

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 28, 2018, at 9:00 a.m.  
5 Transcript produced by Tiffany Elkington, C.C.R., #930.  
6

7 **PRESENT: PATSY WAITS, COMMISSIONER (JOINED BY**  
8 **TELEPHONE AS INDICATED IN TRANSCRIPT)**  
9 **SEAN BAKKER, COMMISSIONER**  
10 **ART CLARK III, COMMISSIONER**  
11 **DOUG MILLS, COMMISSIONER**  
12 **JUDIE ALLAN, COMMISSIONER**  
13 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**  
14 **SADIE SULLIVAN, COUNTY CLERK**  
15 **THEODORE HERRERA, DISTRICT ATTORNEY**  
16  
17

18 (Let the record reflect the presence of a quorum of four  
19 commissioners. Let the record reflect the presence of Austin  
20 via teleconference.)  
21

22 CHAIRMAN MILLS: I'll call to order this Lander County  
23 Commission meeting, Town Board of Battle Mountain and Austin,  
24 Board of Highway -- County Highway Commissioners, June 28, 2018.

25 Please join us in the Pledge of Allegiance.

26 Art, will you lead us.  
27

28 (Pledge of Allegiance)  
29

30 CHAIRMAN MILLS: Okay.

31 Thank you.

32 We'd like a moment of silence, please.  
33

34 (Moment of silence)  
35

36 CHAIRMAN MILLS: Okay. Thank you.

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

1     **COMMISSIONER REPORTS**

2  
3           CHAIRMAN MILLS: Commissioners' reports on meetings,  
4 conferences, and seminars attended.

5           Judie?

6           COMMISSIONER ALLAN: I have nothing to report.

7           CHAIRMAN MILLS: Okay. I don't have anything.

8           Sean?

9           COMMISSIONER BAKKER: I don't either.

10          Art?

11          CHAIRMAN MILLS: Art, --

12          COMMISSIONER CLARK: No.

13          CHAIRMAN MILLS: -- do you have anything for us?

14          COMMISSIONER BAKKER: Okay. That was the --

15          CHAIRMAN MILLS: Wow.

16          COMMISSIONER BAKKER: -- quickest one we've ever had.

17          CHAIRMAN MILLS: A record right there.

18          Patsy?

19          No.

20          And just for the record, Patsy's at a NACO conference today.  
21 So she's not here with us personally, but we'll be calling her in  
22 shortly.

23  
24  
25     **STAFF REPORTS**

26  
27           CHAIRMAN MILLS: Staff reports on meetings, conferences,  
28 and seminars attended.

29           KEITH WESTENGARD: Well, since you guys didn't take any  
30 time, I have about 25 minutes of updates.

31           CHAIRMAN MILLS: Okay.

32           KEITH WESTENGARD: No, I'm just kidding.

33           Actually, I'm -- mine are very brief. The -- the biggest  
34 thing or one of the bigger things is our Austin Airport Master  
35 Plan is in draft form. So if you would like copies of it, you  
36 should have been -- received them in the email. If you'd like  
37 me to print you out some copies, I'll be happy to do that, put  
38 them in your boxes for your review.

39           Our -- our three projects, which is our hangar project, the  
40 Battle Mountain fueling project, and the Austin Jet A project

1 are all under way. And they are starting to move forward on the  
2 construction of that with completion dates between middle of  
3 August to the -- the beginning -- or end of summer. So that'll  
4 be good.

5 Our R.S. 2477 road map, which you approved last meeting,  
6 has been recorded and --

7  
8 (Cell phone ringing.)  
9

10 KEITH WESTENGARD: -- is in route to the Department of  
11 Transportation.

12 So hopefully we'll hear something on that real soon on  
13 our -- on our 2477 stuff.

14 Is Ken Brown here today?

15 JEANNE FALZONE: Uh-huh.

16 KEITH WESTENGARD: Oh, is --

17 JEANNE FALZONE: He's on the --

18 KEITH WESTENGARD: -- he here?

19 JEANNE FALZONE: -- phone right --

20 KEITH WESTENGARD: Okay.

21 So Ken Brown will be here. We received this two days ago.  
22 It's his -- his agenda. So he'll be here to talk about a lot of  
23 those items.

24 That's all I have. