airplanes. They like to protect them. And they  
3 do rent hangars for overnight rentals. It's very common.

4 In the past when Rick Harless was running the airport, he  
5 would rent them for \$30 a night.

6 One of the reasons for building the hangars is that there  
7 are no hangars available at the airport, no actual hangars. All  
8 the ones that Rick Harless has are rented out or in his use. So  
9 there is nothing available other than the sun shade that I'm  
10 renting out there now, that dilapidated building.

11 So there is nothing available other than a -- I guess you  
12 can call it a hangar. But it's -- it's really just a -- a sun  
13 shade. It -- it does leak. It does -- in the wintertime, the  
14 floor -- the ground gets wet. And it gets very slippery and icy  
15 from the water accumulation and freezing.

16 It's kind of -- when we do our -- in the wintertime, when  
17 we do our preflight on the airplane, we typically have to pull  
18 the plane out of the hangar to be able to get -- even walk  
19 around it to -- to do the preflight. So that's what kind of  
20 condition that is in.

21 As far as the insurance goes at the million dollar policy,  
22 I did contact a company called Avemco that -- that specializes  
23 in airplane insurance. And I asked them about renters insurance  
24 for a hangar.

25 They don't -- it doesn't exist. They don't have it.

26 You can -- you can rent a -- or you can insure a hangar  
27 that you own. You can insure a rental airplane. You can insure  
28 your airplane that you own. But to insure a hangar, they do not  
29 have such a policy.

30 Todd Petersen's my partner with the airplane. He was going  
31 to check into some other companies and see if he could find  
32 something for this million dollar policy. And I haven't heard  
33 from him to know whether he found anything or not.

34 But from what I've been able to find, it doesn't exist.

35 CHAIRMAN WAITS: Well, Doug, it's -- it's for the  
36 liability. It's not to insure the hangar.

37 DOUG MILLS: Well, that's where the --

38 That's --

39 CHAIRMAN WAITS: I mean, it's --

40 DOUG MILLS: Where the --

1 CHAIRMAN WAITS: -- that's what --  
2 DOUG MILLS: -- question comes in and what I've been  
3 finding with airplane insurance is we -- and we do carry  
4 insurance on our airplane. I don't know if the -- the numbers  
5 on it are. Tyler takes care of that for us. Tyler does --  
6 Tyler does all the paperwork on the airplane and the mechanic  
7 side of things. And I take care of the financial side.  
8 So the insurance is a side that he takes care of. So I'm  
9 not real familiar with all the insurance part of it.  
10 But in my reading up on insurance in the last couple of  
11 weeks, insurance on an airplane is for when it's actually being  
12 used and flying in the air. It does not cover it when it's on  
13 the ground and not -- not being used and when it's in storage.  
14 So there's a lot of -- I don't know. The way the airplane  
15 insurance industry works is -- is rather unique. So I'm -- I'm  
16 not claiming to be an expert on all that stuff and know  
17 everything about how that works, but it's -- from what I found,  
18 actually to carry a liability policy on the plane when it's on  
19 the ground is not the way it's done.  
20 CHAIRMAN WAITS: Okay. We -- we appreciate your comments  
21 on it. And if this one passes, we'll -- we can always bring it  
22 back if we find out, you know, we'd have to adjust on the  
23 insurance part of it. So --  
24 DOUG MILLS: Just a -- another -- another comment.  
25 CHAIRMAN WAITS: Okay.  
26 DOUG MILLS: You've talked about on a -- on an overnight  
27 rental, you'll -- you'll do a -- you'll waive liability. You  
28 won't do that for an actual rental.  
29 I don't know if there's much difference. But I would like  
30 to see instead of the insurance policy that we -- we would be  
31 willing to sign a hold harmless document and -- and do it that  
32 way.  
33 COMMISSIONER ALLAN: And how does that pay for the unit if  
34 it burns down through --  
35 DOUG MILLS: As -- as Patsy mentioned earlier, the county  
36 already has coverage. And it's also -- remind you that the way  
37 those hangars are built, it's -- it's two two-unit hangars. So  
38 they are separated. There's two -- two hangars together and in  
39 a separate building is the other two hangars.  
40 So if there's a -- a problem in one of them, the likelihood

1 of all four of them burning up is not very likely.  
2 So to hold a -- to hold a policy to cover all four hangars  
3 by one renter is -- I don't know. That seems like a bit much.  
4 COMMISSIONER SPARKS: I have a question. Doug stated that  
5 we -- cou- -- the county currently owns a hangar, another hangar  
6 out there that we're charging ten percent per square foot  
7 annually?  
8 KEITH WESTENGARD: No. So I was going to clarify that --  
9 COMMISSIONER SPARKS: Okay.  
10 KEITH WESTENGARD: -- for you guys. It -- it's -- it's  
11 similar to what I was talking about, the way Elko does it.  
12 We rent them the ground for ten cents a square foot. The  
13 hangar belongs to -- I believe it's AirMed One.  
14 COMMISSIONER SPARKS: Oh.  
15 KEITH WESTENGARD: And they sublease it --  
16 COMMISSIONER SPARKS: Got you.  
17 KEITH WESTENGARD: -- to Mr. --  
18 COMMISSIONER SPARKS: Okay.  
19 KEITH WESTENGARD: -- Harless.  
20 DOUG MILLS: Okay. Well, --  
21 COMMISSIONER SPARKS: I got you.  
22 DOUG MILLS: -- I understood that we own -- we own the  
23 hangar.  
24 KEITH WESTENGARD: We -- at the end of the -- of the lease,  
25 which I believe is this year, we have the first right to  
26 actually take it or they can take the hangar down and leave  
27 and -- and the land is -- is back to the county.  
28 DOUG MILLS: Okay.  
29 KEITH WESTENGARD: Yeah.  
30 CHAIRMAN WAITS: Doug, I -- I don't want to cut you off,  
31 but we're going to have to -- to take our -- our attorney's call  
32 here in just a minute.  
33 So if --  
34 DOUG MILLS: Okay.  
35 CHAIRMAN WAITS: -- if you --  
36 DOUG MILLS: I think --  
37 CHAIRMAN WAITS: -- have some --  
38 DOUG MILLS: -- that's every- --  
39 CHAIRMAN WAITS: -- more --  
40 DOUG MILLS: -- - thing --

1 CHAIRMAN WAITS: No, I was --  
2 DOUG MILLS: No. That's --  
3 CHAIRMAN WAITS: -- going to --  
4 DOUG MILLS: -- everything --  
5 CHAIRMAN WAITS: -- say, --  
6 DOUG MILLS: -- had.  
7 CHAIRMAN WAITS: -- if you have some more, I can -- I can  
8 wait for our vote if you want to come back.  
9 DOUG MILLS: Okay.  
10 CHAIRMAN WAITS: You do?  
11 DOUG MILLS: Oh, no. I -- I think I've said everything I  
12 need to say.  
13 CHAIRMAN WAITS: Oh.  
14 DOUG MILLS: Thanks.  
15 CHAIRMAN WAITS: Okay. Because -- because I didn't want to  
16 cut you off. We can -- we can wait for you and -- and come back  
17 if --  
18 Any other public comment?  
19 (No comment.)  
20 CHAIRMAN WAITS: Okay. I'll call for the vote.  
21 All in favor?  
22 COMMISSIONER ALLAN: Aye.  
23 COMMISSIONER SPARKS: Aye.  
24 COMMISSIONER ANCHO: Aye.  
25 COMMISSIONER CLARK: Aye.  
26 CHAIRMAN WAITS: Aye.  
27 Opposed?  
28 I've got two people that aren't voting?  
29 COMMISSIONER ALLAN: No. I --  
30 COMMISSIONER CLARK: I --  
31 COMMISSIONER ALLAN: -- voted.  
32 COMMISSIONER CLARK: -- said aye.  
33 COMMISSIONER ALLAN: Kathy --  
34 COMMISSIONER SPARKS: I said --  
35 COMMISSIONER ANCHO: I voted.  
36 COMMISSIONER SPARKS: -- aye.  
37 COMMISSIONER ALLAN: -- voted.  
38 CHAIRMAN WAITS: Oh, everybody's voted?  
39 COMMISSIONER ALLAN: Yeah.  
40 COMMISSIONER CLARK: Yeah.

1 CHAIRMAN WAITS: I'm -- I'm looking. I'm going, I didn't  
2 hear anything.

3 Okay.

4 COMMISSIONER CLARK: It's --

5 CHAIRMAN WAITS: I guess --

6 COMMISSIONER CLARK: -- okay, Patsy. We understand.

7 CHAIRMAN WAITS: Thank you. Comes with age. All right.

8 All right. That does pass.

9 Now, do you want us -- do we have to clear the room? Or  
10 are we going in here --

11 KEITH WESTENGARD: No, I can --

12 CHAIRMAN WAITS: -- to take the call?

13 KEITH WESTENGARD: And -- and we should clear the room. Or  
14 -- yes.

15 CHAIRMAN WAITS: Okay. I'm sorry. We do have to clear the  
16 room for our private conversation. And we should be back in the  
17 next -- what? -- maybe --

18 COMMISSIONER SPARKS: Do I need to call somebody?

19 CHAIRMAN WAITS: -- 10, 15 --

20 KEITH WESTENGARD: Yeah.

21 CHAIRMAN WAITS: -- minutes?

22  
23 (Meeting closed for consultation with legal counsel from  
24 9:35 a.m. to 9:53 a.m.)

25  
26 CHAIRMAN WAITS: -- for the record and out of closed  
27 session. So we are at Number 3.

28  
29 3) Discussion and possible action to approve/disapprove the  
30 following union contracts: a) General employees, b) Lander  
31 County Sheriff's Association, c) Lander County Law  
32 Enforcement Employees Association, and all other matters  
33 properly related thereto.  
34

35 CHAIRMAN WAITS: Discussion and possible action to approve  
36 or disapprove the following union contracts: Number A is  
37 general employees. Number B is Lander County Sheriff's  
38 Association. And Number C is Lander County Law Enforcement  
39 Employees Association. And all other matters properly related  
40 thereto.

1 And that now goes on the record for what we would like to  
2 do. And we --

3 Is there any other discussion?

4 Okay. I will open this up for public comment.

5 (No comment.)

6 CHAIRMAN WAITS: Okay. Well, we -- we think it's a good  
7 contract. And apparently the -- the union does too because  
8 everybody seems to have signed off except us.

9 So with that...

10 COMMISSIONER ALLAN: I'll make a motion we approve the  
11 union contracts for general employees, for the Lander County  
12 Sheriff's Association, and the Lander County Law Enforcement  
13 Employees Association.

14 COMMISSIONER ANCHO: I'll second.

15 CHAIRMAN WAITS: Thank you.

16 Judie made the motion. Kathy seconded that.

17 Any other discussion?

18 (No comment.)

19 CHAIRMAN WAITS: Any public comment?

20 (No comment.)

21 CHAIRMAN WAITS: All those in favor?

22 COMMISSIONER SPARKS: Aye.

23 COMMISSIONER ANCHO: Aye.

24 COMMISSIONER ALLAN: Aye.

25 CHAIRMAN WAITS: Aye.

26 COMMISSIONER CLARK: Aye.

27 CHAIRMAN WAITS: Okay. Thank you so much.

28 And that passes. And hopefully, what Commissioner Clark  
29 said, is that will help our attrition with the sheriff's  
30 association. And we think it's a good contract. And we hope  
31 that they stay with us and even entice some more folks to come  
32 over and work for -- with us.

33 COMMISSIONER CLARK: That's the plan.

34 CHAIRMAN WAITS: Number 4.



1     4)     Discussion and possible action to approve/disapprove the  
2             temporary road closure permit for the annual Fourth of July  
3             parade hosted by the VFW Post 9165, starting on Forest  
4             Street, then heading west on Front Street, turning south on  
5             Broad Street, and ending at the Elquist Park, and all other  
6             matters properly related thereto.  
7

8             CHAIRMAN WAITS:   Discussion and possible action to approve  
9             or disapprove the temporary road closure permit for the annual  
10            Fourth of July parade hosted by the VFW Post 9165, starting on  
11            Forest Street, heading towards west on Front Street, turning  
12            south on Broad Street, and ending at the Elquist Park, and all  
13            other matters properly related thereto.

14            Gentlemen.

15            COMMISSIONER SPARKS:   Good morning, guys.

16            COMMISSIONER ANCHO:    Good morning.

17            STEPHEN PRIEST:   Good morning.   So --

18            COMMISSIONER CLARK:   Good morning, Officer Priest.

19            COMMISSIONER ALLAN:   Stephen.

20            STEPHEN PRIEST:   My name's Stephen Priest.   I'm here as a  
21            senior vice commander   of the VFW here.

22            STEVE BURKHART:   I'm Steve Burkhart.   I'm the commander of  
23            the VFW.

24            STEPHEN PRIEST:   So we need a approval from you   guys to  
25            apply for the permit   to Department of Transportation   to close  
26            304 and 305.   Because they are   state routes, we need state's  
27            approval to close them for the   parade.

28            COMMISSIONER ALLAN:   I'll make a motion to approve the  
29            temporary road closure for the   annual Fourth of July parade  
30            hosted by the VFW Post 9165 as   stated in the agenda.

31            COMMISSIONER SPARKS:   I'll second.

32            DISTRICT ATTORNEY HERRERA:   Could --

33            CHAIRMAN WAITS:   Thank you.

34            DISTRICT ATTORNEY HERRERA:   -- could --   excuse --

35            CHAIRMAN WAITS:   Judie --

36            DISTRICT ATTORNEY HERRERA:   -- me.

37            CHAIRMAN WAITS:   -- made the motion.

38            DISTRICT ATTORNEY HERRERA:   Could you --

39            CHAIRMAN WAITS:   Bryan seconded.

40            DISTRICT ATTORNEY HERRERA:   Could you amend --

1 COMMISSIONER SPARKS: Hold on.  
2 DISTRICT ATTORNEY HERRERA: -- that, --  
3 COMMISSIONER SPARKS: Hold on.  
4 DISTRICT ATTORNEY HERRERA: -- Judie, to permit and add  
5 permit in there. Because we don't have the authority to close  
6 the roads but only to approve or disapprove the permit that they  
7 get from the state, the Department of Transportation.  
8 COMMISSIONER ALLAN: Okay. So I will -- will add that we  
9 approve the request for the permit through -- to the --  
10 DEPUTY DISTRICT ATTORNEY FORGERON: Thank you.  
11 COMMISSIONER ALLAN: -- to --  
12 CHAIRMAN WAITS: And --  
13 COMMISSIONER ALLAN: -- NDOT.  
14 CHAIRMAN WAITS: And authorize --  
15 COMMISSIONER ALLAN: And authorize the county manager to  
16 sign.  
17 CHAIRMAN WAITS: Or chair.  
18 COMMISSIONER ALLAN: Or chair.  
19 CHAIRMAN WAITS: Thank you.  
20 COMMISSIONER ALLAN: Somebody.  
21 CHAIRMAN WAITS: Okay. Did you like that amendment?  
22 COMMISSIONER SPARKS: Is that a good motion.  
23 CHAIRMAN WAITS: Yeah.  
24 COMMISSIONER SPARKS: I'll second.  
25 CHAIRMAN WAITS: Okay. Any other discussion?  
26 (No comment.)  
27 CHAIRMAN WAITS: Public comment?  
28 (No comment.)  
29 CHAIRMAN WAITS: All in favor?  
30 COMMISSIONER ANCHO: Aye.  
31 COMMISSIONER SPARKS: Aye.  
32 COMMISSIONER ALLAN: Aye.  
33 CHAIRMAN WAITS: Aye.  
34 COMMISSIONER CLARK: Aye.  
35 CHAIRMAN WAITS: Thank you, gentlemen. And --  
36 STEVE BURKHART: Well, --  
37 CHAIRMAN WAITS: -- thank --  
38 STEVE BURKHART: -- thank you.  
39 CHAIRMAN WAITS: -- for what you do. And thank you for  
40 your service.

1 COMMISSIONER CLARK: Thank you.  
2 COMMISSIONER ALLAN: It may not be a good motion. It may  
3 be ugly, but --  
4 COMMISSIONER ANCHO: It did the job.  
5 COMMISSIONER ALLAN: It got -- yeah.  
6

7 5) Discussion and possible action regarding appointment to the  
8 Lander County Livestock Events Center Advisory Board, which  
9 currently has five (5) openings, and to set the terms of the  
10 length of the appointment: a) Deborah Piazza; b) Adam  
11 McKenny; c) Clayton Slater; and all other matters properly  
12 related thereto.  
13

14 CHAIRMAN WAITS: Number 5. Discussion and possible action  
15 regarding appointment to Lander County Livestock Events Center  
16 Advisory Board, which currently has five openings, and to set  
17 the terms and the length of the appointment. And we have three  
18 on our list. A is Deborah Piazza; B, Adam McKenny; and, C,  
19 Clayton Slater.

20 COMMISSIONER ALLAN: Here's the board appointments.

21 CHAIRMAN WAITS: And we do have letters from all three.

22 COMMISSIONER SPARKS: I'd like -- I'd make a motion that we  
23 accept all three applicants to the Livestock Events Center  
24 Advisory Board.

25 COMMISSIONER ALLAN: So I --

26 CHAIRMAN WAITS: Do --

27 COMMISSIONER ALLAN: -- have a question be- -- before I  
28 second. It is a five-member board. We have three applicants.  
29 We do have to stagger.

30 I -- I would -- I would suggest maybe we stagger these  
31 applicants now in some respect and hope we get two more so that  
32 we -- we don't have everybody expiring at the same time.

33 Or do you want to just basically have everybody sta- --  
34 expire at the same time and hopefully two more can be the  
35 staggered?

36 CHAIRMAN WAITS: Counselor, do -- do we have a time frame  
37 that we have to follow in advisory boards, like not more than  
38 two years, not more than three years?

39 DISTRICT ATTORNEY HERRERA: On some of them --

40 JEANNE FALZONE: They're -- this is a two-year --

1 DISTRICT ATTORNEY HERRERA: This is a two-year board.  
2 So -- so if -- if you appointed all three of them to a two-year  
3 term, hopefully when we get -- as Judie points out -- when we  
4 get somebody else, they would be automatically staggered at that  
5 point.  
6 But if we stagger this -- I guess it would work out the  
7 same way. I don't know. It's a gamble either way.  
8 But -- but two-year -- we -- we -- I hate to ha- -- appoint  
9 somebody to one and then that run out.  
10 COMMISSIONER ALLAN: Yeah. And not get two more.  
11 So --  
12 CHAIRMAN WAITS: The motion is just for approval right now?  
13 COMMISSIONER SPARKS: Uh-huh.  
14 COMMISSIONER ALLAN: Yeah.  
15 DISTRICT ATTORNEY HERRERA: And for two-year term. Yeah.  
16 Approval for a two-year term. And we don't have to worry about  
17 the stagger right now.  
18 COMMISSIONER ALLAN: Do you want to add that, Bryan, for  
19 the two-year term?  
20 COMMISSIONER SPARKS: So noted. I'll add that to my  
21 motion.  
22 COMMISSIONER ALLAN: And I'll second.  
23 CHAIRMAN WAITS: Okay. Motion has been made by Bryan,  
24 seconded by Judie.  
25 Any other discussion?  
26 (No comment.)  
27 CHAIRMAN WAITS: Public comment?  
28 (No comment.)  
29 CHAIRMAN WAITS: All in favor?  
30 COMMISSIONER SPARKS: Aye.  
31 COMMISSIONER ALLAN: Aye.  
32 COMMISSIONER ANCHO: Aye.  
33 COMMISSIONER CLARK: Aye.  
34 CHAIRMAN WAITS: Aye.  
35 Okay.  
36 DEBORAH PIAZZA: Thank you.  
37 COMMISSIONER SPARKS: Thank --  
38 CHAIRMAN WAITS: Okay. And it passes.  
39 COMMISSIONER SPARKS: -- you, --  
40 COMMISSIONER ALLAN: Thank you, --

1 COMMISSIONER SPARKS: -- Deborah.  
2 COMMISSIONER ALLAN: -- Deb.  
3 CHAIRMAN WAITS: Thank you.  
4 COMMISSIONER ANCHO: Thanks.  
5 DEBORAH PIAZZA: Thank you.  
6 CHAIRMAN WAITS: Thank you so much.  
7

8 6) Discussion and possible action to appoint or reappoint two  
9 (2) individuals to serve on the Lander County Economic  
10 Development Authority (LEDA) board of directors from July 1,  
11 2019, through June 30, 2021, which currently has five (5)  
12 openings, two-year terms, and to consider all of the  
13 following applicants to include: a) Paula Tomera -- currently  
14 sitting on the board; b) Jon Sherve -- currently sitting on  
15 the board; and all other matters properly related thereto.  
16

17 CHAIRMAN WAITS: Number 6. Discussion and possible action  
18 to appoint or reappoint two individuals to serve on the Lander  
19 County Economic Development Authority, the LEDA board of  
20 directors, from July 1, 2019, through June 30, 2021, which  
21 currently has five openings, two-year terms, and to consider all  
22 of the following applicants to include: A, Paula Tomera, who is  
23 currently sitting on the board; and, B, Jon Sherve, also  
24 currently sitting on the board; and all other matters properly  
25 related thereto.

26 COMMISSIONER ALLAN: I'll make a motion that we approve  
27 Paula Tomera to continue serving on the Lander County Economic  
28 Development Authority through June 30th of 2021 and Jon  
29 Sherve, who is currently sitting on the Lander County  
30 Economic Development Authority Board through June 30th of 2021.

31 COMMISSIONER ANCHO: I'll second.

32 CHAIRMAN WAITS: Thank you. Judie made the motion. Kathy  
33 seconded that.

34 Any other discussion?

35 (No comment.)

36 CHAIRMAN WAITS: Public comment?

37 (No comment.)

38 CHAIRMAN WAITS: All in favor?

39 COMMISSIONER SPARKS: Aye.

40 COMMISSIONER ANCHO: Aye.

1 COMMISSIONER ALLAN: Aye.  
2 CHAIRMAN WAITS: Aye.  
3 COMMISSIONER CLARK: Aye.  
4 CHAIRMAN WAITS: Thank you. And that passes.  
5

6 7) Discussion and possible action to approve/disapprove the  
7 exclusive use of and waiving the rental fees at the Battle  
8 Mountain Civic Center for a fundraiser on October 25, 2019,  
9 for Steve Larsgaard of Agape Hospice, and all other matters  
10 properly related thereto.  
11

12 CHAIRMAN WAITS: Number 7. Discussion and possible action  
13 to approve or disapprove the exclusive use and waving the rental  
14 fees at the Battle Mountain Civic Center for a fundraiser on  
15 October 25, 2019, for Steve Larsgaard of Agape Hospice,  
16 and all other matters properly related thereto.

17 COMMISSIONER SPARKS: Good morning, Steve.

18 CHAIRMAN WAITS: Good morning.

19 COMMISSIONER ALLAN: Morning.

20 STEVE LARSGAARD: Good morning.

21 COMMISSIONER ALLAN: Agape is -- is a nonprofit?

22 STEVE LARSGAARD: My name is Steve Larsgaard and the  
23 president of the Agape Hospice Board.

24 Yes, Agape is nonprofit.

25 I would add to that that we're still in limbo waiting for  
26 our state license. It's been 18 months.

27 We have received our federal approval from Medicare.

28 But we're hoping that on the 25th of October that it'll be a  
29 great fundraiser and also a great celebration that we finally  
30 have our state license.

31 So one of the requirements of running a nonprofit is that  
32 we are involved in fundraising beyond funding that we may  
33 receive through insurance reimbursement. And so we were looking  
34 to this activity to be a fundraiser for our -- for our  
35 organization.

36 COMMISSIONER ALLAN: I thought we waived fees for  
37 nonprofits.

38 DISTRICT ATTORNEY HERRERA: Mr. Larsgaard, --

39 CHAIRMAN WAITS: I'm going to say, Judie, --

40 DISTRICT ATTORNEY HERRERA: -- are you a --

1 CHAIRMAN WAITS: -- better just --  
2 DISTRICT ATTORNEY HERRERA: -- 501(c)(3) now?  
3 STEVE LARSGAARD: Yes.  
4 DISTRICT ATTORNEY HERRERA: You're at it this moment?  
5 STEVE LARSGAARD: Yes.  
6 DISTRICT ATTORNEY HERRERA: You have designation?  
7 STEVE LARSGAARD: Yes. Yes.  
8 COMMISSIONER CLARK: This is the -- this is the group that  
9 we can help the most; right?  
10 DISTRICT ATTORNEY HERRERA: All -- all 501(c)(3)s, not --  
11 not necessarily this particular group, but any 501(c)(3)s  
12 that --  
13 COMMISSIONER CLARK: Okay.  
14 DISTRICT ATTORNEY HERRERA: -- the legislature decided that  
15 we help them more.  
16 CHAIRMAN WAITS: What is --  
17 DISTRICT ATTORNEY HERRERA: (Indiscernible.)  
18 CHAIRMAN WAITS: -- our history, then, on the 501(c)(3)s  
19 that have come to use the civic center? We've waived it  
20 previously.  
21 DISTRICT ATTORNEY HERRERA: I -- I think it's right there  
22 in the contract.  
23 KEITH WESTENGARD: Yeah. Yeah. And if that's the  
24 direction that we're going to continue with is to waive all  
25 501(c)(3)s, we'll just do that in future.  
26 CHAIRMAN WAITS: Because when you're up and running, the --  
27 your basic folks that are out there with everyone are really  
28 volunteers.  
29 STEVE LARSGAARD: Uh-huh.  
30 CHAIRMAN WAITS: And -- and that's -- that's the whole  
31 point to actually have a hospice here, which will be so  
32 wonderful. So we've supported them in the past, I know.  
33 COMMISSIONER ALLAN: We -- I'll make a motion that we  
34 re-approve the exclusive use of the civic center for the  
35 Agape Hospice and waive all fees on October 25, 2019,  
36 for their fundraiser.  
37 COMMISSIONER SPARKS: I'll second.  
38 CHAIRMAN WAITS: Thank you.  
39 Judie made the motion. Bryan seconded.  
40 Any other discussion?

1 (No comment.)  
2 CHAIRMAN WAITS: Public comment?  
3 (No comment.)  
4 CHAIRMAN WAITS: All in favor?  
5 COMMISSIONER ANCHO: Aye.  
6 COMMISSIONER ALLAN: Aye.  
7 CHAIRMAN WAITS: Aye.  
8 COMMISSIONER SPARKS: Counselor?  
9 COMMISSIONER CLARK: Aye.  
10 COMMISSIONER SPARKS: Aye.  
11 DISTRICT ATTORNEY HERRERA: There -- there is a question  
12 of -- of if you want to waive the deposit too because that's  
13 separate from the fees.  
14 If you -- if you waive the deposit and there is damage,  
15 you're not going to ever collect.  
16 STEVE LARSGAARD: Sir, I would -- I would just suggest that  
17 we would be more than pleased to provide the deposit. But we  
18 will be responsible in terms of cleaning things up. But I think  
19 it's appropriate that we act in good faith.  
20 DISTRICT ATTORNEY HERRERA: Right. Well, I just wanted --  
21 STEVE LARSGAARD: Right.  
22 DISTRICT ATTORNEY HERRERA: -- them to --  
23 CHAIRMAN WAITS: Thank you. We already voted and it  
24 didn't --  
25 DISTRICT ATTORNEY HERRERA: I --  
26 CHAIRMAN WAITS: -- include it.  
27 STEVE LARSGAARD: Right.  
28 CHAIRMAN WAITS: So that -- so that would be wonderful.  
29 Because --  
30 DISTRICT ATTORNEY HERRERA: Yeah.  
31 CHAIRMAN WAITS: -- we didn't --  
32 COMMISSIONER SPARKS: Thanks, Steve.  
33 CHAIRMAN WAITS: -- waive the deposit on the motion. So --  
34 STEVE LARSGAARD: Right.  
35 CHAIRMAN WAITS: Thank you, Steve. And thank you for --  
36 COMMISSIONER ANCHO: Thank you.  
37 CHAIRMAN WAITS: -- all that --  
38 COMMISSIONER ALLAN: Thank you.  
39 CHAIRMAN WAITS: -- you're doing.  
40 COMMISSIONER ANCHO: Thank you for that.



1 STEVE LARSGAARD: You're welcome. Thank you.  
2 And if you see me on the street, ask me some more questions  
3 and I have a whole lot more to tell you.  
4 COMMISSIONER ANCHO: Okay.  
5 COMMISSIONER CLARK: I just --  
6 COMMISSIONER ALLAN: Well, I do --  
7 COMMISSIONER CLARK: -- want to see you dancing that night.  
8 STEVE LARSGAARD: It won't happen.  
9 I danced with my grandmother at my wed- -- at our wedding.  
10 I didn't even dance with my bride.  
11 COMMISSIONER ALLAN: So I do have a question, though, is I  
12 thought we did -- did waive all fees for nonprofits always.  
13 KEITH WESTENGARD: Well, then we'll continue to do that.  
14 COMMISSIONER ALLAN: Yeah. But -- and -- and so --  
15 KEITH WESTENGARD: So if you -- if you don't want it  
16 brought before the board anymore, like I said, we will -- we can  
17 do it on our -- just if a 501(c)(3) comes forward wanting the --  
18 the civic center, then we'll waive them from here on out without  
19 bringing it to you.  
20 UNIDENTIFIED PARTICIPANT: Yeah.  
21 COMMISSIONER ANCHO: Without requiring the deposit.  
22 KEITH WESTENGARD: Yeah. Yes.  
23 COMMISSIONER ALLAN: Yeah.  
24 KEITH WESTENGARD: Yes. Yes.  
25 COMMISSIONER ALLAN: And that's what I understood --  
26 KEITH WESTENGARD: Okay.  
27 COMMISSIONER ALLAN: -- it was always that case.  
28 DISTRICT ATTORNEY HERRERA: Right. I think --  
29 COMMISSIONER ANCHO: Right.  
30 DISTRICT ATTORNEY HERRERA: -- that's on the contract.  
31 Yeah.  
32 COMMISSIONER ALLAN: Yeah.  
33 STEVE LARSGAARD: Thank you, --  
34 COMMISSIONER SPARKS: Thanks, Steve.  
35 STEVE LARSGAARD: -- again.  
36 COMMISSIONER ANCHO: Thank you.  
37 COMMISSIONER ALLAN: Thank you very much, Mr. Larsgaard.  
38  
39  
40

1     **8)     Update from Ken Brown regarding Western Counties Alliance and**  
2     **Public Lands, and all other matters properly related thereto.**

3  
4           CHAIRMAN WAITS:   Number 8.   Update from Ken Brown regarding  
5   Western Counties Alliance regarding public lands, and all other  
6   matters properly related thereto.

7           COMMISSIONER CLARK:   Welcome, Ken.   How you been?

8           KEN BROWN:   Thank you.

9           CHAIRMAN WAITS:   Good morning.   Did you just --

10          KEN BROWN:   Good to see --

11          CHAIRMAN WAITS:   -- get in?

12          KEN BROWN:   -- all you commissioners.   Wonderful to be here  
13   in the world of   Lander County.

14          Ken Brown, for the record.   Western Counties Alliance.

15          Appreciate the time you've given me for being on the  
16   agenda.   And I want to thank the -- your manager's office, as  
17   usual, for the always good help.

18          I have an agenda.   I'll just follow through that.   And any  
19   questions as we go along, please let me know.

20          PILT, number one.   That -- any agenda that I make up, PILT  
21   will always be number one because the value of the program and  
22   what it means to counties.

23          The appropriation for -- I'll just compare two years -- the  
24   total appropriation for 2018 was 553 million.   The total  
25   appropriation for 2019 is 514 million, which is about a  
26   \$39 million decrease.

27          I don't know for sure why that is, whether it was just a  
28   budget reduction or whether the federal sequester, as they refer  
29   to, created the dis- -- the decrease.

30          But nevertheless the -- Lander County has come out okay.  
31   They're twenty -- your 2018 pay was \$1,024,407.   Your 2019 pay,  
32   which has just happened, a \$1,047,460.   So 23,000 -- a little  
33   over 23,000 increase.   So that's good news when we -- with  
34   respect to the decrease in the overall appropriation.

35          As you all know, counties need PILT in order to help pay  
36   for the valuable, expensive services that you provide on public  
37   land in Lander County.

38          PILT is a fairly secure program.   There's an educational  
39   pro- -- process ongoing as to the -- what the program means to  
40   counties by various groups, lobbying groups, state associations,

1 the whole nine yards is helpful to make PILT a secure program.

2 Item 2, secure rural schools. Not a very secure program.

3 And I'll mention some reasons a -- a little later.

4 The 2019 appropriation, total appropriation, \$231,464,875.

5 The 2018 total appropriation is \$267,283,050.

6 And the reason for that, that follows the SRS formula.

7 When there's a reauthorization of that program, the following

8 year will be a decrease. And that's -- that's the way -- when

9 the SRS formula was changed, that's how the feds set it up.

10 Lander County's pay in 2018, \$110,397. 2019 pay, \$93,387

11 or approximately \$17,000 less. That's disappointing, but that's

12 how the program works.

13 As I mentioned, the program is not very secure. A lot of

14 the federal offices, Congressional offices, indicate public

15 education belongs to states coupled with counties.

16 Well, my answer to them is years ago there was sufficient

17 natural resource production on forestland for the revenue to be

18 here. Well, as you know, timber harvest, mining, oil/gas, a lot

19 of that's been curtailed; therefore, there isn't sufficient

20 revenue because the 1908 contract with SRS between states and

21 feds that 50 percent of the revenue went to states. And then

22 the states shared 25 percent of that revenue with counties.

23 Well, the revenue's not there. So I says, if you're not going

24 to allow good production of natural resources in the forestland,

25 then you've got to come up with some revenue to fill the gap.

26 So, anyway, we have that discussion every time I talk to

27 many of those staffers.

28 And an- -- another reason why SRS is not too secure is

29 because there's nine states in America that don't participate

30 with the SRS program because there are no acres of forestland in

31 their states. And I'll read those -- the names of those nine

32 states: Connecticut, Delaware, Hawaii, Iowa, Kansas, Maryland,

33 Massachusetts, New Jersey, and Rhode Island. Well, when you get

34 to the east, predominantly private land. Very little. Take a

35 while. For example, only 4 percent public lands. So they're

36 not too interested in the program either.

37 And so we don't get a lot of help or a lot of support to

38 reauthorize that program.

39 I'm, right now, working with others on a -- another

40 reauthorization. Last time it was reauthorized for 2018 and

1 2019, I recommended five years and others did the same. Well,  
2 I'm doing the same thing again, recommending that there be a  
3 five-year reauthorization program for SRS. Whether that  
4 happens, who knows. But we hope we don't get into another 2017  
5 when there was no reauthorization. So we'll see how things  
6 would shake out. But we will stay abreast of that issue.

7 Number 3, geothermal. We don't have new numbers and won't  
8 have for 2019 until November. 2017 pay, \$303,731. 2018 pay for  
9 Lander County, \$283,264. So that's a little over \$20,000 less.

10 So you commissioners would -- would understand why the  
11 decrease. There's either work over, maintenance, or a location  
12 shut down, or whatever the situation, I don't know. But there  
13 had to be some reason.

14 CHAIRMAN WAITS: It was the abatement.

15 KEN BROWN: What was that?

16 CHAIRMAN WAITS: They -- they got an abatement.

17 KEN BROWN: Okay.

18 CHAIRMAN WAITS: And that was retroactive so --

19 KEN BROWN: Anyway, geothermals continues to be a good,  
20 clean source of energy. And the state, for 2018 overall,  
21 increased by \$66,190.

22 So some of the counties -- I think Churchill County had a  
23 good increase and some other counties as well. But we'll  
24 continue to monitor that program.

25 Item 4, RS 2477 roads. Just ask a question, Commissioners,  
26 where are you at with your project?

27 COMMISSIONER CLARK: Keith?

28 KEITH WESTENGARD: We're -- we're moving along. We --  
29 we've got the photographs done. We need to start getting out  
30 and actually taking pictures to document each and every road.

31 We're waiting for some information, I believe it's from  
32 Nye County. I think Nye County is the one that -- that  
33 kind of led the charge here in Nevada.

34 KEN BROWN: Yes.

35 KEITH WESTENGARD: So they're supposed to be sending us  
36 some of their information that would actually overlap with some  
37 of ours. So we are moving forward with it currently.

38 KEN BROWN: That's good.

39 KEITH WESTENGARD: Yep.

40 COMMISSIONER CLARK: Ken? Ken. Ken. Are drones a viable

1 means of documenting your 2477 roads?  
2 KEN BROWN: Maintenance?  
3 COMMISSIONER CLARK: No, Drones. Drones documentation.  
4 KEN BROWN: Oh, yeah.  
5 COMMISSIONER CLARK: Doc- -- documenting the whole process  
6 with -- with drones.  
7 KEN BROWN: Yes.  
8 COMMISSIONER CLARK: Has anybody been doing that?  
9 KEN BROWN: Well, I can't a- -- I don't think I can answer  
10 that.  
11 COMMISSIONER CLARK: Okay.  
12 KEN BROWN: Yeah.  
13 COMMISSIONER CLARK: It just seems that that would be the  
14 way to -- the least expensive way to document your roads.  
15 KEN BROWN: Yeah. Document or -- or an inventory  
16 process --  
17 COMMISSIONER CLARK: Right.  
18 KEN BROWN: -- is what you're talking.  
19 COMMISSIONER CLARK: Right.  
20 KEN BROWN: Okay. Yeah. I -- I didn't quite un- --  
21 understand. But, yes, the inventory outline is absolutely  
22 necessary.  
23 COMMISSIONER CLARK: Right.  
24 CHAIRMAN WAITS: We've --  
25 KEN BROWN: You can't --  
26 CHAIRMAN WAITS: -- already --  
27 KEN BROWN: -- do --  
28 CHAIRMAN WAITS: -- completed --  
29 KEN BROWN: -- much without, say, an okay. These roads  
30 belong to Lander County.  
31 CHAIRMAN WAITS: We've already completed that. Have we  
32 not?  
33 KEITH WESTENGARD: We haven't completed everything.  
34 COMMISSIONER CLARK: Haven't completely all the inventory.  
35 KEITH WESTENGARD: We still need to document each and every  
36 road.  
37 CHAIRMAN WAITS: I understand that, but I --  
38 COMMISSIONER SPARKS: What's that?  
39 CHAIRMAN WAITS: -- thought -- I thought we'd --  
40 KEITH WESTENGARD: With picture --

1 CHAIRMAN WAITS: -- completed that.  
2 KEITH WESTENGARD: -- and GPS.  
3 COMMISSIONER SPARKS: I thought we did an inv- -- like a  
4 complete inventory of --  
5 KEITH WESTENGARD: Yeah. But we still --  
6 COMMISSIONER SPARKS: -- RS 24- -- back in 2010, 2011.  
7 KEITH WESTENGARD: Right.  
8 COMMISSIONER CLARK: They're --  
9 KEITH WESTENGARD: But we -- we have to actually go back  
10 out and GPS them and -- and mark each road or document each  
11 road. They have -- they were not GPSed in the past.  
12 COMMISSIONER CLARK: That's what I thought the drones with  
13 the GPS ability would -- would be a really good way to document  
14 roads.  
15 I think you even have to have beginning and endings on your  
16 documentation, your inventory.  
17 KEITH WESTENGARD: Right. And then I believe we have to do  
18 resolutions for each individual road.  
19 COMMISSIONER SPARKS: Hm.  
20 KEITH WESTENGARD: I think we have about 2200 roads, off  
21 the top of my head.  
22 COMMISSIONER ANCHO: Oh, wow.  
23 COMMISSIONER CLARK: And, Bryan, the North Fork, --  
24 COMMISSIONER SPARKS: Yeah.  
25 COMMISSIONER CLARK: -- that's illegal --  
26 KEN BROWN: Yes.  
27 COMMISSIONER CLARK: -- to have --  
28 COMMISSIONER SPARKS: Yeah. I --  
29 COMMISSIONER CLARK: -- that.  
30 COMMISSIONER SPARKS: -- know.  
31 KEN BROWN: That's --  
32 COMMISSIONER SPARKS: I know.  
33 KEITH WESTENGARD: Keith, that's a --  
34 COMMISSIONER SPARKS: Yeah.  
35 KEITH WESTENGARD: -- good point to recognize each road in  
36 that manner.  
37 COMMISSIONER CLARK: Yeah. You have to.  
38 KEN BROWN: Yeah. And that gives you a more thorough  
39 process related to all of the roads where you identify each one,  
40 name it, number it, or both. Yes.

1 COMMISSIONER ALLAN: So I -- I do want to comment on an  
2 issue regarding the RS 2477 roads.

3 When Keith and I attended the western region NACo  
4 conference in Spokane, we met a gentleman by the name of Robert  
5 Weidner. And in the aftermath, he requested that Lander County  
6 submit a letter of support to Congressman Horsford.

7 And are you aware of -- of what Congr- -- Congressman  
8 Horsford's trying to do?

9 He is -- he's actually trying to get it through the -- the  
10 federal level that the feds will have to prove that they're not  
11 2477 roads. Instead --

12 COMMISSIONER SPARKS: Right.

13 COMMISSIONER ALLAN: -- of states trying -- having to prove  
14 that they are, he is trying to get it to where the federal  
15 people have to prove that they're not.

16 CHAIRMAN WAITS: Judie, we reported on this a few months  
17 ago, --

18 COMMISSIONER ALLAN: Exactly.

19 CHAIRMAN WAITS: -- actually.

20 COMMISSIONER ALLAN: Yes.

21 CHAIRMAN WAITS: And NACo wrote the letter -- yeah -- in --  
22 in full support. And I think -- I don't think we asked  
23 individually, Keith, for you to do that because they were  
24 representing all of it. But they're on top of it. Absolutely.

25 COMMISSIONER ALLAN: Right. Well, and -- and --

26 CHAIRMAN WAITS: So --

27 COMMISSIONER ALLAN: -- I do know --

28 CHAIRMAN WAITS: -- thank you.

29 COMMISSIONER ALLAN: -- that -- that Keith did do a letter  
30 and -- and forward it also as well.

31 So I just wanted to -- to put that out, you know, speaking  
32 of the -- the 2477s and whatnot. So, you know, anything that  
33 any- -- anybody can do, you know, Western Counties Alliance, you  
34 know, towards this matter, the 2477, is great.

35 KEN BROWN: Uh-huh.

36 COMMISSIONER ALLAN: Is we need to really stay on that.

37 KEN BROWN: Well, good comments.

38 Three items, initially, when you get into a RS 2477 road  
39 project is maps -- federal, state, local -- reviewed. And then  
40 the inventory from there. And then assert claim to apportion all

1 or a portion of the inventory. And then move forward from there.

2 And then there are the four areas that we refer to. The  
3 best one is quiet title. Number two would be recordation.

4 Number 3 is recordable disclaimer. And Number 4 is Title V.

5 Now Title 5 I don't give any credence to.

6 When I was a commissioner, why, the BLM used to come in and  
7 say, well, we'd like to get into a Title V process.

8 And I says, you're wasting your time in this county on  
9 Title V because there's no permanency there. You're in a -- the  
10 feds want to have a 50/50 process relating to roads in -- in  
11 your county. And -- and that isn't a good thing because when  
12 you can submit your road package, say, for a quiet title, then  
13 the judge will -- will -- if -- if you -- your package is for 20  
14 roads or whatever the number is, then they will issue a quiet  
15 title if that's your request on how many roads.

16 Now, Kane County, Utah, for example -- I'll just  
17 mention this for example -- they submitted a package of 15 roads  
18 and the judge issued quiet title on 12 of the 15. So that's a  
19 good accomplishment.

20 In fact the judge went back to the county commissioners and  
21 said, you know, it doesn't appear that all 15 qualify, in his  
22 view. And he -- so he gave them the latitude, saying, well,  
23 which road here can you get along with- -- without a quiet  
24 title? So I thought that was good process between the judge and  
25 the county commissioners.

26 So anytime I can assist, Commissioners and Keith, I'll be  
27 happy to do that. I can help keep the I-80 road hot from Utah to  
28 Nevada.

29 Item 5, sage grouse. Fortunately that's in a holding  
30 pattern. We hope it remains that way.

31 The Western Energy Alliance headquartered in Denver, they  
32 have done a lot relating to the sage grouse issues. You know,  
33 back two or three years ago, they filed a lawsuit saying, yes,  
34 the numbers are there. The habitat areas are there.

35 And so that's where that's at. And we continue to monitor  
36 with Western Energy. We remain -- WCA remains as a member.

37 However, if -- if we get a liberal administration, sage  
38 grouse is liable to resurface. I hope it doesn't. Nevertheless  
39 there's some indication out there because there are those in  
40 society -- sage grouse, you know, would help to eliminate



1 livestock grazing on public land.

2 Number 6. Boy, this area. I've worked on this, spent a lot  
3 of time, and it just don't seem to get any progress. And that's  
4 the wild horse/burro. I've never seen a -- a program so difficult  
5 to work with because excess numbers remain. There isn't really a  
6 lot of net gain in that regard, as you commissioners know here.  
7 And Lander County, there's a vast amount of competition with  
8 livestock grazing.

9 And, of course, the -- I get a comment, you know, well, you  
10 know, livestock grazing, you hardly pay anything per AUM. So my  
11 answer back is: How much does the wild horse/burro pay per AUM?  
12 Uh-huh. So don't get much of an answer from that.

13 But we -- I continue to attend board meetings for the  
14 program, give testimony, and get that copy of that testimony out  
15 to -- to counties. And the other thing that happens, and you  
16 well know this, the resource deck is for those excess numbers.

17 I've indicated, yes, there's room on public land for the  
18 program. But it has to be managed like the rest of the area of  
19 public land.

20 And so we have to address that in that manner. But I'll  
21 just continue to spend the time necessary. I coordinate with  
22 the program. You're getting about \$90 million annual budget for  
23 that program. Wow. That's -- that's a big chunk of cash for  
24 that program.

25 Okay. In other issues, the 1872 mining law. Continue to  
26 monitor. There's no attempt to amend that I'm aware of at the  
27 moment, because, as you know, there are those in society who  
28 would like mining to be deleted on public land.

29 The Clean Water Act, another area of concern. There --  
30 there was an attempt from previous administration for the  
31 water -- state water jurisdiction to move from states coupled  
32 with counties to the feds. What a disaster that would be.  
33 Criminy, if you wanted to put in a watering trough to go to the  
34 company town to get approval, everything would choke to death  
35 before you could get it done. So, anyway, we watch those  
36 closely.

37 Now, just one other item. I appreciate Lander County's  
38 membership in WCA. And I hope that there's interest to renew your  
39 membership for FY 2020 in the amount of \$3,000. And I believe the  
40 invoice has been sent over, Keith?

1 KEITH WESTENGARD: Yes, it has.  
2 CHAIRMAN WAITS: It has --  
3 KEN BROWN: Okay.  
4 CHAIRMAN WAITS: -- been. And that's our next agenda item.  
5 So let's go into that. And then we can take a quick break.  
6 We're going into Number 9.  
7

8 9) Discussion and possible action to approve/disapprove the  
9 annual \$2,000 membership fee for the Western Counties  
10 Alliance and Public Lands, and all other matters properly  
11 related thereto.  
12

13 CHAIRMAN WAITS: Discussion and possible action to approve  
14 or disapprove the annual \$2,000 membership fee for the Western  
15 Counties Alliance regarding public lands, and all other matters  
16 properly related thereto.

17 COMMISSIONER CLARK: I would say that we really need this  
18 for our county public lands. Ken provides a wealth of  
19 information and keeps us updated.

20 So with that, I'll make a motion that we approve the annual  
21 \$2,000 membership fee for Western County Alliance and public  
22 lands for 2020.

23 COMMISSIONER ALLAN: I'll second that.

24 CHAIRMAN WAITS: Thank you.

25 Art made the motion for approval. And Judie seconded that.

26 Any other discussion?

27 (No comment.)

28 CHAIRMAN WAITS: Any public comment?

29 (No comment.)

30 CHAIRMAN WAITS: All in favor?

31 COMMISSIONER CLARK: Aye.

32 COMMISSIONER SPARKS: Aye.

33 COMMISSIONER ANCHO: Aye.

34 COMMISSIONER ALLAN: Aye.

35 CHAIRMAN WAITS: Aye.

36 And just for the record, I will say that your check was  
37 approved when we approved our bills this morning. So --

38 KEN BROWN: Thank you.

39 CHAIRMAN WAITS: -- we -- we didn't have to pull it.

40 KEN BROWN: Appreciate that, --

1 CHAIRMAN WAITS: So with that, we're going to --  
2 KEN BROWN: -- Commissioners. Again, --  
3 CHAIRMAN WAITS: -- take a quick --  
4 KEN BROWN: -- nice to be here. And thanks for your time  
5 and have a good day.  
6 COMMISSIONER CLARK: Thank you, --  
7 CHAIRMAN WAITS: Thank you, --  
8 COMMISSIONER CLARK: -- Ken.  
9 CHAIRMAN WAITS: -- Ken.  
10 Ten-minute break.  
11 COMMISSIONER ALLAN: Patsy.  
12 CHAIRMAN WAITS: Break, Miteshell.  
13 MITESHELL LANHAM: Okay.

14  
15 (Break taken from 10:27 a.m. to 10:38 a.m.)  
16

17 CHAIRMAN WAITS: Thank you. And we are on Number 10.  
18

19 10) **Discussion and possible action to approve/disapprove joining**  
20 **the American Lands Council for one year and to select which**  
21 **membership category with fees ranging from \$1,000 to \$25,000**  
22 **and all other matters properly related thereto.**  
23

24 CHAIRMAN WAITS: Discussion and possible action to approve  
25 or disapprove joining the American Lands Council for one year  
26 and to select which membership category with fees ranging from  
27 \$1,000 to \$25,000, and all other matters properly related  
28 thereto.

29 And my question was -- because I know we have belonged to  
30 it in the past. We also had another lands council that was out  
31 of Nevada that we belong to with just the state.

32 So depending on the wishes of our commission here, I -- I  
33 would like to see us defer this so we can do a little bit of  
34 history checking on it and see the advantage to joining.

35 COMMISSIONER SPARKS: I'm fine with that.

36 COMMISSIONER ANCHO: I'm fine with --

37 CHAIRMAN WAITS: You okay --

38 COMMISSIONER ANCHO: -- that.

39 CHAIRMAN WAITS: -- with that?

40 COMMISSIONER ANCHO: Uh-huh.

1 COMMISSIONER ALLAN: I -- I'm fine. I did have some  
2 information. But if we're going to defer it, I can wait.  
3 CHAIRMAN WAITS: Okay. We don't need a motion to defer it.  
4 Or do you want one?  
5 DISTRICT ATTORNEY HERRERA: You don't need to make --  
6 CHAIRMAN WAITS: Okay.  
7 DISTRICT ATTORNEY HERRERA: -- one.  
8 CHAIRMAN WAITS: I'm just going to defer Number 10.  
9 If you put that on the agenda for next time, we'd  
10 appreciate it.  
11 KEITH WESTENGARD: I will do that.  
12 CHAIRMAN WAITS: Thank you.  
13  
14

15 **PLANNING**  
16

17 **11) Discussion and possible action to approve/disapprove a parcel**  
18 **map application for Jay Wintle dba Faded Sage Development**  
19 **LLC, changing Parcel Number 010-280-08 and 010-280-12 from**  
20 **two (2) parcels to four (4) parcels, located on Faded Sage**  
21 **Drive in Battle Mountain, zoned A-1, and all other matters**  
22 **properly related thereto.**  
23

24 CHAIRMAN WAITS: Number 11. Discussion and possible action  
25 to approve or disapprove a parcel map application for Jay Wintle  
26 dba Faded Sage Development LLC, changing Parcel Number  
27 010-280-08 and 010-280-12 from two parcels to four parcels,  
28 located on Faded Sage Drive in Battle Mountain, zoned A-1, and  
29 all other matters properly related thereto.

30 Good morning.  
31 JAY WINTLE: Good morning.  
32 KYLA BRIGHT: Good morning, Commissioners. Kyla Bright,  
33 planning coordinator.

34 Jay Wintle.  
35 JAY WINTLE: Jay Wintle.  
36 I have a couple parcel maps here to add on Faded Sage.  
37 COMMISSIONER ALLAN: So these have been approved or --  
38 through --  
39 JAY WINTLE: Through planning and then (indiscernible).  
40 COMMISSIONER ALLAN: Through planning and zoning.

1 KYLA BRIGHT: Yeah. On June 12th.  
2 COMMISSIONER ALLAN: I'll make a motion that we approve a  
3 parcel map application for Jay Wintle dba Faded Sage Development  
4 LLC, changing Parcel Number 010-280-08 and 010-280-12 from two  
5 parcels to four parcels, located on Faded -- Faded Sage Drive in  
6 Battle Mountain, zoned A-1.  
7 CHAIRMAN WAITS: And we authorize the chair to sign the  
8 Mylar?  
9 COMMISSIONER ALLAN: And authorize the chair to sign.  
10 CHAIRMAN WAITS: Thank you.  
11 COMMISSIONER SPARKS: I'll second the motion.  
12 CHAIRMAN WAITS: Thank you.  
13 Judie made the motion. Bryan seconded that.  
14 Any other discussion? Any --  
15 COMMISSIONER CLARK: Well --  
16 CHAIRMAN WAITS: -- pub- -- public --  
17 COMMISSIONER CLARK: I won't sign --  
18 CHAIRMAN WAITS: -- comment.  
19 COMMISSIONER CLARK: I won't support anything less than ten  
20 acres for one septic.  
21 We had a meeting with Rex Massey before he departed. And  
22 he disclosed the fact that he had told the planning commission  
23 in the past that what they're doing has failed in Washoe County,  
24 and they wouldn't listen to him.  
25 So anything less than ten acres is not securing the future  
26 for water. So I'm opposed to anything less than ten acres.  
27 COMMISSIONER ANCHO: So I did some -- some research on my  
28 own and contacted the state to find out where there was failures  
29 and received nothing back as far as any major failures in  
30 septic, to find out if this was a true issue of septic failures.  
31 I had requested under public records information and  
32 received no information back.  
33 And -- and I -- I have concerns in -- in subdividing stuff  
34 too far down as well. But one of the other -- on the flip side  
35 of it, the other concern is if you have ten-acre parcels and you  
36 have a failure and we have to run water to those, we'll -- we'll  
37 never, ever come close to recouping our water -- our -- the  
38 money back that it's going to cost us to run water and sewer to  
39 those areas. So that is a concern as well.  
40 So I think that we have to try to come together and figure

1 out exactly what we want as a county as far -- as far  
2 subdividing down and come together to -- and figure that out  
3 conclusively. So --

4 COMMISSIONER ALLAN: So on -- on that note, you know, I --  
5 I do understand all that. I do actually agree.

6 And, you know, personally, myself, I think that there's a  
7 lot of subdividing going out in that direction. Is I don't  
8 necessarily support it. This has been brought before the  
9 planning commission. So I am supporting their decision.

10 And I've stated it before and I'll say it again is we're  
11 creating subdivisions out there through a loophole. It's being  
12 allowed. You're not getting the certain requirements that are  
13 mandated by subdivisions because you're doing bits and pieces.

14 And -- and you can go ahead and argue with me about that,  
15 Jay.

16 But, again, I don't see any immediate f- -- issues in the  
17 immediate future. And who's to say ten years down the road  
18 how -- how the development's going to go there.

19 But back again, you know, my motion was -- because I am  
20 supporting the planning commission. They -- they do -- are  
21 aware of the master plan and have made the recommendation. I  
22 don't necessarily like it, but, you know, they are the ones  
23 that -- that do the research. Kyla does the research.  
24 And so I'm going with their recommendations.

25 COMMISSIONER CLARK: You know, and there's another issue of  
26 the number of septs because one person cannot gobble up all  
27 the septs in one area. It is not first come, first serve.  
28 You cannot deny somebody their zoning rights.

29 And by rezoning and rezoning and rezoning, you're  
30 interfering with people's rights that they got when they bought  
31 the property. It's very possible to develop a half an acre, the  
32 way it's going right now, and have 99 septs in a half an acre.  
33 And the other people that have the other --

34 KYLA BRIGHT: Section.

35 COMMISSIONER CLARK: -- half of the section, they can't  
36 even build on there.

37 So that's -- it's the county's responsibility to protect  
38 property owners also.

39 COMMISSIONER ANCHO: Which I agree. I -- and I agree with  
40 that.

1 But I don't think we have anything -- and correct me if I'm  
2 wrong -- we don't have anything in place for regulations becau-  
3 -- to do that at this point. Right? Because I agree. I don't  
4 think that somebody should be able to come in and take up the  
5 rights. And people who own land back here have no idea that  
6 they can't use, you know, all the septic tanks have been taken up and  
7 they can't use them.

8 But we don't have anything currently in place to prevent  
9 that. Because the -- some of the re- -- little bit of research  
10 that I did for the state, unfortunately, they allow the first  
11 come, first serve, which I don't agree with. But we don't have  
12 anything in place either to prevent it. Am I --

13 COMMISSIONER CLARK: Yeah.

14 COMMISSIONER ANCHO: -- correct --

15 COMMISSIONER CLARK: We do.

16 COMMISSIONER ANCHO: -- in saying that?

17 COMMISSIONER CLARK: Right here.

18 COMMISSIONER ANCHO: Well, no. I know. But you --

19 COMMISSIONER ALLAN: Yeah.

20 COMMISSIONER ANCHO: -- but do you --

21 Is that correct in saying that or --

22 DISTRICT ATTORNEY HERRERA: What's --

23 COMMISSIONER ANCHO: -- not?

24 DISTRICT ATTORNEY HERRERA: -- correct is this is where it  
25 stops right now. Because you say, well, we're not going to  
26 allow this. This amounts to spot zoning or to -- it's going to  
27 overdo the septic tanks. You just say no to them. That's -- that's  
28 the only way we have -- you're right -- to stop it.

29 COMMISSIONER ALLAN: On -- on another note, you know,  
30 and -- AND I've already said, I -- I don't always agree with all  
31 these zone changes. But on the other hand is I don't want to  
32 get to a -- you know, to a point with the government in our  
33 society that -- that we have regulations. We have certain rules  
34 we follow. But on the other hand, we're telling a landowner,  
35 this is -- you can't do this with your property. And, you know,  
36 when you start telling someone what you can't do with their  
37 property, that is, in a lot of sense, overstepping the ideas  
38 of -- of our nation.

39 COMMISSIONER ANCHO: But that in --

40 COMMISSIONER ALLAN: There's too much government.

1 COMMISSIONER ANCHO: And that's true; however, it also --  
2 what happens to the landowner who has absolutely no idea that  
3 they -- when they go to -- maybe to develop their land later  
4 down the road and they can't do it. It's absolutely useless.  
5 And then they can't sell it either. It's of no value because if  
6 they want to sell it, they can't because it can't be developed.

7 So am I correct in saying that?

8 DISTRICT ATTORNEY HERRERA: You're correct.

9 COMMISSIONER ANCHO: Okay.

10 COMMISSIONER CLARK: And if you want TO -- if you want  
11 to look at rights and how this country was founded, your rights  
12 end where another person's rights begin. We are the protecting  
13 agency right here. So --

14 COMMISSIONER ALLAN: Well, and I understand all that.  
15 It -- it's -- you know, it is a tough situation. It's a tough  
16 call. It's -- it's -- you know, you've got your pros and cons  
17 in all sorts of different ways.

18 KYLA BRIGHT: Can I say something, please?

19 COMMISSIONER ALLAN: No.

20 COMMISSIONER ANCHO: Yes. Absolutely, --

21 KYLA BRIGHT: Specifically --

22 COMMISSIONER ANCHO: you can.

23 KYLA BRIGHT: -- to this -- this specific map. I  
24 understand what you guys are saying, but that's kind of not the  
25 case right here on this specific one.

26 Twenty-two existing septs with the possibility at full  
27 build-out of --

28 COMMISSIONER SPARKS: Sixty-three.

29 KYLA BRIGHT: -- 61.

30 COMMISSIONER SPARKS: Sixty-one.

31 KYLA BRIGHT: So you're still have -- we're not even at  
32 80 percent utilization out there. So you're --

33 COMMISSIONER ANCHO: Okay.

34 KYLA BRIGHT: -- you still have room for the others who are  
35 within that area.

36 Also to point out, there's a lot of larger areas that won't  
37 be brought down because they have pivots on them or things of  
38 that sort in this specific area.

39 I agree a hundred percent with everything you guys are  
40 saying, just not right here on this specific one.



1 COMMISSIONER ALLAN: I guess it's -- it's one of those  
2 situations that Battle Mountain wants growth. You know, the  
3 community as -- as -- as a county, Battle Mountain as a city,  
4 town, you know, having the growth, having -- having the  
5 availability for people to own property, build homes, et cetera.  
6 But if it's not their choice to build there, you know, these  
7 lots are available. These lots are for sale. But it's not  
8 going to say that somebody's going to buy them.

9 And there is some growth going on out there. I think you  
10 look at most of the people that are building are -- are actually  
11 moving from town. It's not new people coming into Battle  
12 Mountain.

13 And -- and maybe in the future we, you know, we want to  
14 have that availability. But to stop it now and say, no, we  
15 can't do that because we don't want to, you know, tie up all our  
16 septics is how do you promote growth if you do not allow them to  
17 have a place to go?

18 COMMISSIONER CLARK: Infrastructure.

19 COMMISSIONER ALLAN: Well, infrastru- -- true. And -- and  
20 there is a lot of infra- -- infrastructure that's being  
21 connected out there.

22 But, like I said, I don't see, you know, a mash rush in the  
23 next, you know, five years to Battle Mountain.

24 Is, you know, it may take a long time before that place is  
25 full. I mean, all these lots are sold. So --

26 COMMISSIONER CLARK: So your argument is we shouldn't be  
27 doing this development outside of town because it's not going to  
28 fill up for years and years --

29 COMMISSIONER ALLAN: No, no, no, no, no.

30 COMMISSIONER CLARK: -- so why split it up?

31 COMMISSIONER ALLAN: And I'm not saying we shouldn't do it,  
32 Art. What I'm saying is we can't deny it is -- is realistically  
33 you can look at it that -- that it maybe isn't going to be  
34 filling up, but allow the developer to -- to develop it now for  
35 the future. And if people come in, you know, they have that  
36 availability. Is -- is we're doing infrastructure. We're doing  
37 infrastructure out there for growth. This is another form of  
38 growth, an option.

39 COMMISSIONER ANCHO: So is there a way to -- I know this  
40 probably -- to be able to table this and correct the issue since

1 we don't have anything in place right now?  
2 And that's the part that's bothering me is we don't -- and,  
3 yes, we as a -- a board can say, no. But we don't have anything  
4 in place. And up to this point, we've allowed it. And I think  
5 that we should have documentation in place that says, from this  
6 day forward this -- we are -- nobody's going to do this. Does  
7 that make sense? Does that make sense?  
8 DISTRICT ATTORNEY HERRERA: Well, it makes sense. But you  
9 have to decide what words you want to use, what -- what line  
10 you're going to draw.  
11 COMMISSIONER ANCHO: Okay.  
12 DISTRICT ATTORNEY HERRERA: That's the most important part.  
13 Because you -- you can -- you can make an ordinance any  
14 time you want or change the ordinance. But you have to know  
15 what you're going to put in there. You're going to have to know  
16 what -- what your vision is for the --  
17 COMMISSIONER ANCHO: Uh-huh.  
18 DISTRICT ATTORNEY HERRERA: -- future. Because that's  
19 what --  
20 COMMISSIONER ANCHO: Exactly.  
21 DISTRICT ATTORNEY HERRERA: -- we're talking about.  
22 Is it -- is it going to be infrastructure, which is --  
23 probably the -- the best?  
24 COMMISSIONER ANCHO: Uh-huh.  
25 DISTRICT ATTORNEY HERRERA: And then secondary, it's  
26 protection of -- of the --  
27 COMMISSIONER ANCHO: Other landowners' rights.  
28 DISTRICT ATTORNEY HERRERA: Yeah. And -- and -- and  
29 overcrowded septic. I mean, those are the two issues. But  
30 infrastructure would cure all.  
31 COMMISSIONER ANCHO: Uh-huh.  
32 DISTRICT ATTORNEY HERRERA: So you're going to have to  
33 really think about that.  
34 CHAIRMAN WAITS: Okay. We do have a motion.  
35 Any other discussion?  
36 COMMISSIONER SPARKS: I want to withdraw my motion.  
37 COMMISSIONER ALLAN: It was my motion. You --  
38 COMMISSIONER SPARKS: Or my --  
39 COMMISSIONER ALLAN: -- seconded.  
40 COMMISSIONER SPARKS: -- second. It was my second.

1 COMMISSIONER CLARK: What, Bryan?  
2 COMMISSIONER SPARKS: I'm withdrawing my second on the  
3 motion.  
4 CHAIRMAN WAITS: Okay.  
5 UNIDENTIFIED PARTICIPANT: You're never going to  
6 (indiscernible).  
7 COMMISSIONER SPARKS: Along the lines of what Kathy --  
8 maybe to look at something and --  
9 CHAIRMAN WAITS: Well, keep -- keep in mind it still went  
10 before the planning commission. And that's where it's vetted  
11 first. And -- and you are talking an individual right to do  
12 this. So --  
13 Okay. Bryan withdraws his second.  
14 JAY WINTLE: Can I make some comments here?  
15 CHAIRMAN WAITS: Jay, I'm sorry. What?  
16 JAY WINTLE: Can I make some comments?  
17 CHAIRMAN WAITS: Oh, absolutely.  
18 COMMISSIONER ANCHO: Uh-huh.  
19 JAY WINTLE: Jay Wintle.  
20 I mean, this was rezoned through the planning commission  
21 and through the commission.  
22 We did it.  
23 Construction -- construction agreement on the road out  
24 there, where I paid for the road. The road is paved. Water is  
25 in the street. It only makes sense to develop it. If we're not  
26 going to develop it with --  
27 COMMISSIONER ANCHO: And I -- that I'd have --  
28 JAY WINTLE: I mean, I --  
29 COMMISSIONER ANCHO: -- to agree.  
30 JAY WINTLE: -- got a lot -- I've got a lot of money  
31 invested in a road and everything else.  
32 I mean, city's got more than I got invested. There's 25  
33 water services in place.  
34 COMMISSIONER ALLAN: I think it's a really good point that  
35 the county has gone in and --  
36 JAY WINTLE: I mean, the county just put -- spent well over  
37 a million dollars making that looping road, looping that water  
38 line, just on that little section.  
39 COMMISSIONER CLARK: The county paid for that; right, Jay?  
40 JAY WINTLE: I paid for the road.

1 COMMISSIONER CLARK: You paid for the road and the water?  
2 JAY WINTLE: No. Wa- -- county decided they wanted to put  
3 water for the looping main because they needed somewhere to loop  
4 it back through the --  
5 KYLA BRIGHT: There's -- there's two other things. Kyla  
6 Bright, for the record.  
7 If I remember right, I -- I was the planning coordinator at  
8 the time that he rezoned this area.  
9 There was talk about him taking -- if the three that were  
10 there can remember -- the back part, the back 20 of and rezoning  
11 it A-3 within two years. You guys put a time restraint on him.  
12 I -- I can get those minutes if you need. But you -- you  
13 did instruct him to have this developed and that 20 reverted  
14 back to A-3 within a two-year period.  
15 COMMISSIONER ALLAN: And that's a buffer.  
16 KYLA BRIGHT: And -- huh?  
17 COMMISSIONER ALLAN: That would --  
18 KYLA BRIGHT: Yeah.  
19 COMMISSIONER ALLAN: -- be a buffer between --  
20 KYLA BRIGHT: Yes. That's the --  
21 COMMISSIONER ALLAN: -- the --  
22 KYLA BRIGHT: Right. And --  
23 COMMISSIONER ALLAN: -- the --  
24 KYLA BRIGHT: -- that's this --  
25 COMMISSIONER ALLAN: -- agricultural.  
26 KYLA BRIGHT: -- particular parcel that we're talking  
27 about, not the other two, but this one particularly.  
28 Also, just pointing out with the water, that is putting --  
29 gosh -- three. And then with these two -- what is it, Jay? --  
30 probably around ten lots up against that water line.  
31 That's ten connections for the county on that water line.  
32 So just throwing that out there as well.  
33 COMMISSIONER ALLAN: And this is following the master plan.  
34 JAY WINTLE: Yes.  
35 KYLA BRIGHT: This is -- this is what Rex had talked about  
36 in the past of -- help me out with the words. Sorry -- where  
37 you're grouping, where he leaves the back part of his, let's  
38 say, 60-acre, 20-acre, whatever, parcel --  
39 CHAIRMAN WAITS: A buffer?  
40 KYLA BRIGHT: -- leaves it as a large piece and puts the

1 smaller pieces up towards the infrastructure so that it allows  
2 more connections to the utilities than bringing in that -- that  
3 revenue to pay for the water line that the county paid for out  
4 there.

5 COMMISSIONER ANCHO: So, for one, it's part of the master  
6 plan and we haven't changed our master plan.

7 KYLA BRIGHT: Yes.

8 COMMISSIONER ANCHO: Secondly, the planning commission went  
9 with it.

10 I -- like I said, I have issues with it. But until we get  
11 our ducks in a row and we say -- and change our master plan to  
12 correct this issue, I don't know. And li- -- he paid for the  
13 road going out there. We --

14 BERT RAMOS: Bert Ramos, for the record.

15 I would just like to clarify. He paid for the base on the  
16 road to bring it up to a county standard to be paved. The  
17 county paid for the paving of that road.

18 COMMISSIONER CLARK: That's --

19 BERT RAMOS: And that is something that's done in any  
20 subdivision or anything else that's the responsibility of the --  
21 of the builder. So that's -- just to clarify the road.

22 COMMISSIONER CLARK: Yeah. He didn't pay --

23 KYLA BRIGHT: Thank you, Bert.

24 COMMISSIONER CLARK: -- for the paving.

25 BERT RAMOS: Yeah.

26 COMMISSIONER CLARK: So he --

27 COMMISSIONER ANCHO: Okay.

28 COMMISSIONER CLARK: -- didn't pay for the whole road.

29 BERT RAMOS: Correct.

30 CHAIRMAN WAITS: For the record, that was Bert Ramos, our  
31 Public --

32 BERT RAMOS: I --

33 CHAIRMAN WAITS: -- Works director.

34 BERT RAMOS: -- I did say. I started --

35 CHAIRMAN WAITS: Thank --

36 BERT RAMOS: -- that --

37 CHAIRMAN WAITS: -- you.

38 BERT RAMOS: -- way.

39 CHAIRMAN WAITS: I didn't hear you. Thank you.

40 COMMISSIONER ANCHO: So --

1 COMMISSIONER CLARK: Well, I --  
2 COMMISSIONER ANCHO: -- with --  
3 COMMISSIONER CLARK: -- think --  
4 COMMISSIONER ANCHO: -- that --  
5 COMMISSIONER CLARK: -- we need -- I think we need to wait  
6 until we get somebody that's hired to work on that master plan  
7 or, you know, we -- we come up with some way to resolve these  
8 issues of liability for the county. That's my big concern.  
9 Because if there's an issue, the county's going to be  
10 responsible and the county will have to pay. And we need to  
11 protect everybody.  
12 COMMISSIONER SPARKS: Does it make a difference that in  
13 this particular one that we're not going to meet the density of  
14 99? It's going to be total of 61 if they were all to go in?  
15 COMMISSIONER ANCHO: Yeah. I mean, that's under -- we're  
16 under state --  
17 JAY WINTLE: The 61 is build-up, two-and-a-half-acre lots.  
18 You only meet probably less than 30 septic tanks under this.  
19 The smallest lot in this piece of 7 1/2 acres, I plan on  
20 breaking them down to 2 1/2 acres. This is just getting the 20  
21 acres that I promised to get as a bumper zone to where I can get  
22 it rezoned and break any others off where I can parcel them when  
23 lots are needed.  
24 KYLA BRIGHT: So in essence, this actually will take more  
25 time. These septic tanks will not be going in within the next year,  
26 even. Because he's --  
27 COMMISSIONER ANCHO: I see.  
28 KYLA BRIGHT: He has a process he needs to follow to break  
29 those down by parcel map.  
30 So taking this, let's say, four or five, six months later,  
31 he's bringing it down smaller and smaller, it -- it's going to  
32 take some time. So we'll have plenty of time to get certain  
33 things in -- in order between then too.  
34 COMMISSIONER ANCHO: All right. Well, reluctantly I will  
35 second it because we are -- it is part of the master plan. It  
36 is the planning commission. And we do not have our ducks in a  
37 row as far as not allowing it in pl- -- and he was instructed to  
38 have this done within a two-year -- is that correct? That we as  
39 a -- well, the prior commission instructed him to do what he's  
40 doing and that we figure out how to readjust our master plan.

1 So I will second.

2 CHAIRMAN WAITS: With that, I'll call for public comment.

3 NOLIENA CASTELLANOS: I have a public comment, for the  
4 record.

5 As a resident out there, I do have a concern. And I do  
6 appreciate Art's comments that he's made on it.

7 When I first got out there, I inquired about subdividing.  
8 I was told I had to ask my neighbors, you know, and follow all  
9 the policies that we had in place at the time.

10 Now it's like we have no standards for the size of property  
11 that we can go down to out there.

12 It's like you guys have opened up a balloon to just  
13 whatever.

14 So I think it needs to be regulated a little bit better and  
15 more, you know, knowledge given to the other neighbors.

16 COMMISSIONER ANCHO: I don't believe we opened up anything  
17 for the fact we're just going by what was already put there to  
18 begin with.

19 NOLIENA CASTELLANOS: You've got -- they're put so many  
20 people moved out there and subdivided over the years. It's --  
21 it's been an open door.

22 COMMISSIONER ANCHO: Well, it is according to the master  
23 plan. I mean, that's what we have already in order.

24 And I'm not disagreeing. But we have to put something in  
25 place for somebody to follow rules. We --

26 NOLIENA CASTELLANOS: Or --

27 COMMISSIONER CLARK: Kath- --

28 COMMISSIONER ANCHO: -- before you can make them do it.  
29 It's just --

30 COMMISSIONER CLARK: Kathy?

31 COMMISSIONER ANCHO: Yes.

32 COMMISSIONER CLARK: It's not according to the master --

33 NOLIENA CASTELLANOS: It's not.

34 COMMISSIONER CLARK: -- plan. That's spot zoning out  
35 there.

36 COMMISSIONER ANCHO: So --

37 COMMISSIONER CLARK: That's what happened. Spot zoning.  
38 And the reason the county has to put utilities out there is  
39 because it wasn't -- they didn't follow the subdivision rules.  
40 And now the county's being responsible, just like they will have

1 to be responsible in the future if there's a problem.  
2 COMMISSIONER ANCHO: So now I have another --  
3 DISTRICT ATTORNEY HERRERA: We're --  
4 COMMISSIONER ANCHO: -- question.  
5 DISTRICT ATTORNEY HERRERA: -- not -- they're not talking  
6 about this one. They're talking about what's occurred in the  
7 past.  
8 COMMISSIONER CLARK: Right.  
9 COMMISSIONER ANCHO: In the past. So they're not -- this  
10 isn't spot zoning.  
11 DISTRICT ATTORNEY HERRERA: Right. We're ta- -- he's --  
12 Ar- -- Arthur is talking about what Noliene's commenting on --  
13 COMMISSIONER ANCHO: Oh, okay.  
14 DISTRICT ATTORNEY HERRERA: -- if spot zoning was allowed  
15 to happen out there. And -- and it was.  
16 COMMISSIONER CLARK: And that's illegal.  
17 COMMISSIONER ANCHO: Okay. So --  
18 COMMISSIONER ALLAN: Well, and --  
19 DISTRICT ATTORNEY HERRERA: We're not talking about that --  
20 COMMISSIONER ANCHO: Okay.  
21 DISTRICT ATTORNEY HERRERA: -- on this one.  
22 COMMISSIONER ANCHO: Okay. All right.  
23 COMMISSIONER ALLAN: And I'm -- I'm not -- it's another  
24 agenda item. I won't say anything.  
25 CHAIRMAN WAITS: Okay. No other public comment?  
26 (No comment.)  
27 CHAIRMAN WAITS: I'll call for the vote.  
28 All in favor?  
29 COMMISSIONER ANCHO: Aye.  
30 COMMISSIONER ALLAN: Aye.  
31 CHAIRMAN WAITS: Aye.  
32 Any opposed?  
33 COMMISSIONER CLARK: Nay.  
34 COMMISSIONER SPARKS: Nay.  
35 CHAIRMAN WAITS: Thank you. That does pass.  
36 We move to Number 12.  
37  
38  
39  
40



1     12) Discussion and possible action to approve/disapprove a parcel  
2     map application for Jay Wintle dba Faded Sage Development  
3     LLC, changing Parcel Number 010-280-13 from one (1) parcel to  
4     four (4) parcels, located on Faded Sage Drive in Battle  
5     Mountain, zoned A-1, and all other matters properly related  
6     thereto.  
7

8           CHAIRMAN WAITS: Discussion and possible action to approve  
9     or disapprove a parcel map application for Jay Wintle, dba Faded  
10    Sage Development LLC, changing Parcel Number 010-280-13 from one  
11    parcel to four parcels, located on Fade Sage Drive in Battle  
12    Mountain, zoned A-1, and all other matters properly related  
13    thereto.

14          KYLA BRIGHT: This one is across the road and a little to  
15    the -- I guess it would be east of this parcel.

16          CHAIRMAN WAITS: Kyla, would you speak up? It's really  
17    hard for Austin to hear.

18          KYLA BRIGHT: Absolutely. This one's across the road of  
19    Faded Sage, a little bit to the east.

20          Same -- same situation except for there was not a time  
21    constraint put on this one or the next one.

22          JAY WINTLE: Jay Wintle, for the record.

23          This one here will be also divided again into three  
24    additional lots on Faded Sage Drive, which would take our total  
25    up to 25 lots on Faded Sage Drive at 2 1/2 acres. That was the  
26    zone change we made at the time, was a recommendation by the  
27    county and Rex that we stay at 2 1/2 acres in that area for  
28    septic tanks and wells.

29          We put city water out there so that restriction's gone.

30          His recommendation at the time was on city water we could  
31    develop down to one acre with a septic tank and city water,  
32    keeping it under the 99 septic tanks per square mile.

33          Included in all three of these is the total build-out where  
34    the most we'd get is 70 lots within a -- that's total build-out  
35    for the zoning I got there for 2 1/2-acre lots.

36          Everything to the east is basically in reach of your new lift  
37    station, comes almost to there. So it will be in reach of sewer  
38    someday when the lines run out there from the lift station.

39          So we're not denying anybody on the east.

40          The west is a pivot sitting there and 20-acre zoning all

1 the way around. So we're not really denying anything in that  
2 area.

3 To the north is zoned 20-acre zoning. I don't an- -- don't  
4 have any plans of developing it. So that will be --

5 And to the south, it's the same. It's zoned 20-acre  
6 zoning. So we're not denying anybody really any septic tank.

7 COMMISSIONER ALLAN: Jay, can I ask you, between these  
8 three agenda items, how many total lots, if these were all  
9 approved now and in the future when you subdivide, how --

10 JAY WINTLE: Twenty-five.

11 COMMISSIONER ALLAN: Twenty-five out of these three?

12 JAY WINTLE: Out of them three my -- I had plans to -- it  
13 would be seven lots created here on Faded Sage Drive, bringing  
14 in parcel maps, dividing them either in three or four parcels as  
15 needed. It's probably a five- to ten-year plan.

16 There's 25 water hookups already in the ground out there  
17 the city put in for this plan.

18 COMMISSIONER ALLAN: And these -- these will be --

19 JAY WINTLE: On a --

20 COMMISSIONER ALLAN: -- anywhere --

21 JAY WINTLE: -- paved road.

22 COMMISSIONER ALLAN: -- from -- anywhere from one-acre up  
23 to --

24 JAY WINTLE: Or two and a --

25 We made an agreement when we rezoned it to keep everything  
26 over 2 1/2 acres.

27 COMMISSIONER ALLAN: Okay.

28 JAY WINTLE: And that is stated on the map there that  
29 everything will remain -- can't be subdivided under 2 1/2 acres.

30 COMMISSIONER ALLAN: So, again, it -- it is -- it is a  
31 loophole in our codes. When you're looking at an area and you  
32 have 25 parcels, that is a subdivision.

33 JAY WINTLE: Yeah. But you can split a parcel. I mean,  
34 it's a loophole, but --

35 COMMISSIONER ALLAN: I --

36 JAY WINTLE: -- you can split a parcel --

37 COMMISSIONER ALLAN: -- I understand that.

38 JAY WINTLE: -- if five different people owned it.

39 COMMISSIONER ALLAN: And -- and that's -- that's what --

40 JAY WINTLE: It would be split. I -- I'm doing -- I'm

1 meeting all the requirements --  
2 COMMISSIONER ALLAN: I -- I know that. You meet --  
3 JAY WINTLE: -- as of a subdivision. The road will be  
4 paved. It will have city water.  
5 COMMISSIONER ALLAN: As a subdivision, it's required curb  
6 and gutter and lighting --  
7 JAY WINTLE: No. Not on one-acre zoning. That's required.  
8 That's what it's got.  
9 COMMISSIONER ALLAN: -- as a subdivision. And you are  
10 creating a subdivision --  
11 JAY WINTLE: It's not a --  
12 COMMISSIONER ALLAN: -- through the back door.  
13 JAY WINTLE: One-acre subdivision does not require curb and  
14 gutter and sidewalk. It requires lighting at all intersections  
15 is the only thing it requires. And we can put that in it, that  
16 is you feel it's necessary.  
17 But the --  
18 DISTRICT ATTORNEY HERRERA: It's --  
19 JAY WINTLE: -- planning commission has had very little --  
20 DISTRICT ATTORNEY HERRERA: It's discretionary.  
21 JAY WINTLE: -- interest in putting -- there have been a  
22 lot of comments they don't want street lighted in a rural area.  
23 It --  
24 COMMISSIONER ANCHO: So I -- are you denying -- well, and  
25 when you say you don't, you're not denying, well, that's unless  
26 we get water out -- or sewer out there.  
27 So in the -- if we don't, in our master plan, don't get  
28 that out there, are you going to be denying people to them to be  
29 able to get septic to their la- -- any land out there?  
30 JAY WINTLE: Well, it's hard to say how -- right now it  
31 won't be, because it's not rezoned. It'd have to be rezoned to  
32 deny anybody access. Because if you create 20-acre parcels  
33 against me because this -- as your circle -- one-acre circle  
34 moves -- as it moves north, to the north end of the next map,  
35 there'll probably only be every 30, 40 septic tanks. And to  
36 move south would be the same way.  
37 Anywhere you move that circle, the only way you'll move  
38 it's to the east to where you come into that five-acre zoning.  
39 And you'll --  
40 COMMISSIONER ANCHO: Not going to because if we don't get

1 sewer out there, nobody's going to be denied if they come ten,  
2 you know, five years from now and try to --

3 JAY WINTLE: There --

4 COMMISSIONER ANCHO: -- utilize their --

5 JAY WINTLE: -- there's not --

6 COMMISSIONER ANCHO: -- property.

7 JAY WINTLE: -- a current lot that'd be denied. You'll  
8 have to create a lot the same as I'm doing right now.

9 COMMISSIONER ANCHO: But if --

10 JAY WINTLE: So we --

11 COMMISSIONER ANCHO: -- they were to create a lot, would  
12 they be denied? is my question. I mean, if they were to --

13 COMMISSIONER CLARK: Don't know.  
14 Don't think we know.

15 JAY WINTLE: I mean, you -- you don't know. I'm going to  
16 -- you're denying me now for your reserved questionable denial  
17 later?

18 COMMISSIONER CLARK: It's not a questionable denial. It's  
19 protection of other people's rights, Jay. We are charged with  
20 protection of people's rights.

21 And what has been happening has been unethical, perhaps  
22 illegal. And --

23 No? It hasn't been unethical?

24 JAY WINTLE: I don't think it's been unethical and illegal.

25 COMMISSIONER CLARK: Well, --

26 JAY WINTLE: Maybe we --

27 COMMISSIONER CLARK: -- it has --

28 JAY WINTLE: -- may- --

29 COMMISSIONER CLARK: -- been unethical --

30 JAY WINTLE: -- maybe we do not want development in the  
31 county. Just tell --

32 COMMISSIONER CLARK: It has been --

33 JAY WINTLE: -- me that's what you don't want and I'll stop  
34 developing in the county. I'll find other interests.

35 COMMISSIONER CLARK: It has been unethical. And if you  
36 don't know that, shame on you.

37 COMMISSIONER ALLAN: Again, I don't like it, but it's  
38 recommended by the planning commission.

39 I'll approve a parcel map application for Jay Wintle, dba  
40 Faded Sage -- Faded Sage Development LLC, changing Parcel Number

1 010-280-13 from one --  
2 UNIDENTIFIED PARTICIPANT: Patsy.  
3 COMMISSIONER ALLAN: -- parc- --  
4 UNIDENTIFIED PARTICIPANT: (Indiscernible.) The computer  
5 just crashed.  
6 COMMISSIONER ALLAN: Going to make me read that again?  
7  
8 (Pause in the meeting proceedings from 11:08 a.m. to 11:09  
9 a.m.)  
10  
11 COMMISSIONER ALLAN: You back on?  
12 UNIDENTIFIED PARTICIPANT: Are these lights are on?  
13 COMMISSIONER ANCHO: Uh-huh.  
14 COMMISSIONER ALLAN: Okay. So I'll make the -- the motion  
15 to approve a parcel map application for Jay Wintle, dba Faded  
16 Sage Development LLC, changing Parcel Number 010-280-13 from one  
17 parcel to four parcels, located at Faded Sage Drive in Battle  
18 Mountain, zoned A-1.  
19 COMMISSIONER ANCHO: So I have one more question.  
20 Is this -- are these Number 12 and 13, these items, were  
21 these part of where the county directed you to do this in two  
22 years as well?  
23 JAY WINTLE: What?  
24 UNIDENTIFIED PARTICIPANT: No.  
25 COMMISSIONER ANCHO: No?  
26 Okay.  
27 JAY WINTLE: No.  
28 COMMISSIONER ANCHO: My question was -- that -- okay --  
29 JAY WINTLE: No, when you put a bumper zone against  
30 (indiscernible), just take one to the --  
31 COMMISSIONER ANCHO: Okay.  
32 JAY WINTLE: They didn't want zoning changes against their  
33 farmland.  
34 CHAIRMAN WAITS: Judie, you do need to authorize to sign  
35 the Mylar.  
36 COMMISSIONER ALLAN: And I authorize the chair to sign  
37 the --  
38 CHAIRMAN WAITS: Okay.  
39 COMMISSIONER ALLAN: -- mylar.  
40 Sorry.

1 CHAIRMAN WAITS: Thank you.

2 COMMISSIONER ANCHO: Once again, I'll -- I will second but  
3 with hes- -- with -- I would like our master plan changed to fix  
4 this issue. But I'll second.

5 CHAIRMAN WAITS: No other discussion, I'll open up for  
6 public comment.

7 BERT RAMOS: Bert Ramos, for the record.

8 So just to be clear, the master plan is not a guideline  
9 that is a must-follow. So everybody just -- it -- it's a  
10 general guidelines for everybody to work off of. But I've  
11 heard -- we've referred to the master plan here a few times.  
12 And it -- it's just a general guideline. Otherwise every  
13 billionaire in this country would go find every county's master  
14 plan and buy every land on every side of it and just make  
15 fortunes; right?

16 So they -- the master plan is just a general guideline. It  
17 has nothing binding by it. It is just something to kind of  
18 guide whoever comes in new in that general direction.

19 COMMISSIONER ANCHO: And -- and I respect that, but that's  
20 the guidance we have and have used in the past.

21 So I -- I find it hard to pick and choose if we're going to  
22 use it or we're not going to use it.

23 We're -- I mean, that's a -- a struggle with me. And when  
24 you have something set out there that -- and put in place that  
25 we're going to choose to update the way we need it to be updated  
26 or we're going to utilize it the way it is now.

27 KYLA BRIGHT: So to go off of what Bert just said, if you  
28 want your master plan to be in gold or in law, then your  
29 ordinances need to mirror your master plan.

30 COMMISSIONER ANCHO: And our -- and our ordinance are --  
31 do -- do not mirror our master plan? I mean, I'm --

32 DISTRICT ATTORNEY HERRERA: No, because the master --

33 KYLA BRIGHT: And it's --

34 DISTRICT ATTORNEY HERRERA: -- plan's --

35 KYLA BRIGHT: -- like it --

36 DISTRICT ATTORNEY HERRERA: -- changing --

37 KYLA BRIGHT: -- changes.

38 DISTRICT ATTORNEY HERRERA: -- more than the ordinances.

39 COMMISSIONER ANCHO: Okay.

40 KYLA BRIGHT: Uh-huh.

1 COMMISSIONER ALLAN: It just gets changed at whoever's  
2 whim. If they --  
3 DISTRICT ATTORNEY HERRERA: Yeah.  
4 COMMISSIONER ALLAN: -- want -- if they want to do a  
5 development, then next thing you know, the master plan gets  
6 changed.  
7 DISTRICT ATTORNEY HERRERA: Yep.  
8 COMMISSIONER ANCHO: All right.  
9 COMMISSIONER ALLAN: And --  
10 COMMISSIONER ANCHO: Well, then I'm going to pull back on  
11 my second, then. I'll --  
12 COMMISSIONER CLARK: Thank you.  
13 JAY WINTLE: Jay Wintle, for the record. The --  
14 COMMISSIONER CLARK: It's called --  
15 JAY WINTLE: -- master --  
16 COMMISSIONER CLARK: -- government.  
17 JAY WINTLE: -- plan is strictly a guideline where the  
18 county is trying to get with their ordinances.  
19 Ordinances are law that the county is required to follow.  
20 This map follows all the ordinances that are in place at  
21 this time.  
22 COMMISSIONER ANCHO: Ted? So he -- what he just said, he  
23 said that his master -- the -- or his mapping follows what our  
24 ordinance --  
25 DISTRICT ATTORNEY HERRERA: We've got -- the ordinances  
26 allow you to get around --  
27 Just like Judie pointed out. This is an end around of a  
28 subdivision. And the ordinances do allow it at this point in  
29 time.  
30 COMMISSIONER ANCHO: Okay.  
31 DISTRICT ATTORNEY HERRERA: And he is following the  
32 ordinances.  
33 And do I think that the ordinances should say, "No, we  
34 can't do this"?  
35 Yes. But it doesn't.  
36 So -- so now the ordinance -- so they're not discretionary.  
37 The master plan's discretionary. But the ordinance is --  
38 prohibits certain activity. It doesn't a- -- then there's  
39 activity that's allowed because it's not prohibited. It's not  
40 -- it's not the -- the ordinances don't say, yes, you can do

1 this. It just says what you cannot do.  
2 So if you find a way around, like the subdivision, this is  
3 a way around subdivisions so you don't have to do all the --  
4 follow all the regulations of a subdivision.  
5 COMMISSIONER CLARK: We're within our authority to make a  
6 decision, though, --  
7 DISTRICT ATTORNEY HERRERA: Well, either -- yeah.  
8 COMMISSIONER CLARK: -- to -- to -- to approve or not to  
9 approve. There's nothing illegal with our decision.  
10 DISTRICT ATTORNEY HERRERA: No. It doesn't --  
11 COMMISSIONER CLARK: Yeah.  
12 DISTRICT ATTORNEY HERRERA: As long as you don't violate  
13 the ordinances.  
14 And -- and -- and Jay -- and Mr. Wintle's in the same  
15 place. He -- he can -- he can make all these proposals he wants  
16 as long as he doesn't violate the ordinances.  
17 CHAIRMAN WAITS: One of the things we've been looking at  
18 for some time, of course, especially with LEDA is the growth of  
19 our community. We've been looking at infrastructure. We've  
20 been looking at growth.  
21 I think the last time I checked, there was something like  
22 less than 35 homes that were even for sale in Battle Mountain.  
23 We have a developer here who is -- is developing for us,  
24 going forward. We're looking to a future.  
25 I can appreciate what everybody's saying. And if you want  
26 to curtail it, that's great. And I think we can certainly  
27 address that.  
28 But I do think we have somebody that's gone through the  
29 planning commission. They've been vetted. Here we are. And to  
30 say, now we're going to stop everything -- there's money  
31 invested here. I think we should take another look at it.  
32 I'll -- I'll go ahead and second Judie's motion.  
33 Any other public comment?  
34 (No comment.)  
35 CHAIRMAN WAITS: Okay. I'll call for the vote.  
36 COMMISSIONER ALLAN: Say --  
37 CHAIRMAN WAITS: I'm sorry.  
38 COMMISSIONER ALLAN: -- all in favor?  
39 CHAIRMAN WAITS: Judie? What?  
40 COMMISSIONER ALLAN: All in favor?



1 CHAIRMAN WAITS: Yes.  
2 COMMISSIONER ALLAN: Aye.  
3 CHAIRMAN WAITS: All -- all in favor?  
4 COMMISSIONER ANCHO: Aye.  
5 COMMISSIONER SPARKS: Nay.  
6 CHAIRMAN WAITS: Aye.  
7 COMMISSIONER CLARK: Nay.  
8 CHAIRMAN WAITS: Okay. We have two against. And it does  
9 pass. And we go on to Number 13.

10  
11 **13) Discussion and possible action to approve/disapprove a parcel**  
12 **map application for Jay Wintle dba Faded Sage Development**  
13 **LLC, changing Parcel Number 010-280-07 and 010-280-09 from**  
14 **two (2) parcels to four (4) parcels, located on Faded Sage**  
15 **Drive in Battle Mountain, zoned A-1, and all other matters**  
16 **properly related thereto.**  
17

18 CHAIRMAN WAITS: Discussion and possible action to approve  
19 or disapprove a parcel map application for Jay Wintle, dba Faded  
20 Sage Development LLC, changing Parcel Number 010-280-07 and  
21 010-280-09 from two parcels to four parcels, located on Faded --  
22 Faded Sage Drive in Battle Mountain, zoned A-1, and all other  
23 matters properly related thereto.

24 I think we're in the same type of a situation. Anything  
25 unusual about this one or different, Kyla?

26 KYLA BRIGHT: Just larger parcels.

27 Again, it's going to mirror exactly what you just heard.  
28 It's right across the street from the one where he did the  
29 buffer, right along the water line.

30 So everything is pretty much mirrored.

31 COMMISSIONER ALLAN: I'll make a motion to approve parcel  
32 map application for Jay Wintle, dba Faded Sage Development LLC,  
33 changing Parcel Number 010-280-07 and 010-280-09 from two  
34 parcels to four parcels lo- -- located on Faded Sage Drive in  
35 Battle Mountain, zoned A-1, and authorize the chair to sign.

36 JAY WINTLE: Jay Wintle, for the record. This is real  
37 similar. But one thing that I didn't bring up before is we're  
38 scheduled on the next planning meeting to give a overview of the  
39 development of the future lots. Anybody would like to --  
40 information to stop by.

1 COMMISSIONER SPARKS: When's that meeting?  
2 JAY WINTLE: Be the next planning meeting.  
3 KYLA BRIGHT: Next -- the second Wednesday. So the 12th, I  
4 believe, is the date.  
5 COMMISSIONER SPARKS: Twelfth of July?  
6 KYLA BRIGHT: If that's -- maybe.  
7 JAY WINTLE: Yeah. We're going for a full overview if  
8 you'd like to bring it on the commissioners before -- I'd -- I'd  
9 appreciate it if we bring it before commissioners too, maybe,  
10 just for a -- before I go to the expense of drawing up maps and  
11 that and you don't follow (indiscernible) --  
12 COMMISSIONER CLARK: Who's your realtor? Who's your  
13 realtor?  
14 JAY WINTLE: Kim Buffington.  
15 COMMISSIONER CLARK: Thank you.  
16 COMMISSIONER ANCHO: So I know I keep bouncing back and  
17 forth on this, but I just -- I keep going back to wanting to  
18 have our --  
19 We've gone ahead and done up to this point. And I think  
20 that we need to get our ducks in a row and change things.  
21 And we're going by -- also by the planning -- what the  
22 planning. So I'm going to still, with hesitation, I will second  
23 it.  
24 CHAIRMAN WAITS: Thank you.  
25 Judie made the motion. Kathy seconded it.  
26 Any other public comment?  
27 (No comment.)  
28 CHAIRMAN WAITS: Okay. I'll call for vote.  
29 All in favor?  
30 COMMISSIONER ALLAN: Aye.  
31 COMMISSIONER ANCHO: Aye.  
32 COMMISSIONER SPARKS: Nay.  
33 CHAIRMAN WAITS: Aye.  
34 Those opposed?  
35 COMMISSIONER SPARKS: Nay.  
36 COMMISSIONER CLARK: Nay.  
37 CHAIRMAN WAITS: Okay.  
38 COMMISSIONER CLARK: Let's take --  
39 CHAIRMAN WAITS: -- that does --  
40 COMMISSIONER CLARK: -- a break.

1 CHAIRMAN WAITS: -- pass. Thank you.  
2 COMMISSIONER ALLAN: Patsy, can we go to 19?  
3 CHAIRMAN WAITS: Our BLM is here, apparently, so we're  
4 going to slip over to Number 19.  
5  
6

7 **COMMISSIONERS**  
8

9 19) **Discussion and possible action and a presentation from the**  
10 **Bureau of Land Management (BLM) concerning roadside fuel**  
11 **break projects throughout Lander County and whether to direct**  
12 **the county manager to work on getting a cooperative agreement**  
13 **between Lander County and the BLM for said roadside fuel**  
14 **break projects, and all other matters properly related**  
15 **thereto.**  
16

17 CHAIRMAN WAITS: Discussion and --  
18 JAY WINTLE: Get some --  
19 CHAIRMAN WAITS: -- possible --  
20 JAY WINTLE: -- research.  
21 CHAIRMAN WAITS: -- action on a presentation from the  
22 Bureau of Land Management concerning roadside fuel break  
23 projects throughout Lander County and whether to direct the  
24 county manager to work on getting a cooperative agreement  
25 between Lander County and the BLM for said roadside fuel break  
26 projects, and all other matters properly related thereto.

27 COMMISSIONER ALLAN: Brock. You're set up. And I -- I  
28 think it's all --

29 CHAIRMAN WAITS: Maybe something will go quickly.

30 COMMISSIONER SPARKS: Yeah.

31 BROCK UHLIG: All right.

32 DOUG FURTADO: Why don't you pause that and we'll do an  
33 introduction first.

34 BROCK UHLIG: Okay.

35 Brock Uhlig, fire management officer for the Battle  
36 Mountain District BLM, for the record.

37 DOUG FURTADO: And, for the record, Doug Furtado, district  
38 manager, Battle Mountain District BLM.

39 COMMISSIONER ALLAN: Good morning, gentlemen.

40 DOUG FURTADO: Good morning. Most --

1 CHAIRMAN WAITS: Gentlemen.

2 DOUG FURTADO: Thank you for having us this morning.

3 Commissioner Allan invited us down to present the roadside  
4 fuels plan and program that we approved back in 2017.

5 And before I get into that, I want to say that our district  
6 here in Battle Mountain has been very successful over the years  
7 in initial attack fire suppression and fire suppression in  
8 general.

9 We've been fortunate enough to get near 100 percent of our  
10 fires out over the last four years.

11 The success of that is in part -- well, in large part --  
12 due to the agreements that we have with the counties, our -- our  
13 approach in the district to initial attack. And we are always  
14 thinking of ways in which we could implement management  
15 practices to reduce the potential for large wildfires.

16 And so with that being said, back in 2016, I was in a  
17 meeting in my office, and the county provided me with a large  
18 map of Lander County after the road inventories were completed,  
19 in support of our land use plan and other things.

20 And I'm sitting there looking at that map and I'm going,  
21 all those roads, in my mind, represent potential fuel breaks.

22 And oftentimes when we have large wildfires, at the end  
23 when you look at fire map, you just see black crossing over all  
24 these roads because they weren't improved or they weren't  
25 satisfactory in -- in stopping fire spread.

26 And so in 2016, I got together with Brock and we came up  
27 with a concept to not only utilize our existing roads as fuel  
28 breaks, but also to expand our -- our cooperation with the  
29 counties, the local landowners, and the livestock ranchers and  
30 the agricultural folks.

31 Because Battle Mountain, we all -- or BLM in general, we  
32 have limited resources. We always have limited resources. And  
33 the only way to expand our effectiveness in fire suppression is  
34 to increase the amount of cooperation and partners that we have.

35 So we developed a proposed action that -- that, in general,  
36 involves identifying priority road segments throughout the  
37 county. And we chose Lander and we chose Eureka County as the  
38 pilot project -- pilot areas. Because, of course, with any  
39 other new concept, you want to start relatively small and get  
40 all the kinks ironed out.

1           So what it entails, generally, is to identify road segments  
2 that would be best for fire suppression, that would give us the  
3 biggest bang for our buck; road segments that will protect  
4 private property; road segments that will protect sage grouse  
5 habitat and intact sagebrush communities so that we don't have  
6 the spread of cheat grass like we see in other areas, which only  
7 increases our fire frequency; and do so in a manner through MOAs  
8 or MOUs in partnership with not only the counties but the NDOT,  
9 the NDF, and any other landowners that are interested and  
10 capable of helping us monitor and maintain road segments that  
11 they would be responsible for prior to the fire season each  
12 year.

13           And everybody has different capabilities.

14           So we had a stakeholder meeting in 2017. Bert Ramos was  
15 there -- representatives from NDOT, representatives from Eureka  
16 county. I believe Keith was there. And we presented this  
17 concept.

18           And at the end of that discussion, it was repre- --  
19 recommended by Eureka County that the counties themselves work  
20 to help identify cooperators that have the capability to partner  
21 with the BLM in this effort of improving roads for fuel breaks,  
22 monitoring those, and maintaining those on an annual basis.

23           So Brock has a PowerPoint here that'll get the more of the  
24 details. And he'll -- he'll do that in a second.

25           The decision, for the Battle Mountain District, I signed  
26 back in November 2017. That year -- we didn't want to wait for  
27 a whole year to get going on it so the decision allows 30,000  
28 acres of treatment within -- within the district. And we've  
29 done 1500 of those acres thus far ourselves.

30           And last year we focused mainly on the main highway  
31 corridors, the Highway 278 in Eureka County, Highway 50, Highway  
32 305. And we did some of that work ourselves already.

33           But the -- one of the main -- one of the main objectives of  
34 this plan isn't for BLM just to go out and do it ourselves.  
35 Because, again, we don't have the resources to be able to do it.

36           Some year -- and we've been fortunate here in Lander  
37 County -- some year we're going to have -- the right conditions  
38 are going to line up and we're going to have big wildfires. And  
39 -- and during that time, there's -- there's going to also be  
40 fires going on elsewhere in the country, potentially Reno down

1 to California, that are going to take all of our resources.

2 And my vision for this is to be able to have a wildfire  
3 start here and have it have limited resources to respond and  
4 have this fire die down at night, hit one of those roads, and go  
5 out.

6 And -- and -- and then we could all take credit for that  
7 and have ownership in -- in proving our fire suppression  
8 response.

9 And so Judie asked me to just bring up the concept of an  
10 MOA, since it's on the agenda.

11 The way that we would authorize participation in this  
12 program would be through an MOA, a memorandum of agreement  
13 between the county and the other participants, whoever would be  
14 involved with their specific areas of road that they would be  
15 responsible for. And that would specify the roles and  
16 responsibilities, which would include BLM actually going out and  
17 writing the prescription. If it's pinyon juniper, there's a  
18 certain prescription, a certain width that we would want the  
19 treat and maintain.

20 If it's an area with fine fuels, it's a different  
21 prescription, different type of maintenance.

22 And so we would specify that in an MOU, sign those with  
23 each individual cooperator, and then that would specify what  
24 each -- each party would do annually.

25 And so that would -- that would allow us also to provide  
26 funding to either the Conservation District or through that  
27 agreement with the county and potentially even -- if this gets  
28 big enough, the way that I envision it -- getting federal  
29 funding to come here to help support it.

30 And as it stands right now, this plan that -- that we  
31 signed and are implementing is serv- -- is serving right now as  
32 a model for a national EIS -- fuel breaks EIS that the national  
33 office is preparing right now. And -- and it's based upon this  
34 model.

35 And so unless there's any questions, I'll turn it over to  
36 Brock and we'll go through this PowerPoint. And then we can --  
37 we can answer any questions anyone has.

38 CHAIRMAN WAITS: Thank you.

39 BROCK UHLIG: All right. Thank you. Brock Uhlig, again,  
40 for the record.

1           And as Doug was saying, one of the -- one of the lessons  
2           that we've learned in fire over the past few years -- and few,  
3           years, 20 years, 30 years -- is one partner can't be responsible  
4           for everything.

5           If -- if we're relying on that model, we're all going to  
6           fail. And so getting as many people to the table as possible is  
7           what we need to do.

8           We -- Doug has covered a -- a bunch of these, but our goal,  
9           vision, and desired outcomes.

10          We're -- we're here. We want to form partnerships with as  
11          many local, county, state, whatever other agencies that we can.  
12          Forest Service. It -- onward. The -- you know, the more people  
13          that we have at the table, the more opportunities we have to  
14          keep work getting done and -- and maintained.

15          You know, a big concern that I think everybody has when --  
16          when we have disturbance along roads, we're -- we're inviting  
17          chances for -- for weeds to come in, cheat grass to come in.

18          And so having -- having that local interest and the local  
19          partner there to -- to be aware and on top of -- of what's going  
20          on on that fuel break is -- is very important for us and the  
21          ground.

22          So vision is to have these in place across the district, as  
23          Doug is talking, to -- to allow us a -- a preknown spot. When  
24          we're going out to this fire and it's more intense than -- than  
25          the resources we have and can handle, we have control lines  
26          already started, a spot where -- where a tactical advantage can  
27          be gained by the firefighters on the ground.

28          Yeah. And then outcome. Fewer acres burned. There's --  
29          that's -- that's my goal and my job. And I think that's  
30          everyone's goal here. We -- we've seen enough of Nevada burn in  
31          our lifetimes. We don't need to see more.

32          This -- Doug covered most of this. But 30,000 acres is  
33          our cap. Now that 30,000 acres is for a treatment. So we treat  
34          305 -- Highway 305. One treatment, that is the life of that  
35          treatment. If we get a thousand acres this year, we don't -- we  
36          don't hit that cap again when we go and retreat it. It's the same  
37          cap. So 30,000 acres across -- across our roadsides is -- is a  
38          lot of capabilities.

39          Okay. Need. So we're limited to where we can treat. I --  
40          I can't go to private land and say, you need to put this in.

1           Now, we partner together and we can identify across the  
2 landscape, not just looking at the yellow block on -- on the  
3 map. We're -- we're looking across at the landscape of where --  
4 where the treatment is needed and if that crosses BLM land,  
5 private land, county land, state land, Forest Service land, we  
6 -- we're building in those capabilities, and -- and we're  
7 getting the full look from not just the BLM's perspective, but  
8 the local as well.

9           Okay. We -- we do have criteria in -- in the NEPA, in the  
10 NEA that says what we can treat.

11          For our grass fuel types, it has to be 400 pounds per acre;  
12 shrub, two pounds per acre; pinyon juniper, six tons per acre.

13          In -- in this, the -- the MOA, the MOU, that Doug is  
14 talking about, that -- a big component of that is going to be  
15 making sure that we stay within -- with- -- within NEPA  
16 compliance, environmental compliance to protect our agency and  
17 protect our partners that are -- that are helping us on this.

18          Okay. What's considered a road? So our definition is one  
19 that's recognized on the 200K level.

20          And the roadside layer that Doug was talking about that we  
21 got from the county is -- is that -- that level. So --

22          Okay. What can I treat? So we have a -- a full list here.  
23 Mowing; mastication; chain saws getting into -- into there;  
24 disking if it's in a highly disturbed site; herbicide; seeding;  
25 biological methods are all authorized in -- in this.

26          One -- one thing on here, in -- in these sagebrush and  
27 grass-fuel types, it is 100 feet off the arc of the road that  
28 we're allowed to treat.

29          In the pinyon juniper, it is 300 feet off of each side of  
30 the arc of the road.

31          COMMISSIONER CLARK: Could I stop you there for --

32          BROCK UHLIG: Yes, you --

33          COMMISSIONER CLARK: -- just a --

34          BROCK UHLIG: -- can.

35          COMMISSIONER CLARK: -- second?

36          BROCK UHLIG: Okay.

37          COMMISSIONER CLARK: When you --

38          BROCK UHLIG: Back --

39          COMMISSIONER CLARK: -- when you cut the trees for fire  
40 break, do you leave it there so people can come and get



1 firewood?

2 BROCK UHLIG: It depends on the -- on the kind of  
3 treatment.

4 Now, some of the treatments that we do with the  
5 mastication, there's not a whole lot left there to --

6 COMMISSIONER CLARK: Oh, that's when --

7 BROCK UHLIG: -- to come --

8 COMMISSIONER CLARK: -- you chip --

9 BROCK UHLIG: -- pick up.

10 COMMISSIONER CLARK: -- it up?

11 BROCK UHLIG: Yep.

12 COMMISSIONER CLARK: Oh.

13 BROCK UHLIG: But -- but at the same time, there -- it  
14 really depends on where we're at.

15 COMMISSIONER CLARK: Because down south, first term, we  
16 were reported regularly through PLUAC for southern Lander where  
17 they could drive along the roads and -- and get firewood. And  
18 it was run by the Bootstraps Program at that time. I was just  
19 hoping maybe you guys could help out the people that use that.

20 BROCK UHLIG: Yes. And -- and that -- that would -- that  
21 is a way that -- that we want to dispose of -- of activity  
22 fuels.

23 You know, one of the -- I don't know. When I first got  
24 here, we had a project just outside of Austin that -- that we  
25 did a mastication. But to -- you know, since it was so close to  
26 the community we -- we didn't -- we left the -- the main pole  
27 there and, you know, just left it on the ground and made sure  
28 that word got around town that, hey, there's -- there's plenty  
29 of wood right outside of town. And it -- it was gone by the  
30 next year.

31 COMMISSIONER CLARK: Oh, yeah.

32 BROCK UHLIG: So, you know, it --

33 COMMISSIONER CLARK: That was a -- that was a good service.

34 BROCK UHLIG: Yeah. Now -- now there are -- there are  
35 locations that -- that folks aren't going to make it out to.  
36 You know, I -- I go a long ways for my wood, but not a hundred  
37 miles.

38 Okay. Common design features. No new roads. We can't go  
39 in any habitat that is threatened or endangered. So if it's  
40 Lahontan cutthroat, we're -- we're out of there.

1           We do not treat in wilderness study areas.

2           And we -- there is a list of best management practices  
3 that -- that we need to follow to help ensure we're not  
4 spreading weeds, making a bigger problem than -- than what we  
5 had to start with.

6           All right. Treatments that we've identified. So the process  
7 that Doug was talking about are the yellow lines on that map.

8           And we took in various -- various things: the habitats that  
9 are there, fire history that's there, proximity to private land,  
10 structures, and -- and -- and moved forward with a phase one of  
11 where to identify, where to -- where to go with these  
12 treatments. And that's the yellow.

13           The -- the second phase that we went into was two years ago  
14 there was a very heavy grass crop. And so Antelope Valley was  
15 identified as a spot that we need to go almost as an emergency.  
16 We don't have time to wait for getting a -- a partner set up  
17 right now. We want to treat this so that if it does burn, we  
18 have something to stop it right there.

19           And then also 305 and Highway 50 -- I didn't get it  
20 highlighted on here -- we -- we wanted to identify those areas  
21 that we don't necessarily want a -- a private landowner or a --  
22 a member of the public doing it because of the increased risk,  
23 working off of the side of the highway, something like that. We  
24 want to make sure that -- that we're putting people in the best  
25 place for success. And so if it's those kind of treatments, we  
26 want to do either in-house or partner with NDOT to do so that  
27 we're not -- we're not making our problems somebody else's  
28 problem.

29           And with that, yeah. Our -- the goal of these partnerships  
30 is to create a safer environment for -- for our wildland  
31 firefighters, whether it's BLM, Forest Service, our county BFDs,  
32 whoever out there. That -- that's the end goal.

33           Fires, in my career, have gotten bigger every year. And,  
34 you know, we need -- we need to do -- we need to all be at the  
35 table in order to -- to have a successful outcome. And  
36 that's --

37           COMMISSIONER ALLAN: Thank you, Brock.

38           CHAIRMAN WAITS: Well, I don't think anyone is going to  
39 argue with you as far as fire prevention and -- and what we need  
40 to do.

1 I -- I know when we sat in on that before with the fire  
2 breaks, it was an excellent idea.

3 So my question is: In doing this cooperative agreement or  
4 MOA, do you have a model to start with, to work with our DA on  
5 on this? Or --

6 DOUG FURTADO: We've begun preparing --

7 CHAIRMAN WAITS: -- are we --

8 DOUG FURTADO: -- a draft.

9 CHAIRMAN WAITS: -- from scratch? Or you do have  
10 something?

11 DOUG FURTADO: We -- we -- we -- we'll have something very  
12 shortly.

13 CHAIRMAN WAITS: Okay.

14 DOUG FURTADO: And I've got to run it through our attorneys  
15 too. So --

16 CHAIRMAN WAITS: Great. Oh -- okay.

17 DOUG FURTADO: But I'll have that to you.

18 CHAIRMAN WAITS: So it isn't all on Lander County. You  
19 develop it. We're okay if you bring that forward and we --

20 DOUG FURTADO: It'll be --

21 CHAIRMAN WAITS: -- look at it.

22 DOUG FURTADO: Yeah. Lander County, BLM will both review  
23 it and --

24 CHAIRMAN WAITS: Great.

25 DOUG FURTADO: -- and get an --

26 CHAIRMAN WAITS: Okay.

27 DOUG FURTADO: -- agreement on it.

28 COMMISSIONER ANCHO: So --

29 CHAIRMAN WAITS: Any questions?

30 COMMISSIONER ANCHO: Yeah. I -- so is this -- make sure  
31 I'm understanding this. Is this a -- a cost sharing project?

32 DOUG FURTADO: It -- it could be in some instances.

33 COMMISSIONER ANCHO: So then how -- when would we know  
34 how -- approximately how much it would cost?

35 Not that -- I mean, we need fire prevention. And I'm just --  
36 but -- so you'll have an idea of what the -- our costs would be  
37 before -- under the (indiscernible) memorandum of understanding.

38 DOUG FURTADO: So -- so we would have one with each  
39 cooperator, not just with the county. And so -- so basically  
40 the -- the -- we don't need an MOU to implement what we talked

1 about when we had our stakeholder meeting. And that is the  
2 county's agreed to be the ones to go out and solicit, canvass  
3 all the landowners, canvass the -- the people that -- that  
4 you -- that you all know, that might have the capabilities to  
5 participant. And then get us those names.

6 And then once -- once we get those names, we'll sit down --  
7 and it could be with Road -- it could be with Public Works. It  
8 could be with Road and Bridge. It could be with the -- the  
9 Tomeras. It could be with anybody. We'd sit down and  
10 we'd look at their proposal. This is where I'm interested in --  
11 in -- in working with you on this. We'd go out with each  
12 individual or each cooperator to that area. We'd develop a  
13 prescription. We'd identify the costs for that segment. And  
14 that cost for that segment, both initial implementation and then  
15 monitoring, would all be identified for that specific section of  
16 road or roads. And so it would be different for each MOU based  
17 on the prescription.

18 I envision BLM and -- and -- and maybe NDOT, NDF, the folks  
19 that have the resources to do the initial treatment. And then  
20 the cooperators would be responsible for main- -- annual  
21 maintenance and -- and monitoring and reporting to BLM.

22 So there wouldn't be just one MOU with the county. There  
23 would be a -- a number for each individual cooperator.

24 COMMISSIONER CLARK: Ted, if the county enters int- -- into  
25 some kind of an agreement with the BLM, does that force the  
26 ranchers into a situation that they have to comply?

27 DISTRICT ATTORNEY HERRERA: No. They can either  
28 cooperate -- it's not a matter of complying. If -- if -- if  
29 they're -- if they're on leased land, they have to comply.

30 If -- if on their private land, they don't have to comply  
31 unless they want to cooperate. And that's what we're talking  
32 about, --

33 BROCK UHLIG: Yeah.

34 DISTRICT ATTORNEY HERRERA: -- bringing them in as a  
35 cooperator.

36 DOUG FURTADO: Well, comp- --

37 COMMISSIONER CLARK: Yeah. I'd like --

38 DOUG FURTADO: -- complying --

39 BROCK UHLIG: Yeah.

40 DOUG FURTADO: -- complying.

1 BROCK UHLIG: There -- there -- there's --  
2 COMMISSIONER CLARK: I'd like to hear from some of the  
3 people that you would need cooperation from before I -- before I  
4 commit my vote.  
5 DOUG FURTADO: Com- -- compliance is not relevant to this  
6 project.  
7 DISTRICT ATTORNEY HERRERA: Right.  
8 DOUG FURTADO: It's --  
9 COMMISSIONER CLARK: Pardon me?  
10 DOUG FURTADO: -- it's all -- it's all voluntary.  
11 DISTRICT ATTORNEY HERRERA: It's all voluntary.  
12 DOUG FURTADO: And there's --  
13 DISTRICT ATTORNEY HERRERA: All --  
14 DOUG FURTADO: -- no compliance.  
15 DISTRICT ATTORNEY HERRERA: -- cooperation.  
16 BROCK UHLIG: Yeah. This -- this would be -- really be  
17 more along the lines of -- I -- I want to protect my allotment.  
18 I want to protect my property. And the roadside near here -- I  
19 can't treat BLM land, you know, under -- currently.  
20 But with -- with this agreement and with this -- with this  
21 project, you could go out and treat BLM land next to your --  
22 next to your operation, next to your interests.  
23 And that's -- that's -- that's really what it is. It's --  
24 DISTRICT ATTORNEY HERRERA: That's a good thing. That's  
25 the good thing about it.  
26 CHAIRMAN WAITS: Yeah.  
27 DISTRICT ATTORNEY HERRERA: The most beneficial thing.  
28 BROCK UHLIG: Yep.  
29 COMMISSIONER ALLAN: So I'm going to make a motion that we  
30 direct our county manager to work on getting a cooperative  
31 agreement with -- between Lander County and the BLM for the  
32 roadside fuel breaks projects.  
33 COMMISSIONER ANCHO: I'll second.  
34 CHAIRMAN WAITS: Okay.  
35 Judie made the motion. Kathy seconded it.  
36 COMMISSIONER SPARKS: Do we need a motion or can we just  
37 give direction?  
38 CHAIRMAN WAITS: Well, it's a motion for a cooperative  
39 agreement. It really needs --  
40 COMMISSIONER SPARKS: Oh, I got --

1 CHAIRMAN WAITS: -- the --  
2 COMMISSIONER SPARKS: -- you.  
3 CHAIRMAN WAITS: -- motion. Yeah.  
4 Any other discussion?  
5 (No comment.)  
6 BROCK UHLIG: I --  
7 CHAIRMAN WAITS: Public --  
8 BROCK UHLIG: -- I --  
9 CHAIRMAN WAITS: -- comment. Oh.  
10 BROCK UHLIG: I have one more on that. And -- and what --  
11 what an agreement with county -- so there's already -- you know,  
12 I've talked to -- to some folks in the Public Works. You're --  
13 you're already out treating roads. If -- if, you know, there's  
14 an extra little treatment that can go along the side of that,  
15 there's potential to save the county money for -- for  
16 suppression costs down the road. If -- if we prevent one fire  
17 and, you know, the cost of prevention is, you know, who knows  
18 how much it saves? But -- but being able to treat the roadsides  
19 when our -- your crew's already out there, for a -- a minimal  
20 extra cost could -- could be a huge benefit for the county.  
21 DOUG FURTADO: Can I add one more thing too?  
22 What I'd like to do -- years can come and go on this if --  
23 if we're not diligent in -- in following through.  
24 So what I would also ask is that I get a -- I have a point  
25 of contact with the county to meet with us, to start the effort  
26 of canvassing interest within the county and getting a list of  
27 potential participants that we can meet with and start bringing  
28 in as cooperators.  
29 I can put out a news release on it. But, again, during our  
30 stakeholder meeting on the 17th both Lander and Eureka suggested  
31 that we -- that the counties take that on.  
32 CHAIRMAN WAITS: Of course, my -- my first thought is -- is  
33 county manager and Public Works. And -- but some of you might  
34 not be able to make one of the meetings. So between the two of  
35 you? Or both of you? Or, you know, agreed -- two contacts  
36 okay?  
37 DOUG FURTADO: That's fine. Absolutely.  
38 CHAIRMAN WAITS: Is that all right?  
39 Okay.  
40 COMMISSIONER CLARK: I -- I just have a problem with cost.

1           So many times I've heard, I need the cost before I can vote  
2 on it. Well, that's what I'm going to say today. I need to  
3 know the cost --

4           COMMISSIONER SPARKS: That's --

5           COMMISSIONER CLARK: -- before I can vote on it.

6           COMMISSIONER SPARKS: That's why -- that's why I was  
7 saying, maybe direction might be a better thing to do. An --

8           COMMISSIONER CLARK: Yeah.

9           COMMISSIONER SPARKS: -- actual (indiscernible) --

10          COMMISSIONER CLARK: -- come back to us with, --

11          COMMISSIONER SPARKS: With something that --

12          COMMISSIONER CLARK: -- it's going to --

13          COMMISSIONER SPARKS: -- we can --

14          COMMISSIONER CLARK: -- cost 50,000 --

15          COMMISSIONER SPARKS: -- ab- --

16          COMMISSIONER CLARK: -- for this year, --

17          COMMISSIONER SPARKS: That was my thought too.

18          COMMISSIONER CLARK: -- 50,000 for next year. We can plan  
19 that. I mean, we have the money to help. And that -- and  
20 that's not the issue.

21          But the issue has been many, many times, I don't have the  
22 numbers in front of me. I can't vote on it. So that's where  
23 I'm at. I'm concerned about that.

24          CHAIRMAN WAITS: Okay. But don't forget, we're just  
25 directing them to do this cooperative agreement and that will  
26 come back to us with the information in it for us to approve.

27          COMMISSIONER CLARK: Well, that's what Bryan's saying.  
28 This is a --

29          COMMISSIONER SPARKS: Can we just --

30          COMMISSIONER CLARK: -- direction.

31          COMMISSIONER SPARKS: -- just direction. We're giving them  
32 direction to --

33          COMMISSIONER ALLAN: Well, we --

34          COMMISSIONER CLARK: We're not --

35          COMMISSIONER SPARKS: -- write something --

36          COMMISSIONER CLARK: -- we're not --

37          COMMISSIONER SPARKS: -- brought for --

38          COMMISSIONER CLARK: -- okaying --

39          COMMISSIONER SPARKS: -- us.

40          COMMISSIONER CLARK: -- money. We're just saying, --

1 CHAIRMAN WAITS: No.  
2 COMMISSIONER CLARK: -- okay. Let's go in this direction.  
3 CHAIRMAN WAITS: It is. It's a motion for them to work on  
4 a cooperative agreement or an MOU. And it comes back to us.  
5 Yes.  
6 COMMISSIONER CLARK: Is that the understanding?  
7 DOUG FURTADO: Yes.  
8 COMMISSIONER CLARK: And -- and with a list of people that  
9 you would ask to cooperate.  
10 DOUG FURTADO: So I say --  
11 COMMISSIONER CLARK: Because I would like to check with  
12 them personally and make sure that they're in agreement.  
13 DOUG FURTADO: So the first thing we would do is meet with  
14 the county and a -- my officer here and we would pull out the  
15 map and say, which roads would -- would Bert consider a priority  
16 that the county could take on?  
17 And then we would go out there with -- with the county on  
18 the ground with my resource specialist and we'd draft up a  
19 prescription that not -- not the cooperatives, Eureka -- or  
20 Lander County, the county would take on.  
21 Then we would -- we would identify a cost for that. And then  
22 we could come back and say, here's an MOU. Here's a map of the  
23 roads that -- that we've identified, working with the county. And  
24 then these are the prescriptions. These are the -- these are the  
25 costs.  
26 COMMISSIONER ANCHO: I think that be- -- ahead of time if  
27 we had an idea of what the prescriptions were going to cost  
28 regardless of which road it is, then you'd have an idea. I  
29 mean, just some kind of idea of cost --  
30 COMMISSIONER CLARK: Right.  
31 DOUG FURTADO: You have a --  
32 COMMISSIONER ANCHO: -- of --  
33 DOUG FURTADO: -- cost per acre for this stuff.  
34 COMMISSIONER CLARK: I'd definitely get behind it with the  
35 cost.  
36 COMMISSIONER ALLAN: This is -- this is giving Keith  
37 direction to get with the BLM so that we can find this  
38 information out. It would be spelled out in the MOU. Then we  
39 can decide if we want to go ahead and sign the MOU.  
40 But what's it hurting now to go ahead and say, yes, we



1 would like our county manager to discuss this with the BLM and  
2 get --

3 COMMISSIONER CLARK: Okay.

4 COMMISSIONER ALLAN: -- further information back to us --

5 COMMISSIONER SPARKS: So let's --

6 COMMISSIONER ALLAN: -- to get --

7 COMMISSIONER CLARK: Well, Brian --

8 COMMISSIONER ALLAN: -- our --

9 COMMISSIONER SPARKS: -- give them --

10 COMMISSIONER ALLAN: -- teeth --

11 COMMISSIONER CLARK: -- and I --

12 COMMISSIONER ALLAN: -- into --

13 COMMISSIONER SPARKS: -- direction to --

14 COMMISSIONER CLARK: -- had --

15 COMMISSIONER SPARKS: -- do --

16 COMMISSIONER ALLAN: -- it.

17 COMMISSIONER SPARKS: -- that.

18 COMMISSIONER ANCHO: Also basically under motion.

19 COMMISSIONER CLARK: Bryan and I were confused on that  
20 point. I thought we were just --

21 COMMISSIONER ANCHO: Okay.

22 CHAIRMAN WAITS: No. They always come back to us for  
23 approval.

24 Any public comment?

25 (No comment.)

26 CHAIRMAN WAITS: All in favor?

27 COMMISSIONER ALLAN: Aye.

28 COMMISSIONER ANCHO: Aye.

29 COMMISSIONER SPARKS: Aye.

30 CHAIRMAN WAITS: Aye.

31 COMMISSIONER CLARK: Aye.

32 CHAIRMAN WAITS: Thank you.

33 DOUG FURTADO: All right.

34 CHAIRMAN WAITS: And that passes.

35 DOUG FURTADO: Thank you very much.

36 CHAIRMAN WAITS: Thank you. We keep you for one more and  
37 a --

38 DOUG FURTADO: Oh, --

39 CHAIRMAN WAITS: -- quick --

40 DOUG FURTADO: -- sure.

1 CHAIRMAN WAITS: -- one?  
2 DOUG FURTADO: Sure.  
3 COMMISSIONER ANCHO: Yep.  
4 CHAIRMAN WAITS: Twenty.

5  
6 20) Update from the Bureau of Land Management (BLM) regarding the  
7 Battle Mountain air tanker base, and all other matters  
8 properly related thereto.  
9

10 CHAIRMAN WAITS: Update from the Bureau of Land Management  
11 regarding the Battle Mountain air tanker base -- I do believe  
12 that's what it looks like -- and all other matters properly  
13 related thereto.

14 DOUG FURTADO: I transfer you to my fire management  
15 officer.

16 CHAIRMAN WAITS: Are you leaving, Doug?

17 DOUG FURTADO: Oh, no. He's -- he's -- he oversees the air  
18 tanker base so he can answer --

19 BROCK UHLIG: Yep.

20 DOUG FURTADO: -- your questions.

21 BROCK UHLIG: So Brock Uhlig, again, for the record.

22 And I -- I made a big mistake earlier this week by letting  
23 my air tanker base manager that did this report go out on an  
24 assignment to New Mexico.

25 So I -- I will be going through this.

26 And -- and the big purpose of this is we've gotten a huge  
27 amount of support from the county over the past few years on  
28 upgrades to -- to the airport and wanted to report back to you  
29 of -- of what that support has allowed us to do.

30 So we'll -- okay. Into this.

31 Okay.

32 So our air tanker base here in Battle Mountain has a -- a  
33 very large base of -- of support. We support into southern --  
34 southeastern Oregon, southwestern Idaho, and the bulk of Nevada.  
35 And so we have a very large zone of influence covering BLM,  
36 private -- all these kind of lands.

37 This -- this support -- without this base, the -- the  
38 turnaround time to get large air tankers to this part of the  
39 country would -- would be long.

40 Our -- the next closest bases are in Stead and in

1 Boise. And so that's -- we're adding hours onto  
2 response to fires around here. So having this base here in --  
3 in Battle Mountain is a huge benefit for wildland fire.

4 Another important part of this is we -- we have a lot of  
5 cooperators that make this happen: the -- the FBO; Perimeter  
6 Solution is the contractor that provides retardant; the county;  
7 and all the aircraft pilots and associated mechanics that come  
8 with them.

9 There's a -- a large amount of -- of benefit that comes  
10 to -- to the county with -- with that.

11 Our tanker base first, least-known retardant leaving the  
12 tanker base was in 1979. And for the next 20-year period,  
13 almost 6 million gallons were pumped out of -- out of the Battle  
14 Mountain tanker base. And that's an average of 278,000 gallons  
15 per year.

16 During that time, the pump that we had in place is a  
17 250-gallon permanent pump. That's what it was rated for.  
18 Probably hit closer to 220. Okay.

19 2000 to 2016. So only 16 years there and about the -- just  
20 about the same amount of gallons. So our -- our gallons per  
21 year have been going up.

22 I think we could all kind of intuitively guess that with  
23 the amount of fire that we've had over that period.

24 And then this is the national chart since retardant was  
25 first used in the '50s. You can see there's spikes in there on  
26 significant years. But the overall trend is more and more  
27 retardant going out.

28 Okay. Aircraft types. And they have a big part of the old  
29 fleet was the Neptune P2V. Those are getting very rare to be in  
30 there. They're pretty much now on the new generation.

31 A C-130, BAe, an RJ-5, Air Tractor. That is the seat. And  
32 then the Fire Boss. And those we can fill with -- with  
33 retardant. But they're -- they're primarily they're the  
34 scooping kind. So --

35 Okay. 2017 was a very busy fire season for -- for Nevada.  
36 Our base pumped 1.25 million gallons of retardant. A thousand  
37 individual loads were flown out of there.

38 This year was the first year that we got our new air tanker  
39 base manager in. And he -- he started identifying a few faults  
40 with our system.

1           2018, last year, 855,000 gallons, 800 missions. And this  
2 is -- this is where we really looked at the operation and how  
3 much -- how much time we were losing loading planes and  
4 getting -- and getting set up.

5           And so we got with Perimeter Solutions, also with the  
6 counties to provide us a little infrastructure support. And we  
7 got, one, a new pond installed by the county, which was done for  
8 a -- a very good price for the government. Saved the BLM,  
9 taxpayers, a large amount of money and also got it done quickly  
10 so we didn't have any interruption of service, which was very  
11 big for me and a huge thank -- thanks to the county for allowing  
12 us to get that done.

13           Oops.

14           All right. So that's done.

15           We're -- our base retardant mixing plant was upgraded this  
16 spring. It was just actually done last week. And we took out  
17 the previous 250 GPM pump and put in two 500-gallon-per-minute  
18 pumps.

19           And I -- I'm not a -- I'm -- I'm a fire guy, not a math  
20 guy, but I think that's twice as good. And we also have two  
21 pumps now that will allow us to fill two aircraft at one time.

22           The exact numbers would be -- for one of those BAes, it's  
23 a -- takes -- I think it's like 3,000 gallons. The old method  
24 took us about 20 minutes to fill it up. We will now be filling  
25 it up at around nine minutes

26           CHAIRMAN WAITS: All right.

27           BROCK UHLIG: And so that is less time with the aircraft  
28 sitting in the airport. It's flying. It's getting retardant  
29 out for our firefighters and moving.

30           The -- the prediction or the feeling that our tanker base  
31 folks have that if it was 2017 again and we were pumping a million  
32 gallons, that same year we would be pumping 2 million gallons  
33 right now.

34           And that is -- is big for us. For one, we have -- well,  
35 you know, we've had -- we'll have water coming out there. The  
36 county is providing -- we -- I don't know -- county water, not  
37 (indiscernible) the well. We'll have a better flow rate there.  
38 That way we will not be running out of water.

39           The -- it'll be increased fuel cells because more flights  
40 mean more fuel. It'll be more landings for the county.

1 And plenty of benefits and -- and ideally less acres burned.

2 Other -- other changes that we have coming up. Retardant.  
3 We're moving to a new retardant. It's going to have less  
4 staining so it will -- a few -- about a week exposed to the sun,  
5 the red will go away. So that's a -- a good thing for the --  
6 for the ramp, I would say.

7 And then just moving forward. Continue working with the  
8 FBO, which they've been amazing and a huge help for us.

9 We -- we are going to be adding a new capability this  
10 summer of simultaneously loading and fueling.

11 And -- and so that -- that again cuts down time. Instead  
12 of -- instead of an aircraft being on the ground for 30 minutes  
13 taking retardant and then taking fuel, we're doing that at the  
14 same time. We can shave that down to 15 minutes on the ground.  
15 It's back out. It's fighting fire and helping protect the  
16 county and the state. And that is it, unless there's any  
17 questions.

18 DOUG FURTADO: Can you touch on the Eureka and Austin and  
19 seat bases, the status of that for this fire season.

20 BROCK UHLIG: So I -- I can. They will be exclusively  
21 mobile retardant bases. And part of the pond issue that was  
22 here that we needed to get replaced is retardant has --  
23 there's -- there's concerns when we -- when we spill it and  
24 we're in one location. It's -- you know, it's okay to put out  
25 on a fire, but when we have it concentrated in one area, we  
26 build up too much nitrogen, we build up too many different  
27 things on a long period of time. And so at the -- storing  
28 retardant for a long time, that's -- that's where the concerns  
29 are.

30 And so if we, you know, for -- for the Austins, Eureka's,  
31 Tonopahs of the world where we're not there every week, we're  
32 not there every year, we're there when we need to be, there is a  
33 solution that Perimeter, the contractor that -- that provides  
34 retardant, has is where they bring out a full self-contained  
35 unit. It has all the containment that's needed to be  
36 environmentally responsible. And so it can set up within a day,  
37 be there, and be gone.

38 And then, I -- I would add on for the -- the upgrades at  
39 Austin have been a -- a -- a big help as well.

40 It -- it expands our capabilities of being able to set up

1 there quickly and -- and efficiently.  
2 And so, again, just -- just thank you to the county for the  
3 support that you've given us in the aviation world. It's --  
4 it's upped our capabilities tremendously.  
5 CHAIRMAN WAITS: Thank you. Thank you, gentlemen, for  
6 bringing us all of the updates today and for working with us.  
7 We appreciate you being here.  
8 BROCK UHLIG: Thank you.  
9 DOUG FURTADO: Thank you very much.  
10 COMMISSIONER SPARKS: Thanks, guys.  
11 COMMISSIONER ALLAN: So you're not done yet?  
12 CHAIRMAN WAITS: We're going to move into Agenda Number --  
13 COMMISSIONER ALLAN: Patsy?  
14 CHAIRMAN WAITS: -- 15.  
15 COMMISSIONER ALLAN: I had some questions.  
16 CHAIRMAN WAITS: Oh. You have a question? I'm sorry.  
17 COMMISSIONER ALLAN: Yes.  
18 CHAIRMAN WAITS: I'm moving on. Yeah. Go ahead.  
19 COMMISSIONER ALLAN: Is -- no, I'm just kind of curious.  
20 Is I wasn't aware that at the tanker base they -- they hired  
21 individuals to assist with that. And I think we get sometimes  
22 high school kids.  
23 BROCK UHLIG: And -- and so -- so sometimes we do.  
24 It's the -- the contractor, Perimeter Solutions. They -- they  
25 hire -- I -- I think everybody that they hire out there is -- is  
26 local kids here. They're --  
27 COMMISSIONER ALLAN: I just wanted --  
28 BROCK UHLIG: I --  
29 COMMISSIONER ALLAN: -- to put --  
30 BROCK UHLIG: -- I see most --  
31 COMMISSIONER ALLAN: -- that out --  
32 BROCK UHLIG: -- of them at the store every --  
33 COMMISSIONER ALLAN: -- because --  
34 BROCK UHLIG: -- time.  
35 COMMISSIONER ALLAN: -- I didn't know if anybody knew that,  
36 that -- that not only, you know, is -- is that an awesome  
37 service for the BLM and -- and whatnot, but this is providing  
38 jobs to the kids in the summertime. And I think that's great.  
39 DOUG FURTADO: And one --  
40 COMMISSIONER CLARK: I have --

1 DOUG FURTADO: -- aircraft that Brock forgot to mention is  
2 the MD-87. It's a converted passenger plane. And so we've had  
3 that here too.

4 And any time anyone wants to go out there, when -- when  
5 we're not -- when we have heavy-duty operations going on, we'd  
6 be welcome to take you out, show you how it --

7 CHAIRMAN WAITS: Thank you.

8 DOUG FURTADO: -- works.

9 COMMISSIONER ALLAN: Thanks, --

10 COMMISSIONER ANCHO: Very good.

11 COMMISSIONER ALLAN: -- guys.

12 COMMISSIONER ANCHO: Thank you.

13 BROCK UHLIG: Thank you.

14 CHAIRMAN WAITS: Okay.

15 DOUG FURTADO: Okay.

16 Thank you. Have a good one.

17 CHAIRMAN WAITS: Thank you --

18 COMMISSIONER CLARK: Doug?

19 CHAIRMAN WAITS: -- so much.

20 DOUG FURTADO: You've got it.

21 COMMISSIONER CLARK: Doug.

22 DOUG FURTADO: Yep.

23 COMMISSIONER ALLAN: Patsy, are we going to go to lunch?

24 CHAIRMAN WAITS: I don't think so. I want to do two real  
25 quick and then we're going to decide if you want to go forward  
26 or not.

27 COMMISSIONER ALLAN: Oh. (Indiscernible.)

28 CHAIRMAN WAITS: I'm going to do Number 15.

1     **PUBLIC WORKS**  
2

- 3     15)   **Discussion and possible action to approve/disapprove an**  
4           **extension of the water main/service 750 linear feet (LF) down**  
5           **the county right-of-way, providing water service to Parcel**  
6           **Number 011-110-03, owned by James and Nanette Ancho, with**  
7           **owner to pay all costs of the two-inch (2") water line**  
8           **extension, and all other matters properly related thereto.**  
9

10           CHAIRMAN WAITS:   And discussion and possible action to  
11   approve or disapprove an extension of the water main, service  
12   750 linear feet down the county right-of-way, providing water  
13   service to Parcel Number 011-110-03, owned by James and Nanette  
14   Ancho, with owner to pay all costs of two-inch water line  
15   extension, and all other matters properly related thereto.

16           BERT RAMOS:   All righty.   Bert Ramos, for the record.

17           So I had a property owner come to me and they would like a  
18   water line to their property.   However, their property comes  
19   within the 400 feet so they have to connect.   But they don't  
20   want to run it because it's a big parcel.   They don't want to  
21   run water all the way.

22           The reason I put this on the agenda because it's  
23   advantageous to the county if we continue a water line down.  
24   The two-inch part of this would be their responsibility.   And  
25   I'd like to put, say, an 8- or 10-inch main in down that road,  
26   extend it all the way down.   But they would only be responsible  
27   for the portion that would feed their property.

28           Very seldom do we have anybody come forward willing to pay  
29   for their own.   And when we do, I like to try to help them out.

30           COMMISSIONER CLARK:   Do you have the time to do it?

31           BERT RAMOS:   Yeah.   And this is -- the other thing that  
32   there will be here is we have to submit to NDEP because any time  
33   you go over 600 feet of water main, you have to submit to NDEP  
34   and make sure they sign off on it, you know, for contaminations  
35   and make sure there's going to be enough end use on it.   That  
36   will take a little bit of time, just so the property owner  
37   knows, it won't be done right away.

38           And if we could, please, if you guys are going to make this  
39   motion up to a thousand feet, they were discussing anywhere from  
40   a thousand -- 750 to a thousand feet of water main.   But they



1 would be responsible for whatever portion goes in the ground.  
2 CHAIRMAN WAITS: So with -- with our extension, that was  
3 something you were planning on doing? Is it in the budget for  
4 next year? Or is --  
5 BERT RAMOS: No. It would just be in our operating budget.  
6 CHAIRMAN WAITS: Okay.  
7 COMMISSIONER ALLAN: Do you have a cost estimate?  
8 BERT RAMOS: Their responsibility is anywhere from 13- to  
9 18,000.  
10 COMMISSIONER ALLAN: I'm not talking about theirs. What is  
11 ours to the initial eight -- 8-inch to --  
12 BERT RAMOS: To 8-inch? One minute. I'll give you a rough  
13 number.  
14 CHAIRMAN WAITS: But you said it's in our operating budget.  
15 BERT RAMOS: Yes.  
16 CHAIRMAN WAITS: You've already checked it.  
17 BERT RAMOS: Yes.  
18 CHAIRMAN WAITS: Okay.  
19 BERT RAMOS: It is --  
20 We're talking about anywhere from 35- to \$50,000, depending  
21 if we go with the 8- to 12-inch line.  
22 The reason I'd like to oversize it that big is because if  
23 we ever do decide to extend this water main and loop it, it just  
24 makes sense to have the bigger pipe in the ground already to  
25 connect to.  
26 COMMISSIONER ALLAN: Is this something that you would fit  
27 out? Or -- or can your water and sewer guys do it themselves?  
28 BERT RAMOS: Either way. We've -- in the past, we've done  
29 them ourselves. We did Julie and Felicia. This would probably  
30 be no different.  
31 COMMISSIONER ALLAN: I'll make a motion that we approve an  
32 extension of the water main service up to a thousand feet --  
33 linear feet down the county right-of-way, providing water  
34 services to Parcel Number 011-110-03, owned by James and Nanette  
35 Ancho, with the owner to pay all costs of the two-inch water  
36 line extension.  
37 COMMISSIONER SPARKS: I'll second that.  
38 CHAIRMAN WAITS: Thank you.  
39 Judie made the motion. Bryan seconded.  
40 Any public comment?

1 COMMISSIONER CLARK: Well, I -- I've got a question. We're  
2 not competing with a construction company on this?

3 BERT RAMOS: No.

4 COMMISSIONER CLARK: Okay.

5 I don't want to put anybody off because they could've done  
6 this and --

7 CHAIRMAN WAITS: All in favor?

8 COMMISSIONER SPARKS: Aye.

9 COMMISSIONER ALLAN: Aye.

10 COMMISSIONER CLARK: Aye.

11 CHAIRMAN WAITS: Aye.

12 Thank you.

13 COMMISSIONER ANCHO: Oop.

14 CHAIRMAN WAITS: And --

15 COMMISSIONER ANCHO: Nope.

16 CHAIRMAN WAITS: -- that passes.

17 COMMISSIONER ANCHO: Wait. I need to abstain. I need  
18 to -- that's why I was waiting for you to do that because of the  
19 relationship --

20 CHAIRMAN WAITS: Thank you.

21 COMMISSIONER ANCHO: -- with the family.

22 CHAIRMAN WAITS: One abstention. And that's Kathy. Thank  
23 you.

24 Okay. Now, here it is before you. We could finish  
25 everything up. It could probably take up to an hour. I'm  
26 looking -- depending how much discussion, but we should be done  
27 by 1:00 o'clock. If we break until 1:00 and come back, a couple  
28 of us do have to leave. So it takes a few less of you to be  
29 discussing all that. So what's your pleasure?

30 COMMISSIONER SPARKS: I'd like the stay and work on it.

31 COMMISSIONER ANCHO: I'd rather --

32 COMMISSIONER ALLAN: I'd like --

33 COMMISSIONER ANCHO: -- finish --

34 COMMISSIONER ALLAN: -- the lunch.

35 COMMISSIONER ANCHO: -- it.

36 CHAIRMAN WAITS: You want to finish it?

37 Okay. All right.

38 Then I'm going to take another one out of order. And I'm  
39 going to move to Number 18.

40

1 **COMMISSIONERS**

2  
3 18) **Update from Heidi Gatzke, University of Nevada, Reno,**  
4 **Cooperative Extension, northern area director, regarding the**  
5 **cooperative extension office located in Battle Mountain, and**  
6 **all other matters properly related thereto.**  
7

8 CHAIRMAN WAITS: Update from Holly Gatzke -- it does say  
9 Heidi, but that was an error. So it's Holly -- University of  
10 Nevada, Reno, Cooperative Extension, northern area director,  
11 regarding the Cooperative Extension office located in Battle  
12 Mountain, and all other matters properly related thereto.

13 We apologize for the error in your name, Holly. And we  
14 thank you for waiting.

15 HOLLY GATZKE: No problem. Thank you very much for taking  
16 the time for me to be able to introduce myself. I'm the new  
17 northern area director for Cooperative Extension.

18 I started in January, but I've been trying to make my  
19 rounds to every county. I wanted to let you know that my job is  
20 to oversee all of the counties, other than Clark County.

21 And we are pleased to announce that we have very near -- in  
22 fact, we have ten applicants already for the extension educator in  
23 Lander County.

24 So that's one of my top priorities right now is that we've  
25 got Commissioner Waits on the -- the committee, that we will be  
26 reviewing the applications. I'm excited because it looks like  
27 we've got some good applicants. And that is my goal is to get a  
28 person that will come out and become part of your community,  
29 very much evaluate what you need and what cooperative extension  
30 can provide.

31 We have the major areas that are mandated by the state are  
32 agricultural; horticulture; community and economic development;  
33 family, youth, and children; and nutrition. And I'm missing  
34 one. I always miss one.

35 But, anyhow, we have those major areas and they -- their  
36 job will be to come in and work with you guys closely, because  
37 we're partnerships, you know, we're in a full partnership with  
38 the counties and every county, and discover what you need and  
39 create some great programming that is based on your needs today.

40 So I just wanted to make sure that you had a chance to know

1 who I was. If you do have cooperative extension issues, please  
2 come talk to me. And that we're on track. We haven't forgotten  
3 about you. It just took me a bit of time to get into the new  
4 job and get everything through the university system. But we're  
5 going now. And you, hopefully in the next, you know, couple of  
6 months we'll have somebody hired and there'll be somebody on the  
7 ground in the fall to address your needs and keep 4-H and all of  
8 those other programs going strong and -- and hopefully adding  
9 some new programs. So please think about what the needs are in  
10 your community and that person that's hired should be coming to  
11 you and talking to you about these. Okay?

12 CHAIRMAN WAITS: Thank you --

13 COMMISSIONER SPARKS: Thank you.

14 COMMISSIONER ANCHO: -- so --

15 COMMISSIONER ALLAN: Thank you.

16 CHAIRMAN WAITS: -- much.

17 COMMISSIONER ANCHO: Thank you.

18 HOLLY GATZKE: Great.

19 CHAIRMAN WAITS: We appreciate your visit.

20 COMMISSIONER SPARKS: Do we want to do 17 so all the  
21 extra --

22 HOLLY GATZKE: I'll just give you --

23 COMMISSIONER SPARKS: -- people from --

24 HOLLY GATZKE: -- my card --

25 COMMISSIONER SPARKS: -- the high school --

26 HOLLY GATZKE: -- so that --

27 COMMISSIONER SPARKS: -- are here.

28 CHAIRMAN WAITS: I will. Uh-huh.

29 Keith, can somebody check to make --

30 COMMISSIONER ANCHO: Thanks --

31 CHAIRMAN WAITS: -- sure that Jusdi is going to be here --

32 COMMISSIONER SPARKS: Thank you.

33 CHAIRMAN WAITS: -- for our treasurer information?

34 KEITH WESTENGARD: Oh, yeah. She's just -- I'll go to the  
35 treasurer's --

36 CHAIRMAN WAITS: I -- I don't want her heading out for  
37 lunch, thinking --

38 KEITH WESTENGARD: No.

39 CHAIRMAN WAITS: -- we're leaving.

40 KEITH WESTENGARD: All right.

1 CHAIRMAN WAITS: Oh, thank you.

2 COMMISSIONER CLARK: Thank you, (indiscernible).

3 CHAIRMAN WAITS: Okay. We're moving into Number 17.

4  
5 **17) Discussion only regarding the needs of the B.M.H.S. band in**  
6 **attending the Nevada 150 year celebration in Carson City, and**  
7 **all other matters properly related thereto.**  
8

9 CHAIRMAN WAITS: Discussion only regarding the needs of  
10 Battle Mountain High School band in attending the Nevada 150  
11 year celebration in Carson City, and all other matters properly  
12 related thereto.

13 COMMISSIONER ANCHO: So I had asked to have that put on.  
14 Since I'm on that committee, I requested that the high school  
15 band participate in there since they are phenomenal.

16 And I just thought that they would be an awesome  
17 representation of the county.

18 So I was the one that put that -- this on there and kind  
19 probably took them by surprise and didn't mean to do that.

20 But, yes, that's the bottom line, I had requested. I had  
21 heard that it was going to be an approximately \$4500 to -- if  
22 that's correct or not -- for your uniforms if you were to  
23 purchase uniforms for your band.

24 And so that -- I just threw a number out because I wasn't,  
25 you know, quite sure. But I didn't want the whole impact to  
26 have to be absorbed from the school since we are asking that --  
27 your participation.

28 JOHN GIST: My name is John Gist. I -- music educator here  
29 in Lander County.

30 I received a request earlier in the year from the -- from  
31 the -- from the Nevada Day parade committee in Carson City.

32 This is -- 2019 is the 100 -- 100th ann- -- it's the  
33 centennial of there being 17 counties in Nevada. Because, I  
34 think, Pershing County was formed in 1919.

35 Anyway, and so they -- the letter I received said that they  
36 were hoping this year to have -- to have a marching band from  
37 every county participate in the parade.

38 They're probably not going to get one from Eureka or from  
39 Esmeralda. But -- but as it turns out, we did our pre- -- and I  
40 didn't commit to this at -- at first. But we did our

1 preregistration this year. And it looks like, according to our  
2 preregistration, I've got 30 kids in the high school band next  
3 year, which is just barely enough to go down the street and not  
4 look stupid.

5 And so -- and it -- I think it'll be awesome if we went and  
6 did it. But I -- my -- my number one priority is whenever I  
7 have students perform is that they are -- they are prepared and  
8 they represent the community well.

9 And so in order to do that, we need to put them in some  
10 uniforms to go down the street.

11 I think I can do that for about 125 bucks a kid if I -- if  
12 I pull a few strings. And I think we can come up with something  
13 that would service -- if we do occasionally do a little  
14 marching. I don't think we're going to be doing half-time shows  
15 soon. But if we occasionally do a parade.

16 And then the uniforms would also serve us as -- as concert  
17 uniforms. And most of our performances are as a -- are as a  
18 symphonic concert band.

19 And so Brenda Thomas came and talked to me about it.  
20 And -- and that's what we discussed. And I have here with me  
21 Sondra Torgerson, my principal at the high school.

22 CHAIRMAN WAITS: So what do you do now for the concerts,  
23 like black slacks and white shirts or something? Or --

24 JOHN GIST: I -- yeah. Black -- black and black. And, you  
25 know, over the past five years I've managed to put my choir in  
26 some formal dresses because my first year here in Lander County  
27 we went to sing. The first time I told the girls to wear  
28 dresses and they wore dresses that I was not expecting them to  
29 wear.

30 And so we started buying a few at a time and getting them.  
31 And that -- now the choir looks pretty great.

32 COMMISSIONER ANCHO: Good.

33 JOHN GIST: And when they stand up to perform. But there's  
34 -- there's some band uniforms that I found when -- when I got  
35 here. They're not quite as old as I am, but they're pretty  
36 close. And there's not enough of them to -- to do what we need  
37 to do. And let's just say, they're not real trendy anymore.

38 Anyway. Yeah. I've had the kids just wear black shirts  
39 and black slacks. And that's everything from a black T-shirt to  
40 a black button-down shirt to black bicycle shorts.

1 CHAIRMAN WAITS: So do you have any kind of a fund at all  
2 that -- that you've started, like fundraising for uniforms? Has  
3 anyone had any interest prior --

4 JOHN GIST: Well, --

5 CHAIRMAN WAITS: -- to this?

6 JOHN GIST: -- I've been kind of hoping that, you know,  
7 people would see the band next to the choir and -- and want to  
8 step up. You know, we -- we -- we -- we've done fundraising  
9 to -- to go to performances and things. But there's just --  
10 it -- it hasn't been something I've gotten to yet.

11 There -- there's been a lot of other needs with the program  
12 as far as instruments. And the enrollment's gone up every year.  
13 And so we -- you know, and repairing the instruments that were  
14 here. We're kind of -- we're about up to where uniforms is our  
15 next thing to tackle. And this was an opportunity, if somebody  
16 was interested in us doing this, I thought this is a great  
17 opportunity. So when Laken called me on Tuesday and said I was  
18 on the agenda, I drove from my place in Idaho down here to sit  
19 before you today.

20 COMMISSIONER ANCHO: I appreciate that too.

21 But I -- if anybody hasn't heard what he's done with the  
22 band and the choir, I mean, it's just hats off to you because  
23 you've done a phenomenal job. So --

24 But --

25 JOHN GIST: Well, thank --

26 CHAIRMAN WAITS: Well, --

27 JOHN GIST: -- you.

28 CHAIRMAN WAITS: -- of course, the other thing is it  
29 isn't just the uniforms, but naturally it's the cost of going.  
30 And so that was -- that was one of the concerns.

31 But I -- and I thought about it and threw it around and  
32 thought, well, I wonder if the band would be excited about going  
33 if they would like to do at least a couple fundraisers or  
34 something and that we would probably more than match it. But we  
35 would use that in to -- to work with them.

36 But I -- I'd like to see them want that. Does that make  
37 sense?

38 COMMISSIONER ANCHO: Oh, no.

39 COMMISSIONER SPARKS: Yeah. And their involvement.

40 COMMISSIONER ANCHO: That makes perfect sense.

1 JOHN GIST: Well --

2 SONDRA TORGERSON: Uh-huh.

3 JOHN GIST: -- well, and -- and it does. And depend- --  
4 depending on what they -- what they have planned. I don't know,  
5 according to the schedule, how -- I'll know more -- I think  
6 there's a meeting -- meeting today in Carson City about this  
7 event.

8 But it may be necessary, depending on what time they want  
9 us there, to spend the night. And -- and if we -- and if we  
10 have to do some fundraising, I would have them -- I would have  
11 them raise the money to take care of their accommodations on --  
12 on the trip. That's -- and -- and they are -- we have talked  
13 about it this spring, right before school got out. They are  
14 excited about the possibility of it.

15 And they're always excited to raise money to go on a trip.  
16 We --

17 Yes?

18 COMMISSIONER CLARK: My oldest son loved band, second to  
19 wrestling. And I'm all in favor of -- of helping kids out. But  
20 I just -- I have to ask the question: Can we give money to  
21 another agency just straight across?

22 DISTRICT ATTORNEY HERRERA: Well, you can certainly give  
23 money to -- to the band for band uniforms and things like that.  
24 And that's why the agenda item is -- is worded the way it is.  
25 Because there was -- Kathy asked to put this on, but there was  
26 no request. There has to be specific re- -- request and an  
27 amount.

28 So today -- the purpose of today is to make sure that we  
29 know what the request is and how much is it for. And then --  
30 then you guys can find out if -- decide if you want -- if it's  
31 in your budget and if you want to give it. And you can  
32 certainly give it.

33 COMMISSIONER ANCHO: So it's about roughly \$3700 it's going  
34 to cost for the -- for the uniforms.

35 JOHN GIST: That's -- that's -- that's my hope. I mean,  
36 I'll get black tux pants. And I'll get short-waisted jackets.  
37 And I'll have the kids buy their own, you know, shoes and shirts  
38 and -- and stuff. That'll be kind of like a spirit pack that  
39 they do for sports. And then I've got to put hats on them  
40 somehow. And so --



1 COMMISSIONER CLARK: Kathy, let -- let's do this right.  
2 There's no --  
3 COMMISSIONER ANCHO: No, no. That's not a problem. I'm  
4 just --  
5 COMMISSIONER CLARK: Yeah. There's --  
6 COMMISSIONER ANCHO: -- I'm just --  
7 COMMISSIONER CLARK: -- there's --  
8 COMMISSIONER ANCHO: Not a problem.  
9 COMMISSIONER CLARK: -- no -- there's no money here so we  
10 can -- we can set some money.  
11 DISTRICT ATTORNEY HERRERA: Right.  
12 COMMISSIONER ANCHO: Okay.  
13 COMMISSIONER CLARK: I mean, thirty -- let's not mince  
14 pennies here. I mean --  
15 COMMISSIONER ANCHO: Oh, no. I was just saying that the --  
16 JOHN GIST: There --  
17 COMMISSIONER CLARK: Yeah. Let's --  
18 COMMISSIONER ANCHO: So everybody --  
19 JOHN GIST: Right.  
20 COMMISSIONER ANCHO: -- knew how much it was going --  
21 JOHN GIST: Well, and --  
22 COMMISSIONER ANCHO: -- to be was about --  
23 JOHN GIST: And --  
24 COMMISSIONER ANCHO: But, no, I would- -- didn't mean it  
25 like that.  
26 COMMISSIONER CLARK: But uniforms -- uniforms, get -- get  
27 nice ones.  
28 JOHN GIST: Well, yeah. And that's --  
29 COMMISSIONER CLARK: And especially the head gear. That's  
30 expensive; right?  
31 JOHN GIST: Well --  
32 CHAIRMAN WAITS: Okay. So we can ask them to put -- we can  
33 ask to put this on the agenda with the amount with --  
34 COMMISSIONER CLARK: Right.  
35 CHAIRMAN WAITS: -- your request -- what? --  
36 DISTRICT ATTORNEY HERRERA: With a --  
37 CHAIRMAN WAITS: -- 5,000?  
38 DISTRICT ATTORNEY HERRERA: -- resolution saying, it's at  
39 the best interest of the county to give it.  
40 COMMISSIONER CLARK: Okay.

1 COMMISSIONER ANCHO: Okay.  
2 DISTRICT ATTORNEY HERRERA: Because we need those two  
3 things.  
4 COMMISSIONER CLARK: Can --  
5 CHAIRMAN WAITS: Okay.  
6 COMMISSIONER CLARK: -- can you get us some pictures?  
7 JOHN GIST: Yep. I -- I -- I can do --  
8 CHAIRMAN WAITS: Okay.  
9 JOHN GIST: -- that. When's the next meeting?  
10 COMMISSIONER CLARK: And the last thing I'm going to say is  
11 checking around about the band program and choir, I was told by  
12 people who've previously had that job, thumbs up. This is the  
13 guy that can do it.  
14 COMMISSIONER ANCHO: Yeah.  
15 COMMISSIONER CLARK: So you've got my support.  
16 JOHN GIST: Well, --  
17 COMMISSIONER ALLAN: So --  
18 JOHN GIST: -- thanks.  
19 COMMISSIONER ALLAN: -- I guess my only comment is talking  
20 about colors of the uniforms and whatnot is, you know, it's --  
21 it's very professional.  
22 But I'd also that think we're representing, you know,  
23 Lander County and -- and the Longhorns and incorporating some of  
24 the -- the class -- the colors.  
25 JOHN GIST: So here's -- here's my thought.  
26 Black tuxedo pants. Do you know what an Eton  
27 jacket is? It's a short-waisted tuxedo jacket. I can get it  
28 from -- you know, you get them at restaurant supplies because  
29 that's typically what waiters and waitresses wear.  
30 And so -- and those -- that cut of a jacket and  
31 high-waisted pants look good on every body type.  
32 And green pleated tuxedo shirts with a crossover tie.  
33 And because we are the Longhorns, I'm thinking of, like,  
34 a -- a wide -- a flat top, wide-brim, like a Gaucho hat type --  
35 type.  
36 So, you know, and -- but then if we take -- then all we've  
37 got to do is take the hats off and they're in a concert uniform.  
38 COMMISSIONER ANCHO: Mm.  
39 COMMISSIONER CLARK: Okay.  
40 JOHN GIST: You know, they wouldn't be really flat- -- they

1 aren't -- they're not going to be really colorful going down the  
2 street. They're going to be mostly black with a green shirt and  
3 a tie and a hat with a gold band on it.  
4 But they will look -- they will have class, and they will  
5 look right.  
6 COMMISSIONER ANCHO: Hm.  
7 CHAIRMAN WAITS: Well, I think we're excited to think  
8 that --  
9 COMMISSIONER CLARK: Yeah.  
10 CHAIRMAN WAITS: -- that Lander County could be represented  
11 in a parade by our band. That would be -- and -- but don't  
12 forget, you also have to think about doing a parade in Austin  
13 sometime when you're invited.  
14 COMMISSIONER ANCHO: So --  
15 CHAIRMAN WAITS: Okay.  
16 COMMISSIONER ANCHO: -- now -- so do I have to do this  
17 different -- do now in a totally different agenda request?  
18 DISTRICT ATTORNEY HERRERA: We have to do -- yes.  
19 CHAIRMAN WAITS: Yes.  
20 DISTRICT ATTORNEY HERRERA: Because --  
21 COMMISSIONER ANCHO: Okay.  
22 DISTRICT ATTORNEY HERRERA: -- there has to be a spec- --  
23 specific request from somebody that's not on the board.  
24 COMMISSIONER ANCHO: Okay. So I --  
25 JOHN GIST: Okay.  
26 COMMISSIONER ANCHO: -- wait to the -- okay. Very good.  
27 CHAIRMAN WAITS: Yeah.  
28 DISTRICT ATTORNEY HERRERA: And -- and -- and an amount.  
29 And then --  
30 COMMISSIONER ANCHO: Okay.  
31 DISTRICT ATTORNEY HERRERA: -- we just do a resolution.  
32 CHAIRMAN WAITS: And anything --  
33 DISTRICT ATTORNEY HERRERA: And in the resolution --  
34 CHAIRMAN WAITS: -- you can bring us.  
35 DISTRICT ATTORNEY HERRERA: -- say it's in the --  
36 JOHN GIST: Okay.  
37 DISTRICT ATTORNEY HERRERA: -- best --  
38 JOHN GIST: Well --  
39 DISTRICT ATTORNEY HERRERA: -- interest -- interest --  
40 JOHN GIST: Yep.

1 DISTRICT ATTORNEY HERRERA: -- of the county.  
2 COMMISSIONER ANCHO: Okay.  
3 JOHN GIST: Okay. I'll -- I'll do a ren- -- I'll get a  
4 rendering put together and -- and -- and a dollar amount.  
5 COMMISSIONER ANCHO: Thank you.  
6 CHAIRMAN WAITS: Thank you for taking your time to come  
7 down and --  
8 COMMISSIONER ANCHO: Yes.  
9 CHAIRMAN WAITS: -- visit with --  
10 COMMISSIONER ANCHO: Appreciate --  
11 CHAIRMAN WAITS: -- us --  
12 COMMISSIONER ANCHO: -- that.  
13 CHAIRMAN WAITS: -- this morning.  
14 JOHN GIST: You bet.  
15 COMMISSIONER ANCHO: Thank you very much.  
16 COMMISSIONER SPARKS: Thanks, guys.  
17 CHAIRMAN WAITS: We're excited about it.  
18 Okay. Do we have -- is Jusdi here?  
19 KEITH WESTENGARD: They're here. Yeah.  
20 CHAIRMAN WAITS: Yeah. We're going to go on to 22. Start  
21 with the treasurer and --  
22 UNIDENTIFIED PARTICIPANT: And what about --  
23 CHAIRMAN WAITS: -- whip through that real quick --  
24 quickly.  
25 COMMISSIONER SPARKS: Shall we take the one that we have  
26 people out here waiting for? Or --  
27 CHAIRMAN WAITS: Huh?  
28 COMMISSIONER ANCHO: The ones that --  
29 COMMISSIONER SPARKS: Don't -- we have people --  
30 COMMISSIONER ANCHO: Yeah.  
31 COMMISSIONER SPARKS: -- waiting --  
32 COMMISSIONER ANCHO: We have these people waiting where you  
33 want to --  
34 COMMISSIONER SPARKS: -- for a particular agenda item.  
35 (Indiscernible.)  
36 COMMISSIONER ANCHO: So --  
37 CHAIRMAN WAITS: Who's waiting?  
38 COMMISSIONER ANCHO: This whole back row --  
39 CHAIRMAN WAITS: Motocross?  
40 COMMISSIONER ANCHO: -- back here.

1 COMMISSIONER SPARKS: All these people back here.

2 COMMISSIONER ANCHO: Which one is that, Bryan?

3 COMMISSIONER SPARKS: Thirteen. Fourteen.

4 COMMISSIONER ANCHO: Number 14?

5  
6 (Commissioner Clark left commission chambers.)

7  
8 KEITH WESTENGARD: They need ten minutes, Commissioner.

9 COMMISSIONER ANCHO: So yeah. Do Number 14.

10 BERT RAMOS: And that's 14, 15.

11 CHAIRMAN WAITS: While we're waiting for Jusdi, we're going  
12 to go into Number 14 under Public Works.

13  
14  
15 **PUBLIC WORKS**

- 16  
17 14) **Discussion and possible action to approve/disapprove**  
18 **developing procedures for hiring and utilization of**  
19 **independent contractors in Lander County, these procedures to**  
20 **include action to be taken should conflicts arise, and all**  
21 **other matters properly related thereto.**

22  
23 CHAIRMAN WAITS: Discussion and possible action to approve  
24 or disapprove developing procedures for hiring and utilization  
25 of independent contractors in Lander County. These procedures  
26 to include action to be taken should conflicts arise. And all  
27 other matters properly related thereto.

28 BERT RAMOS: Okay. Bert Ramos, here for the record.

29 First off, I'd like to -- to clarify that I did not put  
30 this on the agenda.

31 The -- this actually is -- is a gross representation of  
32 what was supposed to be on the agenda or asked to be on the  
33 agenda. And the verbiage was changed considerably.

34 CHAIRMAN WAITS: Okay. Just a minute. Let me -- let me --  
35 let me get this straight.

36 You had something you requested to be on the agenda and  
37 that did not make the agenda. And you think this is what came  
38 of it? Is --

39 BERT RAMOS: So --

40 CHAIRMAN WAITS: -- that --

1 BERT RAMOS: -- so I will -- I will clarify that for you.  
2 So I did not make the request for it to be on the agenda.  
3 The request was made from Keith to me. I agreed with it. It  
4 was supposed to be put on the agenda. I don't know how the  
5 verbiage came out to what it is. But we don't have any issues  
6 that I'm aware of when it comes to subcontracting and -- or --  
7 or how we have done this in -- in the nine years that I've done  
8 contracts with Lander County. We haven't seemed to have an  
9 issue. And so the verbiage that we're using on this agenda item  
10 here is nowhere near --

11  
12 (Commissioner Clark returned to commission chambers.)  
13

14 CHAIRMAN WAITS: Fourteen.

15 BERT RAMOS: -- what the request was.

16 CHAIRMAN WAITS: Okay. So do we need to address this  
17 agenda? Item?

18 KEITH WESTENGARD: We need to address something, --

19 COMMISSIONER ANCHO: Okay.

20 KEITH WESTENGARD: -- but it's not this agenda item. Yes.

21 BERT RAMOS: It's -- or properly related thereto. Maybe  
22 it -- maybe it relates thereto.

23 CHAIRMAN WAITS: Well, --

24 COMMISSIONER SPARKS: I think thereto.

25 CHAIRMAN WAITS: -- okay. We're looking at -- we're  
26 looking at items. We're looking at contracts that we don't go  
27 out to bid for.

28 BERT RAMOS: Right.

29 CHAIRMAN WAITS: Right?

30 Smaller --

31 COMMISSIONER SPARKS: Exactly.

32 CHAIRMAN WAITS: -- contracts under 50,000 or professional  
33 services, et cetera.

34 KEITH WESTENGARD: Correct.

35 CHAIRMAN WAITS: Okay. We're saying we don't have any  
36 procedures right now on how we go about that?

37 KEITH WESTENGARD: There are --

38 CHAIRMAN WAITS: Like who --

39 KEITH WESTENGARD: -- there --

40 CHAIRMAN WAITS: -- we send it to or what we do or --

1 KEITH WESTENGARD: There are --  
2 CHAIRMAN WAITS: Is -- is that --  
3 KEITH WESTENGARD: -- NRSs in place that would -- that  
4 would give us guidelines for this.  
5 COMMISSIONER CLARK: Ted?  
6 CHAIRMAN WAITS: Oh, okay.  
7 DISTRICT ATTORNEY HERRERA: The ori- -- the original  
8 wording of this agenda request, I advised that I wasn't prepared  
9 today to do any investigation to how it was conducted.  
10 And there was no way that -- that I -- I could answer any  
11 legal questions about that until I was allowed to do an  
12 investigation into it.  
13 Now, I wasn't given that time, so it was converted to this.  
14 Whether this is appropriate or not, it's the -- the issue is  
15 each department head has -- has a -- the legal right to make  
16 these contracts without going out to bid.  
17 And as long as you follow the NRS, you're able to do it.  
18 Now, if I'm asked today, "Was it followed? Was the NRS  
19 followed in a specific case?" I wouldn't be able to answer that.  
20 And I -- and I refuse to answer that until I had the time and  
21 the opportunity to look into the specific case.  
22 So that's why there's no specific case on there is -- in  
23 talking to --  
24 CHAIRMAN WAITS: Okay.  
25 DISTRICT ATTORNEY HERRERA: -- Keith; --  
26 CHAIRMAN WAITS: So we're not --  
27 DISTRICT ATTORNEY HERRERA: -- correct?  
28 CHAIRMAN WAITS: -- not talking about a specific case on  
29 this. We're just talking about general, whether we -- we would  
30 like to put together some procedures?  
31 DISTRICT ATTORNEY HERRERA: Right.  
32 CHAIRMAN WAITS: Right?  
33 BERT RAMOS: Incorrect.  
34 COMMISSIONER CLARK: Can I --  
35 COMMISSIONER ALLAN: That's all we can talk a- -- about.  
36 CHAIRMAN WAITS: So do you want --  
37 COMMISSIONER ALLAN: That's --  
38 CHAIRMAN WAITS: -- to put together some procedures? Or  
39 shall we address it later?  
40 COMMISSIONER ALLAN: I think it should be deferred and

1 addressed later.

2 BERT RAMOS: I would like to clarify some things with it.

3 DISTRICT ATTORNEY HERRERA: That's what I thought

4 originally.

5 COMMISSIONER CLARK: Which one?

6 BERT RAMOS: My responsibility --

7 COMMISSIONER ANCHO: Which one?

8 BERT RAMOS: -- in my job for Lander County is to look out

9 for the best interest of the taxpayer.

10 Similar to what Art spoke of earlier with -- with, you

11 know, taking work from a contractor. If we can do work within

12 the county, it may make a contractor upset that we do it

13 in-house.

14 But that is not my problem. If somebody wants to run

15 around upset because we've done something in-house is not my --

16 my -- my number one objective in my job is to make sure that I'm

17 looking out for the taxpayer of Lander County when we go forward

18 doing anything, whether it's hiring contractors, whether it's

19 putting things out to bid, whether it's professional services,

20 which all relate directly to this.

21 And I would like to see us come back with a much more

22 transparent thing. I fully respect what Ted has said there, but

23 with a fully transparent thing for the public and everybody else

24 to be involved with so they can see exactly what's going on

25 here.

26 I know that some of this stuff seems dirty and -- but it

27 needs -- airing dirty laundry or whatever, however anybody wants

28 to put it, but the bottom line is in any relationship, if it's

29 going to flourish, there needs to be transparency and there

30 needs to be honesty and upfront. And -- and this is the place

31 to do it with a commission of five where everybody can decide on

32 it and hear it outright. And if that --

33 COMMISSIONER ALLAN: Mr. Ramos, --

34 BERT RAMOS: -- means that Ted needs to go do some

35 investigation, then that's what needs to happen.

36 DISTRICT ATTORNEY HERRERA: Exactly.

37 COMMISSIONER CLARK: I --

38 CHAIRMAN WAITS: Okay.

39 COMMISSIONER CLARK: -- I --

40 COMMISSIONER ALLAN: Mr. Ramos, --



1 CHAIRMAN WAITS: Well, --  
2 COMMISSIONER ALLAN: -- let me --  
3 CHAIRMAN WAITS: -- the --  
4 COMMISSIONER ALLAN: -- let me say that at -- everything  
5 you said is correct. But there's also -- also a time and place  
6 for certain things. There are -- are situations that need --  
7 need to be dealt with. Our district attorney needs to deal with  
8 things. Our county manager needs to deal with things. That  
9 sometimes timing isn't always what you want.  
10 And as far as this agenda item, if you're -- if you don't  
11 agree with it, I'm sorry. But it's not whether or not you want  
12 something on the agenda right now.  
13 There's a reason we have a county manager and a district  
14 attorney and five of us up here to make the determination of  
15 when we want something on the agenda and how we are going to  
16 discuss it.  
17 BERT RAMOS: And that's why we lack transparency.  
18 COMMISSIONER ALLAN: No. That is not lack of transparency.  
19 That is policy.  
20 BERT RAMOS: Where is that policy at?  
21 CHAIRMAN WAITS: Okay. So we are --  
22 COMMISSIONER ANCHO: Okay.  
23 CHAIRMAN WAITS: -- going to defer this item right now.  
24 COMMISSIONER CLARK: Well, I'd like to make a motion.  
25 CHAIRMAN WAITS: You'd like to make a motion?  
26 COMMISSIONER CLARK: Yeah. I would like to make a motion  
27 to request the DA to investigate this situation and see if we do  
28 need some kind of a procedure.  
29 COMMISSIONER ALLAN: It's not agendized that way. You  
30 can't.  
31 KEITH WESTENGARD: I believe it --  
32 COMMISSIONER ANCHO: Developing --  
33 KEITH WESTENGARD: -- it's talking --  
34 COMMISSIONER ANCHO: -- procedure.  
35 KEITH WESTENGARD: -- about procedures.  
36 COMMISSIONER ANCHO: It says "developing procedures" right  
37 there.  
38 DISTRICT ATTORNEY HERRERA: You can -- I -- I can be  
39 requested to investigate the procedures that have been used in  
40 the past and then present that to the board.

1 COMMISSIONER CLARK: Exactly.

2 DISTRICT ATTORNEY HERRERA: And -- and I can get specific  
3 in -- in -- in doing that. But then we reagendize it --

4 COMMISSIONER CLARK: Right.

5 DISTRICT ATTORNEY HERRERA: -- at that point. But then  
6 that would give me the opportunity to talk to (indiscernible,  
7 crosstalk).

8 BERT RAMOS: Correct.

9 DISTRICT ATTORNEY HERRERA: -- and every -- and Keith and  
10 everybody else, in- -- including my department. We do  
11 independent contracts, contractor services. I mean, most  
12 departments do.

13 So a little investigation is needed before I can --  
14 can say -- answer any specific questions. Was that appropriate?  
15 Was that not appropriate? Was that --

16 And -- and I -- I just can't answer those questions at this  
17 time.

18 COMMISSIONER SPARKS: I'm fine with that.

19 COMMISSIONER CLARK: Did you second that?

20 CHAIRMAN WAITS: Okay. Bryan seconded that. Is there any  
21 other discussion?

22 COMMISSIONER ANCHO: Yes. I'm processing this.  
23 Give me a second here to --

24 I think that with emotions running high on this, when --  
25 when there's conflicts, you can also look at it just the way  
26 people are looking at viewing something.

27 You and I may have a conflict. That's not like I'm saying  
28 that you're doing something wrong. And I've met with you before  
29 on different stuff, going, make me understand this.

30 Whether I agreed with you or disagreed with you at the  
31 time, it can be a conflict.

32 So I think that we figure out, like I said, developing a  
33 procedure. And if there is, yes, the NRS allows you to do --  
34 have -- you have this much leeway, but there are different  
35 things that play into the things that do factor into that.

36 And so it is transparent that we put it all out there,  
37 saying, yes, you can do this. No, you can do this. And, yes,  
38 you have a leeway, but some of the things you don't on.

39 So let's find out what we have leeway on, what we don't  
40 have leeway on, and, you know, go from there and find a

1 procedure so from this point forward we're doing -- every- --  
2 everybody knows what we're all supposed to be doing and doing it  
3 the right way.

4 So I know conflict automatically makes your -- you know.

5 But it's -- people have different opinions. And an opinion  
6 can be, you know, just look at it that way instead of emotions  
7 going through the roof right away, where you take a second and  
8 step back a little bit and try to figure out what the proper way  
9 is and making sure if -- if we are doing it right now. Or if we  
10 are doing it wrong, let's correct, are the issue.

11 COMMISSIONER SPARKS: Well, I think --

12 COMMISSIONER ANCHO: So --

13 COMMISSIONER SPARKS: -- that's what we're saying is giving  
14 our --

15 COMMISSIONER ANCHO: Well, no. And I know.

16 COMMISSIONER SPARKS: -- counsel --

17 COMMISSIONER ANCHO: But I just think that --

18 BERT RAMOS: And I would like that discussion in an open  
19 meeting.

20 COMMISSIONER ANCHO: No. Absolutely. And I --

21 BERT RAMOS: You know, --

22 COMMISSIONER ANCHO: -- agree.

23 BERT RAMOS: -- if -- if --

24 COMMISSIONER ANCHO: No, and I --

25 BERT RAMOS: -- if it -- if it is being done wrong, it's  
26 being done wrong by me.

27 COMMISSIONER SPARKS: Yeah.

28 COMMISSIONER ANCHO: Uh-huh.

29 BERT RAMOS: And so --

30 COMMISSIONER ANCHO: No, absolutely.

31 BERT RAMOS: -- I have absolutely no issue with -- with  
32 being the one that takes the heat in an open meeting.

33 COMMISSIONER ANCHO: Oh, no. Absolutely. And I -- and I  
34 agree. But I just -- so, you know, everybody, you know, looking  
35 at a broader view of stuff and -- so --

36 COMMISSIONER ALLAN: So I --

37 COMMISSIONER ANCHO: -- that's all.

38 COMMISSIONER ALLAN: -- I -- I just want to add is we  
39 already have the policies as far as -- as departments,  
40 department heads, supervisors on -- on utilization of -- of

1 certain professional services, contracts, et cetera.

2 And there's also, as Ted mentioned, is there are also NRS  
3 statutes that mandate. We already know what that is. We already  
4 know what is allowed by the NRS and what Lander County does.

5 COMMISSIONER SPARKS: Well, if already know -- not to  
6 interrupt -- why isn't it in our packet? I -- I'd like -- I  
7 mean, if we're talking about something that's facts, why isn't  
8 it in our packet for us to draw --

9 COMMISSIONER CLARK: Yeah.

10 COMMISSIONER SPARKS: -- from rather than just saying, we  
11 have these things. Where are they at? As a commissioner, I  
12 want to see them. It was agendized. The procedures? The  
13 policies? What? Where are they at?

14 So maybe --

15 COMMISSIONER ALLAN: Well -- so --

16 COMMISSIONER SPARKS: -- maybe this next time we'll have  
17 those things and we --

18 UNIDENTIFIED PARTICIPANT: Yeah.

19 COMMISSIONER SPARKS: -- can discuss them. And --

20 COMMISSIONER ANCHO: Exactly.

21 COMMISSIONER SPARKS: -- let's just move --

22 COMMISSIONER ALLAN: So --

23 COMMISSIONER SPARKS: -- forward.

24 COMMISSIONER ALLAN: -- so, Bryan, one thing, you know,  
25 and -- and I don't know what statute it falls under as far as  
26 professional services. You know, bidding -- bidding procedures,  
27 you know, it's different.

28 That is -- that's entirely different than -- than  
29 professional services as far as what is allowed per contract.

30 You know, it's -- it's spelled out very clearly on bidding  
31 procedures. And -- and I don't know -- I didn't look up what  
32 professional services -- what those are allowed. So I -- I can't  
33 speak on that because, like I said, I don't know what the NRS is.  
34 But these are spelled out in the NRS.

35 COMMISSIONER ANCHO: No, I --

36 CHAIRMAN WAITS: Keith?

37 COMMISSIONER ANCHO: -- think we go forward.

38 KEITH WESTENGARD: I'd like to address Commissioner Sparks.

39 My original agenda request that was put in was very  
40 specific.

1           If that agenda request had stayed in its original form,  
2 there would have been additional backup material related to my  
3 original agenda request.

4           COMMISSIONER SPARKS:   Okay.   I got it.

5           COMMISSIONER ANCHO:    Okay.

6           KEITH WESTENGARD:   I would -- I would respectfully request  
7 that -- that Ted, the DA, make this somewhat of a priority.

8           This is an exhausting situation to me and I'm sick and  
9 tired of it and I want to get it done. And -- and I want to  
10 move on with things.

11          I have a lot of things going on in this county. And it  
12 would be -- I would be very appreciative if -- if it could be  
13 moved ahead and we can continue with on with our projects.

14          Bert does a good job on stuff. And -- and I want it to  
15 continue.

16          COMMISSIONER SPARKS:   I would agree.

17          COMMISSIONER ANCHO:    I agree.

18          KEITH WESTENGARD:   Thank you. That -- that's all --

19          CHAIRMAN WAITS:    Okay. So --

20          KEITH WESTENGARD:   -- I'm asking for.

21          COMMISSIONER CLARK:   I agree.

22          KEITH WESTENGARD:   Let's --

23          COMMISSIONER CLARK:   Bert --

24          KEITH WESTENGARD:   -- get it done so I don't have to deal  
25 with --

26          CHAIRMAN WAITS:    Okay. So --

27          KEITH WESTENGARD:   -- any of this.

28          CHAIRMAN WAITS:    -- so the -- the motion is that -- that  
29 the DA continue looking into it and come back with us whether --  
30 what kind of procedures we need.

31          COMMISSIONER CLARK:   Investigate.

32          CHAIRMAN WAITS:    Right?

33          Well, I --

34          COMMISSIONER CLARK:   That was --

35          CHAIRMAN WAITS:    -- said --

36          COMMISSIONER CLARK:   -- my --

37          CHAIRMAN WAITS:    -- looking --

38          COMMISSIONER CLARK:   That was --

39          CHAIRMAN WAITS:    -- into.

40          COMMISSIONER CLARK:   -- my word.

1 DISTRICT ATTORNEY HERRERA: Well, I can come -- I can come  
2 up with -- with -- with both policy of Lander County and the --  
3 and Nevada Revised Statutes and any --

4 CHAIRMAN WAITS: Okay.

5 DISTRICT ATTORNEY HERRERA: -- Lander County ordinances and  
6 the procedure that -- that has been taking place in -- in the  
7 last few years that I can find out after I talk to different  
8 people. And I can present all this information to the board.  
9 And you can do with it what you will.

10 CHAIRMAN WAITS: Okay. The motion was made by Judie. It  
11 was seconded by Bryan. I need --

12 COMMISSIONER ALLAN: No. I didn't --

13 COMMISSIONER SPARKS: No.

14 COMMISSIONER CLARK: No. I --

15 COMMISSIONER SPARKS: It was --

16 COMMISSIONER ALLAN: -- make --

17 COMMISSIONER CLARK: -- made --

18 COMMISSIONER SPARKS: -- Art.

19 COMMISSIONER CLARK: -- the --

20 COMMISSIONER ALLAN: -- the motion.

21 COMMISSIONER CLARK: -- motion, Patsy.

22 CHAIRMAN WAITS: Oh. I'm sorry. I'm reading the wrong  
23 one.

24 Art made the motion. Bryan seconded. Thank you.

25 Any public comment?

26 COMMISSIONER ALLAN: I'd like to add an additional cont- --  
27 comment to that. And -- and this is -- basically these  
28 procedures in general. It's not specific incidences. This is  
29 in general.

30 We are not investigating any specific incidences within  
31 Lander County.

32 CHAIRMAN WAITS: All those in favor?

33 COMMISSIONER CLARK: Aye.

34 COMMISSIONER SPARKS: Aye.

35 COMMISSIONER ANCHO: Aye.

36 CHAIRMAN WAITS: Aye.

37 Any opposed?

38 (No comment.)

39 CHAIRMAN WAITS: Okay. And that passes. And while you're  
40 here, we'll do Number 16.

1     **16) Update from the update from the Public Works director, and**  
2     **all other properly related thereto.**

3  
4           CHAIRMAN WAITS: Update from the Public Works director, and  
5 all other properly related thereto matters.

6           BERT RAMOS: All righty. So Bert Ramos, for the record,  
7 again.

8           All of our projects we finished paving up in Austin. It's  
9 going really well.

10          We did have some extremely high water. We had some upset  
11 citizens down there or ranchers, I should say, because we had to  
12 divert some water.

13          I did get ahold of Nevada Division of Water Resource prior  
14 to the diversion. So we were clear to do so.

15          Since talking to the ranchers, they've idled down. They're  
16 good. Life is good. There was a -- a situation we weren't  
17 aware prior to the diversion.

18          But everything has -- has went really well.

19          We're -- we're paving out here. If you guys want to drive  
20 down, maybe today, when you're -- you're all done here, we  
21 should be really close to finishing up our paving project out  
22 here by the -- headed from Allen Road to the school.

23          Sewer --

24          COMMISSIONER CLARK: That's a --

25          BERT RAMOS: Yeah. It's going to --

26          COMMISSIONER CLARK: -- that's another racetrack, buddy.

27          BERT RAMOS: It's another racetrack. I know. Poor Unger.  
28 He's going to have his hands full again.

29          The other thing that I would like to address is water  
30 rights.

31          So I do move our water rights around from location to  
32 location, well to well, everything within the basin.

33          And -- and I maintain them no different than I do a county  
34 blade -- a county-maintained blade.

35          I know that there's been -- Judie's told people that, you  
36 know, I should be terminated because I'm moving water rights.  
37 But I just want to be clear and --

38          COMMISSIONER ALLAN: Excuse me.

39          BERT RAMOS: -- and transparent --

40          COMMISSIONER ALLAN: Excuse --

1 BERT RAMOS: -- to --  
2 COMMISSIONER ALLAN: -- me.  
3 BERT RAMOS: -- the agenda.  
4 COMMISSIONER ALLAN: That is not true.  
5 BERT RAMOS: So I want --  
6 COMMISSIONER ALLAN: I never --  
7 BERT RAMOS: -- to --  
8 COMMISSIONER ALLAN: said that.  
9 BERT RAMOS: -- I want to be clear and transparent that I  
10 do move our water rights. And if we -- we can go back. When I  
11 first came down here, we -- we actually operated off of  
12 notices -- late notices and were on the verge of losing some  
13 water rights because we had not proved beneficial use on them.  
14 And that's why I transfer water rights from well to well.  
15 Like you guys seen earlier from the presentation with BLM, some  
16 years they use a tremendous amount of water. Some years --  
17 So 326,000 gallons is one acre-foot of water. I believe  
18 they had 12 or 15 acre-feet of water allocated to the airport  
19 well. And they're using roughly one acre-foot a year.  
20 So every five years you have prove beneficial use or the  
21 state has the right to come in and sweep them rights.  
22 With us moving the wells out of town to the valley, a lot  
23 of these wells in town were not getting utilized anymore. So  
24 them rights were on the edge of -- of us losing them if we  
25 couldn't move them around. That's why we did some of these  
26 projects with watering the park with truck fill.  
27 So I've moved some water rights from the airport in and  
28 back and forth and all over. But I want you guys to know, it's  
29 the best interest of the county full-time.  
30 I have absolutely zero problem agendizing every single move  
31 and bringing them before this commission. I have never done  
32 that in the past because it's always been for the benefit of the  
33 county and protecting our vested water right.  
34 But I just want -- these are the things I would like to  
35 just have here for you guys -- if you guys want me to change how  
36 I'm operating, I will change it.  
37 But I don't want to hear it on the back. I don't want  
38 Keith coming and jumping my case, "Hey, what the hell are you  
39 doing this for?" when -- when it's something that I've done over  
40 and over and -- and for the benefit of the county, no different



1 than, like I say, changing the oil on a blade.

2 So, with that said, I'll have another update with -- for you  
3 guys after the first and let you guys know how the rest of our  
4 projects kind of tied together. They're -- they're coming  
5 together good. And we're getting ready to -- we're going to be  
6 ahead of the game further than we have been ever before this year  
7 when it comes to putting projects out to bid. And we're going to  
8 be starting on projects that we just got the budget for, you know.  
9 By the end of July, they'll -- we'll be opening bids and I'll be  
10 back in front of you guys so --

11 COMMISSIONER SPARKS: I s- --

12 BERT RAMOS: -- so we don't have this end of the year  
13 crunch --

14 CHAIRMAN WAITS: (Indiscernible.)

15 BERT RAMOS: -- is what we're hoping for. It always seems  
16 to happen. But every year we get a little less of it. So  
17 that's -- that's my update.

18 COMMISSIONER CLARK: What are we -- what are we talking  
19 about?

20 If you didn't move -- if you didn't go through the -- your  
21 process and -- and how you're trying to protect our rights, how  
22 much would we have lost?

23 BERT RAMOS: Well, in town here alone, we -- we would have  
24 lost over 900 acre-feet of water.

25 CHAIRMAN WAITS: Well, see --

26 BERT RAMOS: And that's --

27 CHAIRMAN WAITS: -- prev- --

28 BERT RAMOS: -- just because we moved -- so the basins,  
29 there's a basin line here that divides from -- from the basin of  
30 clean water to the basin -- when I say clean water -- of  
31 municipal water and the basin that's high arsenic water. So  
32 the- -- all these wells that have been over here, we haven't  
33 been able to pump to put to beneficial use because they used to  
34 be municipal wells. But we hadn't --

35 COMMISSIONER CLARK: Right.

36 BERT RAMOS: -- for years. So by us moving these and  
37 trying to put stuff on them, it's been -- it's been huge.

38 COMMISSIONER CLARK: A lot of water.

39 CHAIRMAN WAITS: But prior -- prior to you doing that, we  
40 did have an independent contractor that we paid. And he did the

1 same thing.

2 We -- we have to save our water rights. And because of the

3 beneficial use, it has to be moved.

4 So we have always done that.

5 BERT RAMOS: Right.

6 CHAIRMAN WAITS: It's just that you've been doing it so it

7 wasn't his report. It's now you. And we don't have him.

8 BERT RAMOS: Yes. And --

9 CHAIRMAN WAITS: But --

10 BERT RAMOS: -- no -- and no insult to him, by any means,

11 but, like, for example, when I got here, we didn't even have

12 water rights on Well Number 9 out there. Our number one well in

13 the valley that provides this community with water --

14 COMMISSIONER CLARK: Right.

15 BERT RAMOS: -- had zero water rights. Them -- them are

16 things that are kind of important.

17 CHAIRMAN WAITS: Well, ve- -- extremely --

18 COMMISSIONER CLARK: Yeah. Just a little --

19 CHAIRMAN WAITS: So it's --

20 COMMISSIONER CLARK: -- bit.

21 CHAIRMAN WAITS: -- important that we do. Okay.

22 COMMISSIONER CLARK: Thank you, --

23 CHAIRMAN WAITS: Any --

24 COMMISSIONER CLARK: -- Bert.

25 CHAIRMAN WAITS: -- questions?

26 KEITH WESTENGARD: I -- Bert, could you kind of go over the

27 senior water rights as well that we almost lost?

28 BERT RAMOS: Oh, yes.

29 KEITH WESTENGARD: Literally weeks.

30 CHAIRMAN WAITS: The what?

31 KEITH WESTENGARD: Senior --

32 COMMISSIONER CLARK: Senior.

33 KEITH WESTENGARD: -- water rights from the 1800s.

34 BERT RAMOS: So we have -- we have some senior rights that

35 are surface water rights that I think got looked over because

36 they are not used as municipal water.

37 But they are Lander County's right. And -- and we were on

38 the -- literally on the edge of within -- within a week or so is

39 what -- what I was told by the Division of Water Resources of

40 losing -- and that was 1500-and-something acre-feet. It's a

1 tremendous amount of water -- because we had not put any  
2 applications in or verified any use and provided a map to show  
3 them where we were putting it to use.

4 And so long story short, we -- we got all that remedied.  
5 And then there are things that I don't bring to you guys. I probably  
6 should bring more too. But it's just -- it's -- you take care  
7 of it and you move on and you forget that you -- you know, it's  
8 just life.

9 CHAIRMAN WAITS: I -- I think because the water is -- is so  
10 important to all of us, just include them in your report. So --

11 BERT RAMOS: Okay.

12 CHAIRMAN WAITS: -- so that we know. And I think we'd like  
13 to know.

14 BERT RAMOS: Okay.

15 COMMISSIONER ALLAN: What were those water rights?

16 BERT RAMOS: What's that?

17 COMMISSIONER ALLAN: What were those senior water rights?

18 BERT RAMOS: They're the ones that come out that we were  
19 actually thinking about using our reservoir for.

20 COMMISSIONER ALLAN: So the Rock Creek Dam?

21 BERT RAMOS: Correct.

22 CHAIRMAN WAITS: Thank you.

23 COMMISSIONER ALLAN: So those water rights have been  
24 utilized by Tomeras and also by whoever the gentleman is that  
25 bought -- bought the ranch out there.

26 Is --

27 BERT RAMOS: If you utilize it -- so just to be clear -- so  
28 if we're utilizing the rights, but if we are not reporting to  
29 the state, --

30 COMMISSIONER ALLAN: And -- and -- and --

31 BERT RAMOS: -- they don't -- they don't recognize that.

32 COMMISSIONER ALLAN: Right. And -- and I understand that,  
33 Bert.

34 I was just saying that -- that we actually were utilizing  
35 them, but I'm not sure who -- who was responsible for reporting  
36 them, which probably, obviously, the county was, because they're  
37 our rights, even though we lease them to these other  
38 individuals.

39 So -- so that was definitely a --

40 COMMISSIONER SPARKS: So well done.

1 COMMISSIONER ALLAN: -- you know, a -- a misstep there that  
2 somehow or other nobody knew who was supposed to maybe report  
3 them. And --

4 CHAIRMAN WAITS: But we got it. Thank you.

5  
6  
7 **TREASURER**

8  
9 **22) Discussion and possible action to approve/disapprove payment**  
10 **to Lander County Treasurer for payment of taxes held for**  
11 **2019-20, and all other matters properly related thereto.**  
12

13 CHAIRMAN WAITS: Okay. And our -- our last big one is for  
14 our treasurer. Twenty-two is a nice -- nice easy one. It gets  
15 a little bit more complicated from there.

16 But we'll start with discussion and possible action to  
17 approve or disapprove payment to Lander County treasurer for  
18 payment of taxes held for 2019-2020, and all other matters  
19 properly related thereto.

20 And there is a recommendation on the motion there.

21 COMMISSIONER CLARK: Take a breath, Jusdi.

22 JUSDIVIA JOHNSON: I'm breathing.

23 CHAIRMAN WAITS: Hello. Hello.

24 JUSDIVIA JOHNSON: I'm a little nervous.

25 Okay. So this is just basically people that pay in advance  
26 for their taxes. We hold it and then we put it towards their  
27 '19/'20 taxes.

28 CHAIRMAN WAITS: Okay.

29 GRACE KEMP: Would you just please sign the back, Chair.  
30 (Indiscernible.) We'll need to cut a check for that.

31 COMMISSIONER ALLAN: I'll have to lose my (indiscernible).

32 CHAIRMAN WAITS: I have that. Thank you.

33 GRACE KEMP: I'm sorry. Okay.

34 CHAIRMAN WAITS: Yeah. It's in our backup.

35 GRACE KEMP: But we usually hand it to Finance and have  
36 them pay it. Do we not do it that way anymore?

37 CHAIRMAN WAITS: No, you do.

38 GRACE KEMP: Okay.

39 CHAIRMAN WAITS: Do I need to sign this?

40 GRACE KEMP: Yeah. Well, it's not signed by a commission

1 approval.  
2 CHAIRMAN WAITS: Okay.  
3 COMMISSIONER SPARKS: So she's --  
4 CHAIRMAN WAITS: So --  
5 COMMISSIONER SPARKS: Yes.  
6 CHAIRMAN WAITS: -- so after we make the motion, you want  
7 this signed.  
8 COMMISSIONER SPARKS: Yes.  
9 GRACE KEMP: Please. I need (indiscernible).  
10 CHAIRMAN WAITS: Oh, I got it.  
11 GRACE KEMP: Okay.  
12 CHAIRMAN WAITS: Oh, okay.  
13 GRACE KEMP: I --  
14 CHAIRMAN WAITS: I thought --  
15 GRACE KEMP: -- apologize.  
16 CHAIRMAN WAITS: -- it was just additional information. I  
17 went, I already have that.  
18 GRACE KEMP: Oh.  
19 CHAIRMAN WAITS: Okay.  
20 Any questions?  
21 (No comment.)  
22 CHAIRMAN WAITS: Okay. We ready for the motion?  
23 COMMISSIONER ALLAN: I'll make a motion we approve payment  
24 to Lander County treasurer for the payment of taxes held for the  
25 2019-2020 year.  
26 COMMISSIONER ANCHO: I'll second it.  
27 CHAIRMAN WAITS: Thank you.  
28 Kathy made the motion. I mean, Judie made the motion.  
29 Kathy seconded that.  
30 GRACE KEMP: Did she say the dollar amount?  
31 CHAIRMAN WAITS: Any other discussion?  
32 (No comment.)  
33 CHAIRMAN WAITS: No public comment. Okay.  
34 All in favor?  
35 COMMISSIONER SPARKS: Aye.  
36 COMMISSIONER ANCHO: Aye.  
37 COMMISSIONER CLARK: Aye.  
38 COMMISSIONER ALLAN: Aye.  
39 CHAIRMAN WAITS: Aye.  
40 Thank you.

1 COMMISSIONER ALLAN: (Indiscernible.)

2  
3 23) Discussion and possible action to approve/disapprove  
4 Resolution 2019-04 to levy the 2019-20 tax rates, and all  
5 other matters properly related thereto.  
6

7 CHAIRMAN WAITS: Twenty-three. Discussion and possible  
8 action to approve or disapprove Resolution 2019-04 to levy the  
9 2019-20 tax rates, and all other matters properly related  
10 thereto.

11 JUSDIVIA JOHNSON: So on Tuesday the 25th, the tax  
12 commission certified the tax rates. So now it's just time for  
13 county commissioners to levy the tax rates. And that's what  
14 this is.

15 COMMISSIONER ALLAN: So I'll make a motion we approve  
16 Resolution Number 2019-04 of the Board of Lander County  
17 Commissioners, a resolution by the Lander County Commissioners,  
18 State of Nevada, to levy the *ad valorem* property tax rate  
19 required for the fiscal year July 1, 2019, through June 30,  
20 2020, in accordance with NRS 361.460.

21 Whereas NRS 361.460 states, Immediately after the Nevada  
22 Tax Commission shall -- shall certify the combined tax rate, the  
23 Board of County Commissioners shall by resolution proceed to  
24 levy the tax rates required for the fiscal period beginning  
25 the succeeding July 1st, designating the number of cents of each  
26 hundred dollars of property leveled [verbatim] for each fund.

27 Now, therefore, it is hereby resolved by the Board of  
28 County Commissioners of Lander County, now, that the Nevada Tax  
29 Commission has certified the combined tax rate and the levy of  
30 taxes in Lander County for the fiscal period beginning July 1,  
31 2019, shall be in accordance with the following schedule for  
32 each fund of a hundred dollars of property: General Fund,  
33 1.2670; Road and Bridge, 0.1909; Indigent, 0.0755; Ag Extension,  
34 0.0150; Aging Services, 0.0850; Airport, 0.0400; Culture and  
35 Recreation, 0.0895; Youth Services, 0.0009; State Indigent,  
36 NACo, 0.0150; State Medical Indigency, 0.0655; Capital  
37 Acquisition, 0.0300; Lander County Landfill, 0.0500; Hospital,  
38 0.5109; School, 0.7500; State Rate, 0.1700. Base, 3.3552.

39 Specials: Sewer and Water District #2, 0.677 -- .0677;  
40 Austin Town, .2213; Battle Mountain Town, .0500; Kingston Town,

1 .3048.  
2 Passed and adopted this 27th day of June, 2019.  
3 And I authorize the chair to sign.  
4 COMMISSIONER ANCHO: Second.  
5 CHAIRMAN WAITS: Thank you. Ka- -- Judie made the motion.  
6 Kathy seconded it.  
7 COMMISSIONER SPARKS: I have a question. So are these --  
8 are these rates set by --  
9 COMMISSIONER CLARK: NRS.  
10 COMMISSIONER SPARKS: -- state statute? Or are -- or --  
11 JUSDIVIA JOHNSON: Yes.  
12 COMMISSIONER SPARKS: -- is this something that we can --  
13 can we -- like if we said, well, we'd like to lessen this one  
14 up, make this one a little bit more to put a little bit more  
15 there, is that something we can do? Or is it -- or is it out of  
16 our --  
17 GRACE KEMP: Do you want me --  
18 COMMISSIONER SPARKS: -- hands?  
19 GRACE KEMP: -- to answer that?  
20 JUSDIVIA JOHNSON: We did move one, didn't we?  
21 GRACE KEMP: You absolutely can move them.  
22 The ones you cannot move would be the -- the state rate.  
23 The legislatures make that decision.  
24 The school is statutory.  
25 COMMISSIONER SPARKS: Okay.  
26 GRACE KEMP: The hospital, the .5109 -- I believe it is --  
27 has been that way for years.  
28 What's happened is your -- your NRS statute is basically --  
29 well, not NRS statute -- the -- the statute's 3.66. You cannot  
30 go over 3.66.  
31 COMMISSIONER SPARKS: That's the cap --  
32 GRACE KEMP: So when --  
33 COMMISSIONER SPARKS: -- on it (indiscernible).  
34 GRACE KEMP: -- you add your specials to your base,  
35 Kingston's maxed out. You're at 366.  
36 COMMISSIONER ANCHO: Makes sense.  
37 GRACE KEMP: Austin's at 3.64 something.  
38 Battle Mountain, I think, is 3.6?  
39 Anyway, we're right up there.  
40 So in order to move them, the only ones you really have

1 room to move, unless something changes, would be your base rate.

2 COMMISSIONER SPARKS: Got you.

3 GRACE KEMP: And, absolutely, you can take money out of the  
4 General Fund, give it to Road and Bridge, give it --

5 COMMISSIONER SPARKS: Right.

6 GRACE KEMP: -- to Indigent, give it to Ag Extension,  
7 switch a penny here and there.

8 And we have done that. And Jusdi's --

9 JUSDIVIA JOHNSON: (Indiscernible.)

10 GRACE KEMP: -- correct, like the -- the Youth Services.  
11 We've changed it.

12 COMMISSIONER SPARKS: Okay.

13 GRACE KEMP: We've changed the NACo a little bit, you  
14 know, --

15 COMMISSIONER SPARKS: Okay.

16 GRACE KEMP: -- for the indigent.

17 So it's not set in stone. It's just stayed very slim- --  
18 similar for years and --

19 COMMISSIONER SPARKS: Okay.

20 GRACE KEMP: -- and years and years.

21 COMMISSIONER SPARKS: Thank you.

22 CHAIRMAN WAITS: Okay. No one here for public comment.  
23 So all in favor?

24 COMMISSIONER SPARKS: Aye.

25 COMMISSIONER CLARK: Aye.

26 COMMISSIONER ANCHO: Aye.

27 COMMISSIONER ALLAN: Aye.

28 CHAIRMAN WAITS: Aye.

29 Thank you. And that passes.

30  
31 24) Discussion and possible action to approve/disapprove a letter  
32 on one (1) year delinquent taxes per NRS 361.5648 and NRS  
33 361.565, and to read said letter into the record, and all  
34 other matters properly related thereto.  
35

36 CHAIRMAN WAITS: Okay. Moving on to 24.

37 Discussion and possible action to approve or disapprove a  
38 letter on one-year delinquent taxes per NRS 361.5648 and NRS  
39 361.565, and to read said letter into the record, and all other  
40 matters properly related thereto.



1 GRACE KEMP: If the motion passes.  
2 CHAIRMAN WAITS: Yeah. We -- we did kind of a new motion  
3 here. Actually, --  
4 GRACE KEMP: I'm not sure if you want that.  
5 CHAIRMAN WAITS: -- it was a little misleading when I read  
6 the letter because the le- -- it isn't really a letter to us.  
7 It is an affidavit to us telling us what actually has been done.  
8 So that needs to be made -- needs to be read into the  
9 motion, the -- this affidavit to us.  
10 And then she has a motion also on the -- accepting the  
11 personal affidavit.  
12 This is the information that needs to go on the record.  
13 COMMISSIONER ALLAN: Okay. So we need to approve a letter.  
14 CHAIRMAN WAITS: Actually, --  
15 GRACE KEMP: Ask if -- ask if you want to (indiscernible).  
16 CHAIRMAN WAITS: -- you're acknowledging the affidavit and  
17 then reading it into the --  
18 JUSDIVIA JOHNSON: So you want me to go ahead and read it?  
19 The letter?  
20 CHAIRMAN WAITS: No, we'll read it in -- into the motion.  
21 JUSDIVIA JOHNSON: Okay.  
22 CHAIRMAN WAITS: Yeah.  
23 COMMISSIONER ALLAN: Okay. Read the letter? Or read the  
24 affidavit?  
25 CHAIRMAN WAITS: Read -- read this first. And then read  
26 this. Yeah.  
27 COMMISSIONER ALLAN: All right. So I -- so then I make a  
28 motion to approve.  
29 CHAIRMAN WAITS: To -- right here.  
30 COMMISSIONER ALLAN: Well, yeah. But okay. Anyway.  
31 I'm --  
32 CHAIRMAN WAITS: Because --  
33 COMMISSIONER ALLAN: -- okay -- I move to acknowledge the  
34 Lander County treasurer's personal affidavit to the Board of  
35 County Commissioners affirming that due notice has been mailed  
36 with respect to each parcel.  
37 Letter from the Lander County Treasurer Jusdivia Johnson,  
38 dated May 30, 2019, to the Board of Lander County Commissioners  
39 regarding the issuance of affidavit and legal advertisement of  
40 delinquent taxes.

1 Pursuant to NRS 361.5648, the undersigned does hereby  
2 affirm that each taxpayer has been -- was given due notice by  
3 first-class mail of the delinquency with respect to each parcel.  
4 Eight hundred eighty-two parcels were delinquent in payment of  
5 taxes due for 2018-2019. Five hundred and forty-three envelopes  
6 were mailed. Forty-eight envelopes were returned as  
7 undeliverable with no forwarding addresses as of May 23, 2019.  
8 Fifty-eight notices were within the envelopes determined as  
9 undeliverable with no forwarding add- -- address as of May 23,  
10 2016.

11 Very truly yours. Signed Jusdivia -- Jusdivia  
12 Johnson, Lander County treasurer and ex-officio tax receiver.

13 GRACE KEMP: Was -- there's a correction. The last date  
14 should not be '16. We did not catch that. So that should be  
15 '19.

16 COMMISSIONER ALLAN: Oh. Okay.

17 GRACE KEMP: If you -- if -- can we put that in the record?  
18 Would that be fine to change it?

19 COMMISSIONER ALLAN: And you're not going to make me read  
20 it again.

21 GRACE KEMP: Well, we had the top one right. Darn it.

22 JUSDIVIA JOHNSON: Okay.

23 COMMISSIONER ALLAN: So I will correct that as read to  
24 state May 23, 2016 [verbatim].

25 COMMISSIONER SPARKS: Second.

26 CHAIRMAN WAITS: Thank you.

27 Judie made the motion and Bryan seconded it. Again, no --  
28 no one here for public comment.

29 All in favor?

30 COMMISSIONER SPARKS: Aye.

31 COMMISSIONER ANCHO: Aye.

32 CHAIRMAN WAITS: Aye.

33 COMMISSIONER ALLAN: Aye.

34 COMMISSIONER CLARK: Do all the people on this list know  
35 that they owe money?

36 JUSDIVIA JOHNSON: Yes.

37 COMMISSIONER ALLAN: Well, some of them do.

38 JUSDIVIA JOHNSON: Some of --

39 COMMISSIONER ALLAN: Some of --

40 JUSDIVIA JOHNSON: -- them.

1 COMMISSIONER ALLAN: -- them didn't get the letter.  
2 GRACE KEMP: Tell them they have --  
3 JUSDIVIA JOHNSON: But they all had to -- we had to start  
4 over with the whole process this year where everyone became a  
5 one-year delinquent.

6 COMMISSIONER CLARK: Sounds good to me. Lander County  
7 Safety Complex owes \$1530?  
8

9 25) Discussion and possible action to approve/disapprove the  
10 transfer of delinquent water/sewer accounts to the 2018-19  
11 secured tax roll as reconciled on June 27, 2019: a) to  
12 transfer the reconciled accounts to Lander County Code  
13 Section 13.04.050(7)(E) Battle Mountain; b) to transfer the  
14 reconciled accounts according to Lander County Code  
15 Section 13.08.050 Lander County Combined Sewer and Water  
16 District #2; and all other matters properly related thereto.  
17

18 CHAIRMAN WAITS: Number 25.

19 Discussion and possible action to approve or disapprove the  
20 transfer of delinquent water and sewer accounts to the 2018-2019  
21 secured tax roll as reconciled on June 27, 2019.

22 It says, A, to transfer the reconciled accounts over into  
23 Lander County Code Section 13.04.050(7)(E) Battle Mountain; B,  
24 to transfer the reconciled accounts according to Lander County  
25 Code Section 13.08.050 Lander County Combined Sewer and Water  
26 District #2.

27 And, actually, we're scratching A because we don't have any  
28 backup for A.

29 GRACE KEMP: Well, can we -- can we do a discussion on it  
30 anyway? We don't need a motion, but we would like to inform the  
31 board as to why we put it on there.

32 CHAIRMAN WAITS: We -- we don't have this agendized  
33 properly. It only has the --

34 GRACE KEMP: It says discussion and possible --

35 CHAIRMAN WAITS: -- the Austin --

36 GRACE KEMP: -- action.

37 CHAIRMAN WAITS: -- Water and Sewer. So can we discuss the  
38 rest?

39 GRACE KEMP: Because A is only about Battle Mountain on  
40 the -- on this first twenty --

1 DISTRICT ATTORNEY HERRERA: You can discuss the Battle  
2 Mountain.  
3 COMMISSIONER SPARKS: Yeah.  
4 GRACE KEMP: Yes.  
5 And then B is for Austin. And then the payment is only for  
6 Austin.  
7 CHAIRMAN WAITS: Right.  
8 GRACE KEMP: Okay.  
9 COMMISSIONER SPARKS: So we can discuss A, just there's --  
10 DISTRICT ATTORNEY HERRERA: You can --  
11 GRACE KEMP: Yeah.  
12 COMMISSIONER SPARKS: -- no --  
13 DISTRICT ATTORNEY HERRERA: -- discuss --  
14 COMMISSIONER SPARKS: -- motion --  
15 DISTRICT ATTORNEY HERRERA: -- A, --  
16 COMMISSIONER SPARKS: -- needed.  
17 DISTRICT ATTORNEY HERRERA: -- but there's no --  
18 CHAIRMAN WAITS: It didn't --  
19 DISTRICT ATTORNEY HERRERA: -- action --  
20 CHAIRMAN WAITS: Yeah.  
21 DISTRICT ATTORNEY HERRERA: -- taken on it.  
22 CHAIRMAN WAITS: And then we take the action on B.  
23 DISTRICT ATTORNEY HERRERA: Right.  
24 CHAIRMAN WAITS: Okay.  
25 GRACE KEMP: This -- the -- the packet you have, it has a  
26 hundred and -- I can't remember -- 60-some-odd or 180-some-odd  
27 delinquent water and sewer bills.  
28 CHAIRMAN WAITS: No. That's 26 that has all those.  
29 GRACE KEMP: No, it should be this one so we -- well,  
30 see --  
31 CHAIRMAN WAITS: No.  
32 GRACE KEMP: It's --  
33 CHAIRMAN WAITS: This --  
34 GRACE KEMP: -- this --  
35 CHAIRMAN WAITS: -- is 25. I only --  
36 GRACE KEMP: It was --  
37 CHAIRMAN WAITS: -- have Austin.  
38 GRACE KEMP: There was a packet like this.  
39 CHAIRMAN WAITS: That's 26.  
40 COMMISSIONER SPARKS: Twenty-six.

1 CHAIRMAN WAITS: That's 26.  
2 GRACE KEMP: That is just to pay the -- pay it. That  
3 should be just the voucher. They might have put it in your  
4 packet incorrectly.  
5 COMMISSIONER SPARKS: Oh, okay.  
6 GRACE KEMP: This here list is for 25A.  
7 And it's going to say that we don't want you to even  
8 approve moving the delinquent accounts from Water and Sewer --  
9 CHAIRMAN WAITS: Right.  
10 GRACE KEMP: -- into the real roll.  
11 CHAIRMAN WAITS: Okay.  
12 GRACE KEMP: So we're going to discuss that.  
13 CHAIRMAN WAITS: Okay. But all this under -- under 26 --  
14 GRACE KEMP: Six --  
15 CHAIRMAN WAITS: -- goes under 25 for A that we're not  
16 going to take a motion --  
17 GRACE KEMP: No wonder --  
18 CHAIRMAN WAITS: -- on.  
19 GRACE KEMP: -- you were so confused, Patsy.  
20 CHAIRMAN WAITS: I got it.  
21 GRACE KEMP: Okay. So we -- what we're trying to do is the  
22 hundred and how many ever delinquent properties that there were  
23 in Battle Mountain has now changed to the 125, which I'm handing  
24 out to you as an update.  
25 And this is the amount that will not be transferred.  
26 And I'll let Jusdi explain. And then if she needs help,  
27 I'll help her --  
28 JUSDIVIA JOHNSON: Okay.  
29 GRACE KEMP: -- (indiscernible).  
30 JUSDIVIA JOHNSON: We're on 25A. Right?  
31 GRACE KEMP: Yes.  
32 JUSDIVIA JOHNSON: Okay. So we are unable to do the  
33 process this year.  
34 When we did the conversion with Tyler, everyone  
35 defaulted to a one-year -- or not a one-year -- to current.  
36 GRACE KEMP: Current.  
37 JUSDIVIA JOHNSON: And the lien process is not ready  
38 through the Tyler system.  
39 CHAIRMAN WAITS: Computer problems.  
40 COMMISSIONER SPARKS: Good old Tyler.

1 GRACE KEMP: The thing is she can't even do the monthly  
2 lien process yet.

3 CHAIRMAN WAITS: Okay.

4 GRACE KEMP: So the annual -- the yearly end one --

5 JUSDIVIA JOHNSON: I can't do that.

6 CHAIRMAN WAITS: So you do want a motion on 25.

7 GRACE KEMP: Not really. Patsy, we just -- we --

8 CHAIRMAN WAITS: No?

9 GRACE KEMP: -- basically want you to know why that process  
10 isn't happening.

11 CHAIRMAN WAITS: Okay.

12 GRACE KEMP: There's no money going anywhere. We're not  
13 moving anything.

14 CHAIRMAN WAITS: Okay.

15 GRACE KEMP: Normally, we would move it to the tax roll and  
16 bill as you send out a tax bill in the same manner at the same  
17 time.

18 COMMISSIONER BAKKER: Got it.

19 GRACE KEMP: But this year, there's just no way we can do  
20 it. So we want to know -- we wanted you to be ready if you  
21 got -- I mean, there's -- these are going to be two years  
22 delinquent before we do anything with them. And it looks really  
23 bad on your financials.

24 So it's very important that the commission know why that  
25 job was not done this year.

26 CHAIRMAN WAITS: Got it.

27 GRACE KEMP: Okay. And hopefully it'll be -- we're working  
28 on it. We're working on it.

29 CHAIRMAN WAITS: Okay. So we move to 26.

30  
31 26) Discussion and possible action to approve/disapprove payment  
32 for delinquent water and sewer accounts for 2018-19 and to  
33 reconcile them on June 27, 2019: a) to pay accounts according  
34 to Lander County Code Section 13.08.050 Lander County  
35 Combined Sewer and Water District #2; and all other matters  
36 properly related thereto.  
37

38 CHAIRMAN WAITS: Discussion and pos- -- possible action to  
39 approve or disapprove payment for delinquent water and sewer  
40 accounts for 2018-2019 and to reconcile them on June 27, 2019:

1 A, to pay accounts according to Lander County Code  
2 Section 13.08.050 Lander County Combined Sewer and Water District #2,  
3 and all other matters properly related thereto.

4 GRACE KEMP: Okay. So that's --

5 CHAIRMAN WAITS: Okay.

6 GRACE KEMP: There's nothing new on that one, right?

7 JUSDIVIA JOHNSON: No. I don't think so.

8 CHAIRMAN WAITS: So for this one, do we need -- we need the  
9 12,699.20. Is that it?

10 JUSDIVIA JOHNSON: Yes.

11 GRACE KEMP: The motion in the packet that says 25B is  
12 correct. Or -- this is a new motion, isn't it? Excuse me,  
13 folks.

14 CHAIRMAN WAITS: Oh, okay.

15 GRACE KEMP: (Indiscernible.) Just get a new motion for  
16 you.

17 CHAIRMAN WAITS: New motion? Okay.

18 GRACE KEMP: We -- we do that just because had anybody in  
19 Austin paid, then we would have given you the new dollar amount  
20 to approve.

21 CHAIRMAN WAITS: Got it.

22 GRACE KEMP: However, nobody --

23 CHAIRMAN WAITS: But nobody --

24 GRACE KEMP: -- paid.

25 CHAIRMAN WAITS: -- paid. Okay. All right. Then we're  
26 looking at 25B for the motion.

27 COMMISSIONER SPARKS: For 25B?

28 CHAIRMAN WAITS: Yeah. 25B is what we're doing. This is  
29 the motion.

30 COMMISSIONER SPARKS: I'll make a motion to approve the  
31 reconciled delinquent water and sewer accounts be transferred  
32 from Lander County Combined Sewer and Water District #2 to the  
33 secured 2018-19 tax roll per Lander County Code  
34 Section 13.08.050 in the amount not to exceed \$12,699.20, reconciled  
35 on June 27, 2019.

36 COMMISSIONER ANCHO: I'll second.

37 CHAIRMAN WAITS: Okay. Now, for my clarification, it says  
38 25B, but actually we're taking the action under 26. Right?

39 GRACE KEMP: Twenty- -- 25A and B would have allowed the  
40 motion to transfer the accounts to the --

1 CHAIRMAN WAITS: Right.  
2 GRACE KEMP: -- real property --  
3 CHAIRMAN WAITS: So now --  
4 GRACE KEMP: -- roll.  
5 CHAIRMAN WAITS: -- so we're taking the action under 26.  
6 GRACE KEMP: Twenty- --  
7 COMMISSIONER SPARKS: Yeah. My motion --  
8 GRACE KEMP: -- -six --  
9 COMMISSIONER SPARKS: -- was --  
10 GRACE KEMP: -- is going to --  
11 COMMISSIONER SPARKS: -- for 26.  
12 GRACE KEMP: -- approve a check.  
13 CHAIRMAN WAITS: The motion is for 26.  
14 GRACE KEMP: The motion -- yes, correct.  
15 CHAIRMAN WAITS: But the information is from 25B.  
16 COMMISSIONER SPARKS: Yeah.  
17 CHAIRMAN WAITS: Okay.  
18 GRACE KEMP: Well, yes and no. Yes and no.  
19 There's motions on 25B to move the accounts and the dollar  
20 amounts from the water and sewer to the Lander County treasurer  
21 to bill them on the tax roll.  
22 COMMISSIONER SPARKS: So we --  
23 GRACE KEMP: Now the --  
24 COMMISSIONER SPARKS: -- didn't make --  
25 GRACE KEMP: -- 26 is to approve a payment.  
26 COMMISSIONER SPARKS: We didn't make a motion for 25B. We  
27 need to.  
28 CHAIRMAN WAITS: No. We didn't make a motion on 25- --  
29 COMMISSIONER SPARKS: No.  
30 DISTRICT ATTORNEY HERRERA: No.  
31 CHAIRMAN WAITS: -- -B.  
32 DISTRICT ATTORNEY HERRERA: But we need to.  
33 COMMISSIONER SPARKS: We --  
34 GRACE KEMP: But we --  
35 COMMISSIONER SPARKS: -- need to.  
36 GRACE KEMP: -- need to.  
37 CHAIRMAN WAITS: I thought you said that's the one we  
38 didn't. So --  
39 COMMISSIONER SPARKS: So the one I just made the motion was  
40 for --



1 CHAIRMAN WAITS: Was on --  
2 COMMISSIONER SPARKS: -- 26.  
3 CHAIRMAN WAITS: -- 26.  
4 COMMISSIONER SPARKS: Yeah.  
5 CHAIRMAN WAITS: Okay. So we'll skip to 26.  
6 COMMISSIONER SPARKS: Okay.  
7 CHAIRMAN WAITS: Got it.  
8 JUSDIVIA JOHNSON: (Indiscernible.)  
9 CHAIRMAN WAITS: Made by Bryan. Seconded by Kathy.  
10 Any public comment?  
11 (No comment.)  
12 CHAIRMAN WAITS: All those in favor?  
13 COMMISSIONER SPARKS: Aye.  
14 COMMISSIONER ANCHO: Aye.  
15 CHAIRMAN WAITS: Aye.  
16 Okay. Now --  
17 COMMISSIONER CLARK: Aye.  
18 CHAIRMAN WAITS: -- we go back to 25B.  
19 COMMISSIONER SPARKS: I'll make a motion to transfer the  
20 reconciled accounts according to Lander County Code  
21 Section 13.08.050 Lander County Combined Water and Sewer and Water  
22 District #2.  
23 COMMISSIONER ANCHO: I'll second.  
24 CHAIRMAN WAITS: Thank you. Bryan made the motion. Kathy  
25 seconded.  
26 Any public comment?  
27 (No comment.)  
28 CHAIRMAN WAITS: All those in favor?  
29 COMMISSIONER SPARKS: Aye.  
30 COMMISSIONER ANCHO: Aye.  
31 CHAIRMAN WAITS: Aye.  
32 COMMISSIONER CLARK: Aye.  
33 CHAIRMAN WAITS: Okay. And we move down to 27.  
34  
35  
36  
37  
38  
39  
40

1     27) Discussion and possible action to approve/disapprove  
2     adjustments to the tax roll: Secure Roll Adjustments: a)  
3     Adjustment to 2016-17 secured roll, b) Adjustment to 2017-18  
4     secured roll, c) Adjustment to 2018-19 secured roll;  
5     Unsecured Roll Adjustments: a) Adjustment to 2007-08  
6     unsecured roll, b) Adjustment to 2008-09 unsecured roll, c)  
7     Adjustment to 2009-10 unsecured roll, d) Adjustment to  
8     2014-15 unsecured roll, e) Adjustment to 2015-16 unsecured  
9     roll, f) Adjustment to 2016-17 unsecured roll, g) Adjustment  
10    to 2017-18 unsecured roll, h) Adjustment to 2018-19 unsecured  
11    roll, and all other matters properly related thereto.  
12

13         27) Discussion and possible action to approve/disapprove  
14 adjustments to the tax roll: Secure Tax Roll Adjustments: A,  
15 adjustment to 2016-2017 secured Roll; B, adjustment to 2017-2018  
16 secured roll; C, adjustment to 2018-2019 secured roll. And on  
17 the unsecured roll adjustments: A, adjustment to the 2007 and  
18 2008 unsecured roll; B, adjustment to the 2008-2009 unsecured  
19 roll; C, adjustment to the 2009-2010 unsecured roll; D,  
20 adjustment to 2014-2015 unsecured roll; E, adjustment to  
21 2015-2016 unsecured roll; F, Adjustment to 2016-17 unsecured  
22 roll; G, adjustment to 2017-18 unsecured roll; and H, adjustment  
23 to 2018-19 unsecured roll; and all other matters properly  
24 related thereto.

25         GRACE KEMP: She did really good.

26         CHAIRMAN WAITS: Okay. So the motion on the back of this  
27 is the second one. Right?

28         JUSDIVIA JOHNSON: Yes.

29         CHAIRMAN WAITS: We're on 27 under the second one, way in  
30 the back.

31         GRACE KEMP: One -- the first one should say secured roll.

32         CHAIRMAN WAITS: Way in the back.

33         JUSDIVIA JOHNSON: And the second should --

34         CHAIRMAN WAITS: Yeah.

35         JUSDIVIA JOHNSON: -- say the --

36         CHAIRMAN WAITS: Right here.

37         JUSDIVIA JOHNSON: -- unsecured.

38         CHAIRMAN WAITS: That one?

39         Motion.

40         Twenty-seven, I think. Yeah. Got it?

1           Yep.

2           COMMISSIONER SPARKS: So I'll make a motion to approve the

3 adjustments to the secured roll as follows: A, approve

4 adjustments -- approve adjustment to 2016-2017 secured roll,

5 including special assessments, \$6,837.87; --

6           GRACE KEMP: In the negative.

7           COMMISSIONER SPARKS: -- def- -- in the def- -- right, in

8 the red.

9           JUSDIVIA JOHNSON: Yes.

10          COMMISSIONER SPARKS: B, approve adjustment of 2017-2018

11 secured roll, including special assessments of a negative

12 \$7,298.46; C, approve adjustment to 2018-2019 secured roll,

13 including special assessments in the red of \$7,705.87. Total

14 combined adjustment for the secured roll during 2018-2019 fiscal

15 year is a deficit of 21,842.20.

16          COMMISSIONER ANCHO: I'll second.

17          CHAIRMAN WAITS: Thank you.

18          Bryan made the motion. Kathy seconded.

19          Any other public comment?

20          (No comment.)

21          CHAIRMAN WAITS: All in favor?

22          COMMISSIONER CLARK: Aye.

23          COMMISSIONER SPARKS: Aye.

24          CHAIRMAN WAITS: Aye.

25          Any opposed?

26          Okay. It passes.

27          All right. Now we're going to go back to Number 1.

28          GRACE KEMP: Number 1?

29          COMMISSIONER SPARKS: We need to do 27.

30          GRACE KEMP: We have to do the unsecured still.

31          CHAIRMAN WAITS: Oops.

32          COMMISSIONER SPARKS: The un- -- yeah. The unsecured roll

33 with estimates.

34          CHAIRMAN WAITS: We have more? I thought I was at the end.

35          JUSDIVIA JOHNSON: Just one more.

36          CHAIRMAN WAITS: I have to go back to which one?

37          COMMISSIONER SPARKS: This one right here. The unsecured.

38          CHAIRMAN WAITS: Oh, I thought we did the unsecured --

39          COMMISSIONER SPARKS: We -- no, we did --

40          JUSDIVIA JOHNSON: No. Secured.

1 COMMISSIONER SPARKS: -- the secured.  
2 CHAIRMAN WAITS: Oh, I thought we did them both together.  
3 Okay.  
4 COMMISSIONER SPARKS: So I'll make a motion we approve the  
5 adjustments to the unsecured roll as follows: A, approvment  
6 adjustments to twenty -- 2007-2008 unsecured roll, deficit  
7 \$49.55; B, approve adjustment to tw- -- 2008-2009 unsecured  
8 roll, deficit of \$59.69; C, approve adjustment to twenty --  
9 2009-2010 unsecured roll, deficit of \$71.54; D, approve  
10 adjustment to 2014-2015 unsecured roll, deficit of \$18.77; E,  
11 approve adjustment 2015-2016 -- did I miss one? Or is that  
12 right? --  
13 JUSDIVIA JOHNSON: That's correct.  
14 COMMISSIONER SPARKS: We're on E --  
15 CHAIRMAN WAITS: No.  
16 COMMISSIONER SPARKS: -- unsecured roll, deficit \$26.10; F,  
17 approve adjustment to 2016-2017 unsecured roll, a deficit of  
18 one -- \$156.88; G, approve adjustment to 2017-2018 unsecured roll, a  
19 deficit of \$94.84; H, approve adjustment to 2018-2019 unsecured roll,  
20 a deficit of \$33.96. Total combined adjustment for the unsecured  
21 roll during 2018-2019 fiscal year, a deficit of \$511.33.  
22 COMMISSIONER ANCHO: I'll second that.  
23 CHAIRMAN WAITS: Thank you.  
24 Bryan made the motion for the unsecured roll adjustments.  
25 Kathy seconded.  
26 Any public comment?  
27 (No comment.)  
28 CHAIRMAN WAITS: All those in favor?  
29 COMMISSIONER SPARKS: Aye.  
30 COMMISSIONER CLARK: Aye.  
31 COMMISSIONER ANCHO: Aye.  
32 COMMISSIONER SPARKS: So we need to go back to 21.  
33 CHAIRMAN WAITS: Aye.  
34 Okay.  
35 JUSDIVIA JOHNSON: Thank you.  
36 COMMISSIONER SPARKS: You're welcome.  
37 CHAIRMAN WAITS: Thank you so much. I know you've -- both  
38 of you worked so hard on that.  
39 GRACE KEMP: Thank you for this one.  
40 JUSDIVIA JOHNSON: Thank you.

1     **FINANCE**

2  
3     1)     **Discussion and possible action to approve/disapprove**  
4           **Resolution 2019-08, the transfer of the Lander County 2019**  
5           **Private Activity Bond Volume Cap to the Nevada Rural Housing**  
6           **Authority, and all other matters properly related thereto.**  
7

8           CHAIRMAN WAITS:   Discussion and possible action to approve,  
9     disapprove Resolution   2019-08, the transfer of the Lander County  
10    2019 Private Activity   Bond Volume Cap to the Nevada Rural  
11    Housing Authority, and   all other matters properly related  
12    thereto.

13           Which, of course,   we do ahead of time.   If we didn't take  
14    action, they would get   it, but they wouldn't get it very timely  
15    at all.

16           So we do pass that on.

17           Keith?

18           KEITH WESTENGARD:   So -- so this is something that's  
19    requested every year.   This is a state program.   And we receive  
20    these bonds.

21           Last year we received \$326,740.57.

22           This year we received three hundred and fifteen dollars  
23    nine hundred and ninety-seven dollars and 52 cents.

24           This is very specific bond money.   We have to use it in a  
25    very specific way.   We do not have the resources to do it.   It has  
26    to do with housing.   And -- and it does come back into Lander  
27    County.

28           So this -- this money we -- we -- in the past, what   we've  
29    done is given it back to the Nevada Rural -- or giving it --  
30    given it to the rural -- Nevada Rural Housing Authority.   And  
31    then they use it on our behalf.

32           I have a little statement here.

33           Since 2006 we've helped 72 families in Lander County,   worth  
34    about \$10.8 million dollars in   loan value.

35           This is a great return on   the investment of PABC, which is  
36    the -- the cap, transfers over   the years that have totaled  
37    approximately 2.4 million.

38           Within the last year, we've helped four families in   Lander  
39    County with \$643,318 in mortgages and another \$24,340.29   in down  
40    payment assistance.

1           Three of the four loans financed the purchase of a  
2 manufactured home. And the other one was for a single-family  
3 detached home.

4           So they do use these funds back in the county to assist  
5 families in this county.

6           CHAIRMAN WAITS: Do we have to read the whole resolution  
7 in?

8           DISTRICT ATTORNEY HERRERA: Technically, you're supposed  
9 to.

10          CHAIRMAN WAITS: Technically, we do. Okay. The only other  
11 correction, then, would be at the very end. Instead of  
12 "executive director," it should read "county manager."

13          Okay.

14          COMMISSIONER SPARKS: I already --

15          CHAIRMAN WAITS: Who's -- who's --

16          COMMISSIONER SPARKS: -- I already read my turn.

17          CHAIRMAN WAITS: Who's ready?

18          COMMISSIONER ANCHO: So the -- the rural housing -- Nevada  
19 rural housing, is that what we're supposed to be reading into  
20 the record? This letter? Or what are we --

21          Any idea?

22          COMMISSIONER SPARKS: Resolution (indiscernible).

23          CHAIRMAN WAITS: The motion and --

24          COMMISSIONER ANCHO: The resolution?

25          CHAIRMAN WAITS: Yeah.

26          COMMISSIONER ANCHO: All right. I've got to find it.

27          COMMISSIONER SPARKS: There's --

28          CHAIRMAN WAITS: The motion --

29          COMMISSIONER SPARKS: -- two pages.

30          CHAIRMAN WAITS: -- would be for the transfer of the  
31 private activity bond volume cap. And then we have to read in  
32 the resolution.

33          COMMISSIONER ANCHO: So --

34          All right. So --

35          See if I get this right.

36          So I move to -- how do I do this? -- approve the  
37 Resolution 2019-08, the transfer of the Lander County 2019  
38 Private Activity Board Volume Cap to the Nevada Rural Housing  
39 Authority.

40          So resolution of the Board of County Commissioners of

1 Lander County, Nevada, providing for the transfer of the  
2 county's 2019 Private Activity Bond Volume Cap to the Nevada  
3 Rural Housing Authority, and all other matters properly related  
4 thereto.

5 Whereas, pursuant to the provisions of Chapter 348A of the  
6 Nevada Revised Statute, NRS, the Chapter 348A of the Nevada  
7 Administrative Code, NAC, there has been allocated to Lander  
8 County, Nevada, the county, the amount of \$315,997.52 in the  
9 tax-exempt private activity bond volume cap for year 2019, the  
10 2019 bond cap.

11 And whereas the Nevada Rural Housing Authority, the NRHA,  
12 has requested that the county transfer its 2019 bond cap to the  
13 NRHA for the purposes of providing a means of financing the cost  
14 of a single-family residential housing that will provide decent,  
15 safe, and sanitary dwellings at affordable prices for persons of  
16 low and moderate income, single family programs.

17 And whereas the county is a local government as defined by  
18 NAC 348A.070 and whereas Section 348A.180 of the NAC provides a  
19 procedure whereby the county may, by resolution, transfer to any  
20 other local government located within the same county all or any  
21 portion of its 2019 bond cap.

22 And whereas pursuant to NRS 315.983(1)(a), the NRHA is an  
23 instrumentally, local agreement -- government and political  
24 subdivision of the State of Nevada, the State.

25 And whereas NRHA is located within the county, pursuant to  
26 NRS 315.963, which defines that NRHA's area of operation as any  
27 area of the state which is not included within the corporate  
28 limits of the city or town having a population of 150,000 or  
29 more.

30 Now whereas the Board of County -- excuse me -- the Board  
31 of Commissioners of the county does hereby find, resolve,  
32 determined, and other [verbatim] as follows:

33 Section 1. Recititals -- am I saying that right?

34 CHAIRMAN WAITS: Uh-huh.

35 COMMISSIONER ANCHO: Recititals set forth herein above are  
36 true and correct in all respects.

37 Section 2. Transfer of Private Activity Bond Volume Cap  
38 pursuant to NAC 348A.180, the county hereby transfers 2019 Bond  
39 Cap in the amount of \$315,997.52 to the NRHA for its single  
40 family program.

1           Section 3. Use of 2019 Bond Cap. The NRHA will use the  
2 2019 bond cap for single family purposes in the calendar year  
3 2019 or carry forward any remaining amount according to the  
4 Internal Revenue Code of 1986, as amended, for such purposes.

5           Oh, my gosh.

6           Section 4. Representative of the county. Pursuant to NAC  
7 348A.180(a), the director of the State of Nevada Department of  
8 Business and Industry, the director, may contact Keith  
9 Westengard regarding this resolution at (775)635-2885 or in  
10 writing at 50 State Route 305, Battle Mountain, Nevada, 89820.

11          Section 5. Additional action. The chairman of the Board  
12 of Commissioners and the clerk of the county are hereby  
13 authorized and directed to take all action as necessary to  
14 effective -- effectuate the transfer of the 2019 Bond Cap, and  
15 to carry out the duties of the counties [verbatim] hereunder,  
16 including the execution of all certificates pertaining to the  
17 transfer as required by NAC 348A.

18          Section 6. Direction to the NRHA. The NRHA shall notify  
19 the director in writing as soon as practical [verbatim] of the  
20 occurrence of the nonoccurrence of any term or conditions that  
21 would affect the disposition of 2019 Bond Cap.

22          Seven. Representative of the NRHA. Pursuant to  
23 NAC 348A.180(3), the director may contact Diane Arvizo, director of  
24 home- -- homeownership program of the NRHA regarding this resolution  
25 at (775)886-7900 or in writing at rural housing Nevada authority,  
26 3695 Desitio [verbatim, Desatoya]-- Desitio [verbatim, Desatoya]  
27 Drive, Carson City, Nevada, 89701.

28          Section 8. Obligation of the county. This resolution is  
29 not to be construed as a pledge of the faith and credit of or by  
30 the county, or of any agency, instrumentally, or subdivision of  
31 the county. Nothing in the resolution obligates or author- --  
32 authorizes the county to use bonds or any project or to grant  
33 approvals for a project or constitute the representation that  
34 such bond will be issued.

35          Section 9. Enforceability. If any section, paragraph,  
36 clause, or provision of this resolution shall for any reason be  
37 held to be invalid or unenforceable, this -- the invalidity of  
38 unenforceability of such sections, paragraph, clause, or  
39 provision shall not be affected -- shall not affect any of the  
40 remaining provisions of the resolution.



1           This resolution shall go into effect immediately upon its  
2 passage.  
3           COMMISSIONER ALLAN: You've got to --  
4           COMMISSIONER SPARKS: Wow.  
5           COMMISSIONER ALLAN: -- keep going.  
6           COMMISSIONER ANCHO: Oh.  
7           CHAIRMAN WAITS: Did you second that, Judie?  
8           COMMISSIONER ALLAN: No. She's not done yet.  
9           COMMISSIONER ANCHO: Where -- this part? Is that where I'm  
10 supposed to finish reading?  
11          COMMISSIONER ALLAN: Is there --  
12          CHAIRMAN WAITS: No. That's all. The rest --  
13          COMMISSIONER ALLAN: Wait.  
14          CHAIRMAN WAITS: No. The --  
15          COMMISSIONER ALLAN: Approve --  
16          CHAIRMAN WAITS: -- rest isn't an --  
17          COMMISSIONER ALLAN: And authorize --  
18          COMMISSIONER ANCHO: Oh, okay.  
19          COMMISSIONER ALLAN: -- (indiscernible) signs.  
20          COMMISSIONER ANCHO: Approve and -- I --  
21          CHAIRMAN WAITS: No.  
22          COMMISSIONER ANCHO: -- approve and authorize Keith to  
23 sign.  
24          COMMISSIONER ALLAN: I'll second it.  
25          CHAIRMAN WAITS: Thank you.  
26          Kathy made the motion. Judie seconded.  
27          Any public comment?  
28          (No comment.)  
29          CHAIRMAN WAITS: All those in favor?  
30          COMMISSIONER CLARK: Aye.  
31          COMMISSIONER SPARKS: Aye.  
32          COMMISSIONER ANCHO: Aye.  
33          CHAIRMAN WAITS: Aye.  
34          Thank you. I know that was a mouthful. Okay. There's  
35 that one we haven't done yet.  
36          DISTRICT ATTORNEY HERRERA: Twenty-one.  
37          CHAIRMAN WAITS: Huh?  
38          DISTRICT ATTORNEY HERRERA: Number --  
39          COMMISSIONER ANCHO: Twenty-one.  
40          DISTRICT ATTORNEY HERRERA: -- 21.

1 COMMISSIONER SPARKS: Twenty-one.

2 CHAIRMAN WAITS: Yeah. Twenty-one.

3  
4  
5 **COMMISSIONERS**

- 6  
7 21) **Discussion and possible action to approve/disapprove**  
8 **establishing a procedure in which the county may provide**  
9 **access to applicants who wish to utilize the Battle Mountain**  
10 **motocross track to include the setting of fees, insurance**  
11 **requirements, and security issues, and all other matters**  
12 **properly related thereto.**  
13

14 CHAIRMAN WAITS: Discussion and possible action to approve,  
15 disapprove establishing a procedure in which the county may  
16 provide access to applicants who wish to utilize the Battle  
17 Mountain motocross track to include the setting of fees,  
18 insurance requirements, and security issues, and all other  
19 matters properly related thereto.

20 KEITH WESTENGARD: So I put this on for -- for you guys to  
21 direct me as to fees.

22 I can get with the district attorney about any insurance  
23 requirements.

24 And then I can also deal with the -- the security issues.

25 I just want to know what you're looking at for a fee for  
26 the motocross track on an event or daily basis or -- or what  
27 you'd like to do in the event some private citizen wants to go  
28 out there and run their motorcycle around the track. Just some  
29 direction on that.

30 COMMISSIONER ANCHO: I don't --

31 COMMISSIONER SPARKS: We --

32 COMMISSIONER ANCHO: -- think it should be any less than  
33 what we charge for the civic center.

34 COMMISSIONER ALLAN: Well, I don't --

35 COMMISSIONER ANCHO: Not --

36 COMMISSIONER ALLAN: -- think it should be anything  
37 different than we charge for the Livestock Event Center, which I  
38 don't think should have any fees.

39 Is who maintains this?

40 KEITH WESTENGARD: The motocross track?

1 COMMISSIONER ALLAN: Yeah.  
2 KEITH WESTENGARD: Currently, we're going to maintain it  
3 because we don't have a board -- or a advisory board out there  
4 that oversees it.  
5 COMMISSIONER ALLAN: I don't see as where there -- you  
6 really need to enforce a fee. Is definitely a -- a -- a release  
7 of liability. But why would we charge a fee?  
8 COMMISSIONER SPARKS: So this guy is coming in is going to  
9 make a pretty large purse from all these people in August, I  
10 think.  
11 KEITH WESTENGARD: I'm sorry, but I --  
12 COMMISSIONER SPARKS: The guy that -- he's going to be  
13 using it sometime in August or September?  
14 KEITH WESTENGARD: Yes.  
15 COMMISSIONER SPARKS: So he's going to come in and -- and  
16 make huge profit on a county faci- -- thing, and he's not even  
17 -- he's some guy from somewhere else and we're just going to let  
18 him use it and not --  
19 CHAIRMAN WAITS: For motor.  
20 COMMISSIONER SPARKS: -- charge fees?  
21 KEITH WESTENGARD: So what -- so what I did in that -- in  
22 that case, be- -- because when he did come to you and -- and ask  
23 about using the motocross track, I did call him. I left a  
24 message. And to this day, I've not heard back from him. I gave  
25 him the option of a one-time fee for -- for this one event of  
26 \$500.  
27 And if he wasn't happy with that, that he could come back  
28 and -- and address the commission on fees.  
29 COMMISSIONER SPARKS: I mean, what is -- what standard, I  
30 gu- -- guess, amongst other governments with things like this?  
31 I --  
32 KEITH WESTENGARD: I -- that I really don't know. I mean,  
33 I can set it on a -- on a -- on a fee.  
34 UNIDENTIFIED PARTICIPANT: Judie.  
35 COMMISSIONER ALLAN: What?  
36 UNIDENTIFIED PARTICIPANT: (Indiscernible.)  
37 COMMISSIONER SPARKS: You're overtalking.  
38 COMMISSIONER ALLAN: Stop.  
39 UNIDENTIFIED PARTICIPANT: No stop. It crashed again.  
40 KEITH WESTENGARD: Oh.

1 COMMISSIONER SPARKS: Oh.  
2 UNIDENTIFIED PARTICIPANT: (Indiscernible.)  
3 UNIDENTIFIED PARTICIPANT: We apparently need to have the  
4 IT guy.  
5 COMMISSIONER ALLAN: Yeah. We weren't overtalking.  
6 COMMISSIONER SPARKS: Oh, okay.  
7 UNIDENTIFIED PARTICIPANT: No, I just wanted you guys to  
8 stop.  
9 COMMISSIONER ALLAN: Yeah. I was close enough. So --  
10 COMMISSIONER SPARKS: Oh, I gotcha.  
11 UNIDENTIFIED PARTICIPANT: We crashed --  
12 COMMISSIONER SPARKS: You're like --  
13 UNIDENTIFIED PARTICIPANT: -- again.  
14 COMMISSIONER ALLAN: Just throw something at me.  
15 UNIDENTIFIED PARTICIPANT: Apparently, we need  
16 (indiscernible) to check this out for us.  
17 CHAIRMAN WAITS: So you told him 500, but if he wasn't  
18 happy, he could come before us?  
19 KEITH WESTENGARD: Yes. And -- and -- and renegotiate with  
20 you. You --  
21 COMMISSIONER SPARKS: Are we back up?  
22 COMMISSIONER ALLAN: We're not on the record.  
23 UNIDENTIFIED PARTICIPANT: No.  
24 COMMISSIONER SPARKS: No, it's not recording, guys.  
25 COMMISSIONER ANCHO: So --  
26 COMMISSIONER SPARKS: Our --  
27 CHAIRMAN WAITS: Let's --  
28 COMMISSIONER SPARKS: -- machine's broke right now.  
29 CHAIRMAN WAITS: That's right. I just asked the --  
30 COMMISSIONER SPARKS: Oh.  
31 CHAIRMAN WAITS: -- question again.  
32 COMMISSIONER SPARKS: Okay.  
33 CHAIRMAN WAITS: I was just verifying that's what he said.  
34 So --  
35 UNIDENTIFIED PARTICIPANT: We're good?  
36 UNIDENTIFIED PARTICIPANT: Okay.  
37 UNIDENTIFIED PARTICIPANT: We're good.  
38 COMMISSIONER SPARKS: We're good?  
39 COMMISSIONER ALLAN: So my understanding is the gentleman  
40 that wants to come in and -- and have this race is also planning

1 on doing some upgrades to the track and -- and getting it back  
2 into condition to utilize it because --

3 KEITH WESTENGARD: Oh. Okay. I -- I didn't realize he was  
4 doing any upgrades.

5 COMMISSIONER ALLAN: Well, I -- didn't you -- initially  
6 when it was brought before us, it said that he wants to take --  
7 bring his equipment in and -- and fix what needs to be fixed?

8 KEITH WESTENGARD: He -- he -- the way I understood it, he  
9 was going to bring in -- his equipment in to get it ready for  
10 that specific race.

11 COMMISSIONER ALLAN: Exactly.

12 COMMISSIONER ANCHO: But the track.

13 COMMISSIONER SPARKS: Yeah. They're going to need between  
14 races, grooming it, and watering --

15 KEITH WESTENGARD: Right.

16 COMMISSIONER SPARKS: -- it, --

17 KEITH WESTENGARD: Yeah.

18 COMMISSIONER SPARKS: -- that kind of stuff.

19 COMMISSIONER ALLAN: Okay. So --

20 COMMISSIONER SPARKS: And we'll get --

21 KEITH WESTENGARD: Yeah.

22 COMMISSIONER ALLAN: I --

23 COMMISSIONER SPARKS: (Indiscernible.)

24 COMMISSIONER ALLAN: -- wasn't quite done yet. But --

25 So he's using -- utilizing his own equipment to bring it up  
26 to what he would feel is specifications for this.

27 Also the other thing he's doing is there will be people  
28 that are coming in and heads in beds. So the community is going  
29 to benefit to some extent.

30 I don't know to -- to -- to what extent because not  
31 everybody's going to stay. Some people will stay in their  
32 campers. But there are going to be people that stay in the  
33 motels. Is we didn't get anything out of it before. Why should  
34 we start getting anything out of it now?

35 COMMISSIONER SPARKS: Because --

36 COMMISSIONER ALLAN: It's -- it's -- it's just like the --  
37 the rodeo grounds. You know, these are facilities that should  
38 be of a benefit to the community and the people and -- and this  
39 guy may not live here, but he's bringing people here. They're  
40 going to buy gas here. They're going to buy snacks.

1 COMMISSIONER ANCHO: The rodeo grounds -- usually the  
2 people that do those are nonprofit. He's not a nonprofit. He's  
3 a for --  
4 COMMISSIONER SPARKS: He's for profit.  
5 COMMISSIONER ANCHO: -- profit. There's a huge difference  
6 in that.  
7 COMMISSIONER SPARKS: Uh-huh.  
8 COMMISSIONER ALLAN: Okay. That's just my opinion. So you  
9 guys do what you want.  
10 COMMISSIONER CLARK: That's the huge difference, for profit  
11 or not.  
12 COMMISSIONER SPARKS: Right.  
13 Hm.  
14 COMMISSIONER ANCHO: So can we call -- make some calls and  
15 find out?  
16 CHAIRMAN WAITS: You want to direct Keith to look --  
17 COMMISSIONER ANCHO: Would --  
18 CHAIRMAN WAITS: -- into it?  
19 COMMISSIONER ANCHO: Yeah. Can we direct Keith to make  
20 some calls to find out if we're off base by charging or if we're  
21 on base by charging? If there's a difference on their -- in  
22 their scale of for nonprofit versus profit. And not only that,  
23 the -- the fact that the ones that are staying out in their camp  
24 trailers, we have to make sure that they are paying room tax,  
25 that they fill out the form and are paying room -- room tax --  
26 COMMISSIONER ALLAN: You can't legally --  
27 COMMISSIONER ANCHO: -- out there.  
28 COMMISSIONER ALLAN: -- do that. You --  
29 COMMISSIONER ANCHO: You --  
30 COMMISSIONER ALLAN: -- need --  
31 COMMISSIONER ANCHO: -- absolutely can.  
32 COMMISSIONER SPARKS: Yeah. You --  
33 COMMISSIONER ANCHO: The --  
34 COMMISSIONER SPARKS: -- can.  
35 COMMISSIONER ANCHO: -- racetrack does it all the time.  
36 COMMISSIONER SPARKS: And that might be one place to look  
37 is Winnemucca Event Center. They hold some of those motocross  
38 races. What do they do?  
39 KEITH WESTENGARD: They -- I will -- I will call them  
40 and --

1 COMMISSIONER ANCHO: Just so we know if --  
2 COMMISSIONER SPARKS: I mean, they --  
3 COMMISSIONER ANCHO: -- we're --  
4 COMMISSIONER SPARKS: -- have a really --  
5 COMMISSIONER ANCHO: Yeah.  
6 COMMISSIONER SPARKS: -- effective --  
7 COMMISSIONER ANCHO: Exactly.  
8 COMMISSIONER SPARKS: -- events --  
9 COMMISSIONER ANCHO: No. Exactly.  
10 COMMISSIONER SPARKS: -- center. They promote --  
11 KEITH WESTENGARD: Okay.  
12 COMMISSIONER SPARKS: -- it a lot. And --  
13 CHAIRMAN WAITS: Do you have a --  
14 KEITH WESTENGARD: May --  
15 CHAIRMAN WAITS: -- direction?  
16 KEITH WESTENGARD: -- may I -- may I address something?  
17 I -- I don't want to speak out of turn. So can I address  
18 something real quick?  
19 CHAIRMAN WAITS: Certainly.  
20 KEITH WESTENGARD: Okay. The difference here is now when  
21 it was leased or -- or used before, the -- that group took care  
22 of everything.  
23 Now, the -- the maintenance, all the upkeep -- or I'm  
24 sorry -- the daily upkeep will c- -- fall onto county employee.  
25 So we'll --  
26 COMMISSIONER SPARKS: Do we --  
27 KEITH WESTENGARD: -- have employees out there working on  
28 that with county equipment.  
29 COMMISSIONER SPARKS: Right.  
30 KEITH WESTENGARD: So -- so that would be the difference.  
31 COMMISSIONER SPARKS: Okay.  
32 CHAIRMAN WAITS: Well, I'm okay for charging. But, I mean,  
33 you have the direction to look in to see --  
34 KEITH WESTENGARD: I will.  
35 CHAIRMAN WAITS: -- see if we're --  
36 KEITH WESTENGARD: Okay.  
37 CHAIRMAN WAITS: -- on base and what the rest of them are.  
38 KEITH WESTENGARD: And if you'd like, I will retract that  
39 from the gentleman who's going to be here in August.  
40 I'll call him and tell him that it's -- there is no charge,

1 if that's what you'd like. I just --  
2 CHAIRMAN WAITS: No.  
3 COMMISSIONER ANCHO: I'd like to find --  
4 CHAIRMAN WAITS: No. I --  
5 COMMISSIONER ANCHO: -- out --  
6 CHAIRMAN WAITS: -- think --  
7 COMMISSIONER CLARK: No, no, --  
8 CHAIRMAN WAITS: -- there's a charge.  
9 COMMISSIONER ANCHO: -- first.  
10 COMMISSIONER CLARK: -- no, no, no.  
11 KEITH WESTENGARD: Okay. So --  
12 COMMISSIONER CLARK: There has to be some kind of a charge.  
13 CHAIRMAN WAITS: I think Judie was the only one that didn't  
14 want a charge. I think the rest of us wanted to charge.  
15 KEITH WESTENGARD: All right. I -- I have my direction.  
16 Thank you.  
17 CHAIRMAN WAITS: Yeah. No. When it's a promoter and  
18 they're making money, no. I --  
19 COMMISSIONER CLARK: Yeah.  
20 CHAIRMAN WAITS: -- I -- I can't --  
21 COMMISSIONER CLARK: That's --  
22 CHAIRMAN WAITS: -- see that.  
23 COMMISSIONER CLARK: -- the difference.  
24 COMMISSIONER ALLAN: Do we charge the carnival when they  
25 come to town?  
26 COMMISSIONER ANCHO: They're not on our pro- -- they're son  
27 school property, aren't they? When they -- they're on school  
28 property. They're not on our property.  
29 DISTRICT ATTORNEY HERRERA: No. They don't --  
30 COMMISSIONER ALLAN: Well, I -- I understand that. I'm  
31 just saying.  
32 COMMISSIONER ANCHO: They're on school property, though.  
33 CHAIRMAN WAITS: Okay. Are you --  
34 COMMISSIONER ALLAN: Is this the school?  
35 CHAIRMAN WAITS: -- are you okay with that?  
36 COMMISSIONER ANCHO: Uh-huh.  
37 KEITH WESTENGARD: Yes. Thank you, ma'am.  
38  
39  
40



1     **CORRESPONDENCE**

2  
3     **28)   Correspondence, reports, upcoming agenda items.**

4  
5           CHAIRMAN WAITS:   Okay.   We're moving on to Number 28.  
6     Correspondence, reports, potential   upcoming agenda items.

7  
8           (The following correspondence   was received:

9           1.    Monthly Reports to Lander County Commissioners for  
10    April 2019.

11           2.    Letter from the United States Department of the  
12    Interior, Bureau of Land Management, Mount Lewis Field Office,  
13    to Interested Public, dated May 7, 2019, proposed decision  
14    regarding temporary range improvements for water hauling within  
15    the Fish Creek Herd Management Area.)

16  
17           CHAIRMAN WAITS:   I think you have some.   Anything new we'll  
18    need -- we'll call you.

19           KEITH WESTENGARD:   I have the Water Sewer 2 will be on the  
20    next agenda for discussion and possible action.

21           We'll have the -- some building -- Building Department  
22    things on there related to ADA and things like that.

23           And then the truck route will be on there.

24           It's on -- I have several things on   my board.   But I'll  
25    just incorporate those.

26           CHAIRMAN WAITS:   Okay.   Do you have --

27           KEITH WESTENGARD:   If something --

28           CHAIRMAN WAITS:   -- something --

29           KEITH WESTENGARD:   -- comes --

30           CHAIRMAN WAITS:   -- else?

31           KEITH WESTENGARD:   -- up, please, just let me know.

32           CHAIRMAN WAITS:   Call him.

33           SHERIFF RON UNGER:   And for the Sheriff's Office, Ron  
34    Unger, for the record.

35           I've got two -- two vehicles I'm going to bring to you  
36    folks to -- what's the word I'm looking for?

37           KEITH WESTENGARD:   Surplus?

38           SHERIFF RON UNGER:   No, not for surplus.

39           I was given two vehicles from Eureka County to replace two  
40    of my cars -- surplus cars.

1       So I'll bring that one, inform you guys of that.  
2       And it's already been approved by their county commission.  
3   So   just a heads-up, that'll be coming toward you.  
4       COMMISSIONER SPARKS:   Okay.  
5       SHERIFF RON UNGER:   Okay?  
6       COMMISSIONER ALLAN:   So I don't know if it's --  
7       CHAIRMAN WAITS:   Oh, that's not -- oh, I'm sorry.  
8       SHERIFF RON UNGER:   Go ahead.  
9       CHAIRMAN WAITS:   That's not an agenda item, then?  
10      SHERIFF RON UNGER:   It will be because --  
11      CHAIRMAN WAITS:   Oh.  
12      SHERIFF RON UNGER:   -- you've got to accept them.  
13      CHAIRMAN WAITS:   Okay. I thought you said we've already  
14   accepted them.  
15      SHERIFF RON UNGER:   Eureka County has accepted to give them  
16   to us as --  
17      CHAIRMAN WAITS:   Oh.  
18      SHERIFF RON UNGER:   -- their --  
19      CHAIRMAN WAITS:   Oh.  
20      SHERIFF RON UNGER:   -- surplus.  
21      CHAIRMAN WAITS:   I heard you accept.  
22      SHERIFF RON UNGER:   And so I need -- I need you guys to  
23   accept them for us so I can eliminate two of the real old ones  
24   and replace them with these newer ones.  
25      CHAIRMAN WAITS:   Got it.  
26      SHERIFF RON UNGER:   Okay.  
27      CHAIRMAN WAITS:   Thank you.  
28      COMMISSIONER ALLAN:   So it's been mentioned before and I  
29   don't know as though it really needs to --  
30      CHAIRMAN WAITS:   (indiscernible) --  
31      COMMISSIONER ALLAN:   -- be on the next --  
32      CHAIRMAN WAITS:   -- (indiscernible).  
33      COMMISSIONER ALLAN:   -- agenda because it will take some  
34   time. But I think we really do need to look into our -- our  
35   ordinances as far as the planning commission.  
36      CHAIRMAN WAITS:   Okay. Do you have something direct for  
37   the agenda?  
38      COMMISSIONER ALLAN:   Well, it's if you want to put it on  
39   the agenda next time or not. It's to discuss. Do we have  
40   enough time to -- to bring it up and discuss it and changing an

1 ordinance just as far as subdivisions, et cetera?

2 KEITH WESTENGARD: I don't -- I wouldn't think so.

3 I mean, we're working on a -- on a group: myself, Kyla,  
4 Bert. We're on a group to deal with that. And we've had one --  
5 one meeting. I know Kyla's had some -- some thoughts.

6 KYLA BRIGHT: There's also a process that kind of needs to  
7 be followed. You need to have some open meetings with the  
8 public, needs to go in front of the planning commission, and  
9 then -- and then come in front of the --

10 COMMISSIONER ALLAN: And that's all --

11 KYLA BRIGHT: -- county commissioners.

12 COMMISSIONER ALLAN: -- I'm saying is, is this something we  
13 need to start?

14 DISTRICT ATTORNEY HERRERA: Well, --

15 KYLA BRIGHT: It's --

16 DISTRICT ATTORNEY HERRERA: -- I think -- I think it is  
17 something we need to start, but we need to start with the  
18 committee that's presently -- except we had Mr. Massey who was  
19 supposedly our expert. And we may need another expert.

20 So -- so I would definitely request that an expert be -- be  
21 hired by the county to give us some -- some recommendations.

22 CHAIRMAN WAITS: Okay. We --

23 DISTRICT ATTORNEY HERRERA: Don't --

24 CHAIRMAN WAITS: -- we need --

25 DISTRICT ATTORNEY HERRERA: -- you, Kyla?

26 CHAIRMAN WAITS: We need a little bit more time on this  
27 one, I guess.

28 Okay. Any --

29 COMMISSIONER SPARKS: Yeah.

30 CHAIRMAN WAITS: -- anything else?

31 (No comment.)

32 CHAIRMAN WAITS: Okay.

33 COMMISSIONER SPARKS: Motion for adjournment?

34  
35  
36 **PUBLIC COMMENT**

37  
38 CHAIRMAN WAITS: I'll move into --

39 COMMISSIONER CLARK: Second.

40 CHAIRMAN WAITS: -- public comment for nonagendized o- --

1 only.

2 Persons are invited to submit comments in writing and/or  
3 attend and make comments on any nonagenda item at the board  
4 meeting, if any, and discussion of those comments at the  
5 discretion of the board. All public comment may be limited to  
6 three minutes per person, again at the discretion of the board.  
7 Reasonable restrictions may be placed on public comments based  
8 upon time, place, and manner, but public comment based upon  
9 viewpoint may not be restricted.

10 Any public comment?

11 (No comment.)

12 CHAIRMAN WAITS: Hearing none...

13  
14  
15 **ADJOURNMENT**

16  
17 COMMISSIONER SPARKS: Motion for adjournment.

18 COMMISSIONER CLARK: Second.

19 COMMISSIONER ANCHO: Second.

20 COMMISSIONER CLARK: Aye.

21 CHAIRMAN WAITS: Bryan motioned.

22 KEITH WESTENGARD: Lunch -- lunch was --

23 CHAIRMAN WAITS: Kathy seconded.

24 KEITH WESTENGARD: -- delivered --

25 CHAIRMAN WAITS: All in --

26 KEITH WESTENGARD: -- at --

27 CHAIRMAN WAITS: -- favor?

28 KEITH WESTENGARD: -- noon --

29 CHAIRMAN WAITS: Aye.

30 KEITH WESTENGARD: -- if you guys --

31 CHAIRMAN WAITS: Aye.

32 KEITH WESTENGARD: -- if anybody's hungry.

33 CHAIRMAN WAITS: Did you all vote?

34 COMMISSIONER ANCHO: Yeah. We all voted.

35  
36 (Meeting adjourned at 1:25 p.m.)  
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\_\_\_\_\_  
**CHAIRMAN OR VICE CHAIRMAN OF THE  
BOARD OF LANDER COUNTY  
COMMISSIONERS AND THE LANDER  
COUNTY LIQUOR BOARD**

**ATTEST:** \_\_\_\_\_  
**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 27TH DAY OF JUNE, 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 \_\_\_\_\_  
28 TIFFANY ELKINGTON, CCR #930  
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<p>BERT RAMOS: [68] 53/14 53/19 53/25 53/29 53/32 53/34 53/36 53/38 62/7 88/16 88/31 89/5 89/8 89/12 89/15 89/17 89/19 89/28 90/3 101/10 101/28 101/39 102/1 102/15 102/21 102/28 103/33 104/2 104/6 104/8 104/34 105/17 105/20 106/8 107/18 107/21 107/23 107/25 107/29 107/31 111/6 111/25 111/27 111/39 112/1 112/3 112/5 112/7 112/9 113/12 113/15 113/23 113/26 113/28 113/36 114/5 114/8 114/10 114/15 114/28 114/34 115/11 115/14 115/16 115/18 115/21 115/27 115/31</p> <p>BRANDY BENGUA: [1] 5/12</p> <p>BROCK UHLIG: [34] 67/31 67/34 70/39 72/32 72/34 72/36 72/38 73/2 73/7 73/9 73/11 73/13 73/20 73/32 73/34 76/33 76/39 77/1 77/16 77/28 78/6 78/8 78/10 82/19 82/21 84/27 85/20 86/8 86/23 86/28 86/30 86/32 86/34 87/13</p> <p>CHAIRMAN WAITS: [612]</p> <p>COMMISSIONER ALLAN: [269]</p> <p>COMMISSIONER ANCHO: [253]</p> <p>COMMISSIONER BAKKER: [1] 126/18</p> <p>COMMISSIONER CLARK: [233]</p> <p>COMMISSIONER SPARKS: [254]</p> <p>DEBORAH PIAZZA: [2] 28/36 29/5</p> <p>DEPUTY DISTRICT ATTORNEY FORGERON: [1] 26/10</p> <p>DISTRICT ATTORNEY HERRERA: [126] 4/31 14/10 14/17 15/8 15/13 15/18 15/21 15/24 15/27 15/30 15/33 16/12 17/3 17/6 17/11 25/32 25/34 25/36 25/38 25/40 26/2 26/4 27/39 28/1 28/15 30/38 30/40 31/2 31/4 31/6 31/10 31/14 31/17 31/21 32/11 32/20 32/22 32/25 32/30 33/28 33/30 44/5 44/7 47/22 47/24 48/8 50/8 50/12 50/18 50/21 50/25 50/28 50/32 56/3 56/5 56/11 56/14 56/19 56/21 59/18 59/20 62/32 62/34 62/36 62/38 63/3 63/7 63/25 63/31 64/7 64/10 64/12 76/27 76/34 77/7 77/11 77/13 77/15 77/24 77/27 96/22 97/11 97/36 97/38 98/2 99/18 99/20 99/22 99/28 99/31 99/33 99/35 99/37 99/39 100/1 103/7 103/25 103/27 103/31 104/3 104/36 105/38 106/2 106/5 106/9 110/1 110/5 124/1 124/10 124/13 124/15 124/17 124/19 124/21 124/23 128/30 128/32 134/8 137/36 137/38 137/40 144/29 147/14 147/16 147/23 147/25</p> <p>DOUG FURTADO: [46] 67/32 67/37 67/40 68/2 75/6 75/8 75/11 75/14 75/17 75/20 75/22 75/25 75/27 75/32 75/38 76/36 76/38 76/40 77/5 77/8 77/10 77/12 77/14 78/21 78/37 80/7 80/10 80/13 80/31 80/33 81/33 81/35 81/38 81/40 82/2 82/14 82/17 82/20 85/18 86/9 86/39 87/1 87/8 87/15 87/20 87/22</p> <p>DOUG MILLS: [20] 18/13 19/37 19/40 20/2 20/24 20/26 20/35 21/20 21/22 21/28 21/34 21/36 21/38 21/40 22/2 22/4 22/6 22/9 22/11 22/14</p> <p>GRACE KEMP: [89] 116/29 116/33 116/35 116/38 116/40 117/9 117/11 117/13 117/15 117/18 117/30 119/17 119/19 119/21 119/26 119/32 119/34 119/37 120/3 120/6 120/10 120/13 120/16 120/20 121/1 121/4 121/15 122/13 122/17 122/21 123/2 123/29 123/34 123/36 123/39 124/4 124/8 124/11 124/25 124/29 124/32 124/34 124/36 124/38 125/2 125/6 125/10 125/12 125/14 125/17 125/19 125/21 125/29 125/31 125/36 126/1 126/4 126/7 126/9 126/12 126/15 126/19 126/27 127/4 127/6 127/11 127/15 127/18 127/22 127/24 127/39 128/2 128/4 128/6 128/8 128/10 128/12 128/14 128/18 128/23 128/25 128/34 128/36 130/25 130/31 131/6 131/28 131/30 132/39</p> <p>HOLLY GATZKE: [5] 91/15 92/18 92/22 92/24 92/26</p> <p>JAY WINTLE: [54] 44/31 44/35 44/39 51/14 51/16 51/19 51/28 51/30 51/36 51/40 52/2 52/34 54/17 57/22 58/10 58/12 58/19 58/21 58/24 58/28 58/33 58/36 58/38 58/40 59/3 59/7 59/11 59/13 59/19 59/21 59/30 60/3 60/5 60/7 60/10 60/15 60/24 60/26 60/28 60/30 60/33 61/23 61/27 61/29 61/32 63/13 63/15 63/17 65/36 66/2 66/7 66/14 67/18 67/20</p> <p>JEANNE FALZONE: [1] 27/40</p>	<p>JOHN GIST: [28] 93/28 94/24 94/33 95/4 95/6 95/25 95/27 96/1 96/3 96/35 97/16 97/19 97/21 97/23 97/28 97/31 98/7 98/9 98/16 98/18 98/25 98/40 99/25 99/36 99/38 99/40 100/3 100/14</p> <p>JUSDIVIA JOHNSON: [31] 116/22 116/24 118/11 119/11 119/20 120/9 121/18 121/21 122/22 122/36 122/38 122/40 123/3 125/28 125/30 125/32 125/37 126/5 127/7 127/10 129/8 130/28 130/33 130/35 130/37 131/9 131/35 131/40 132/13 132/35 132/40</p> <p>KEITH WESTENGARD: [157]</p> <p>KEN BROWN: [29] 34/8 34/10 34/12 36/15 36/17 36/19 36/34 36/38 37/2 37/4 37/7 37/9 37/12 37/15 37/18 37/20 37/25 37/27 37/29 38/26 38/31 38/38 39/35 39/37 42/3 42/38 42/40 43/2 43/4</p> <p>KYLA BRIGHT: [35] 44/32 45/1 46/34 48/18 48/21 48/23 48/29 48/31 48/34 52/5 52/16 52/18 52/20 52/22 52/24 52/26 52/35 52/40 53/7 53/23 54/24 54/28 57/14 57/18 62/27 62/33 62/35 62/37 62/40 65/26 66/3 66/6 147/6 147/11 147/15</p> <p>MITESHELL LANHAM: [2] 1/21 43/13</p> <p>NOLIENA CASTELLANOS: [4] 55/3 55/19 55/26 55/33</p> <p>SHERIFF RON UNGER: [11] 145/33 145/38 146/5 146/8 146/10 146/12 146/15 146/18 146/20 146/22 146/26</p> <p>SONDRA TORGERSON: [1] 96/2</p> <p>STEPHEN PRIEST: [3] 25/17 25/20 25/24</p> <p>STEVE BURKHART: [3] 25/22 26/36 26/38</p> <p>STEVE LARSGAARD: [14] 30/20 30/22 31/3 31/5 31/7 31/29 32/16 32/21 32/27 32/34 33/1 33/8 33/33 33/35</p> <p>UNIDENTIFIED PARTICIPANT: [21] 33/20 51/5 61/2 61/4 61/12 61/24 100/22 108/18 139/34 139/36 139/39 140/2 140/3 140/7 140/11 140/13 140/15 140/23 140/35 140/36 140/37</p> <hr/> <p>\$</p> <p>\$1,000 [2] 43/21 43/27</p> <p>\$1,024,407 [1] 34/31</p> <p>\$1,047,460 [1] 34/32</p> <p>\$10.8 [1] 133/34</p> <p>\$100 [2] 18/20 18/27</p> <p>\$110,397 [1] 35/10</p> <p>\$12,699.20 [1] 127/34</p> <p>\$1400 [1] 3/1</p> <p>\$1530 [1] 123/7</p> <p>\$156.88 [1] 132/18</p> <p>\$17,000 [1] 35/11</p> <p>\$18.77 [1] 132/10</p> <p>\$19.1 [1] 3/35</p> <p>\$19.1 billion [1] 3/35</p> <p>\$2,000 [3] 42/9 42/14 42/21</p> <p>\$20,000 [1] 36/9</p> <p>\$200 [7] 10/38 10/38 11/40 18/17 18/31 18/33 18/38</p> <p>\$231,464,875 [1] 35/4</p> <p>\$24,340.29 [1] 133/39</p> <p>\$25,000 [2] 43/21 43/27</p> <p>\$250 [3] 11/8 11/39 14/32</p> <p>\$26.10 [1] 132/16</p> <p>\$267,283,050 [1] 35/5</p> <p>\$283,264 [1] 36/9</p> <p>\$3,000 [1] 41/39</p> <p>\$30 [4] 17/16 17/36 18/6 19/5</p> <p>\$303,731 [1] 36/8</p> <p>\$315,997.52 [2] 135/8 135/39</p> <p>\$326,740.57 [1] 133/21</p> <p>\$33.96 [1] 132/20</p> <p>\$3700 [1] 96/33</p> <p>\$380,000 [1] 13/28</p> <p>\$39 [1] 34/26</p>
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<b>\$</b>	04 [3] 118/4 118/8 118/16 07 [3] 65/13 65/20 65/33 08 [7] 44/19 44/27 45/4 130/5 133/4 133/9 134/37 09 [4] 65/13 65/21 65/33 130/6
\$39 million [1] 34/26 \$400 [1] 18/2 \$4500 [1] 93/21 \$48 [1] 4/6 \$49.55 [1] 132/7 \$50 [1] 10/39 \$50,000 [1] 89/20 \$500 [1] 139/26 \$511.33 [1] 132/21 \$59.69 [1] 132/8 \$6,837.87 [1] 131/5 \$643,318 [1] 133/39 \$66,190 [1] 36/21 \$7,298.46 [1] 131/12 \$7,705.87 [1] 131/13 \$71.54 [1] 132/9 \$780,000 [1] 13/27 \$800,000 [2] 13/19 14/31 \$90 [1] 41/22 \$90 million [1] 41/22 \$93,387 [1] 35/10 \$94.84 [1] 132/19	<b>1</b> 1.25 million gallons [1] 83/36 1.2670 [1] 118/33 1/2 [6] 54/19 54/20 57/25 57/27 58/26 58/29 1/2-acre [1] 57/35 10 [11] 8/2 8/6 8/21 12/35 13/1 18/4 23/19 43/17 43/19 44/8 130/7 10-inch [1] 88/25 100 [2] 68/9 93/32 100 feet [1] 72/27 100th [1] 93/32 10:27 [1] 43/15 10:38 [1] 43/15 11 [6] 7/39 8/3 8/7 8/38 44/17 44/24 11:08 [1] 61/8 11:09 [1] 61/8 12 [8] 40/18 44/19 44/27 45/4 56/36 57/1 61/20 112/18 12,699.20 [1] 127/9 12-inch [1] 89/21 125 [2] 94/11 125/23 12:00 [2] 1/39 2/8 12th [2] 45/1 66/3 13 [9] 8/3 57/3 57/10 61/1 61/16 61/20 65/9 65/11 89/8 13.04.050 [2] 123/13 123/23 13.08.050 [6] 123/15 123/25 126/34 127/2 127/34 129/21 130 [1] 83/31 13th [3] 3/5 8/6 8/21 14 [6] 7/35 101/4 101/9 101/10 101/12 101/17 14th [1] 3/10 15 [15] 2/8 14/37 15/37 18/5 23/19 40/17 40/18 40/21 85/14 86/14 87/28 88/3 101/10 112/18 130/8 150 [2] 93/6 93/10 150,000 [1] 135/28 1500 [1] 69/29 16 [4] 83/19 110/40 111/1 130/8 17 [7] 92/20 93/3 93/5 93/33 130/3 130/9 130/21 17th [1] 78/30 18 [6] 30/26 90/39 91/3 130/3 130/10 130/22 18,000 [1] 89/9 180-some-odd [1] 124/26 1800s [1] 114/33 1872 [1] 41/25 18th [1] 3/23 19 [10] 7/36 67/2 67/4 67/9 123/10 126/32 127/33 130/4 130/10 130/23 1908 [1] 35/20 1919 [1] 93/34 1979 [1] 83/12 1986 [1] 136/4 1:00 [1] 2/8 1:00 and [1] 90/27 1:00 o'clock [2] 2/7 90/27 1:15 [1] 1/40 1:25 [1] 148/36 1st [1] 118/25
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-	
-B [1] 128/31 -night [1] 17/27 -six [1] 128/8 -stand [1] 13/12	
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.0500 [1] 118/40 .0677 [1] 118/39 .2213 [1] 118/40 .3048 [1] 119/1 .5109 [1] 119/26	
<b>0</b>	<b>2</b> 2 million gallons [1] 84/32 2.4 million [1] 133/37 20 [11] 6/3 40/13 52/10 52/13 54/20 71/3 82/6 84/24 116/11 118/4 118/9
0.0009 [1] 118/35 0.0150 [2] 118/34 118/36 0.0300 [1] 118/37 0.0400 [1] 118/34 0.0500 [1] 118/37 0.0655 [1] 118/36 0.0755 [1] 118/33 0.0850 [1] 118/34 0.0895 [1] 118/35 0.1700 [1] 118/38 0.1909 [1] 118/33 0.5109 [1] 118/38 0.677 [1] 118/39 0.7500 [1] 118/38 010-280-07 [3] 65/13 65/20 65/33 010-280-08 [3] 44/19 44/27 45/4 010-280-09 [3] 65/13 65/21 65/33 010-280-12 [3] 44/19 44/27 45/4 010-280-13 [4] 57/3 57/10 61/1 61/16 011-110-03 [3] 88/6 88/13 89/34 03 [3] 88/6 88/13 89/34	



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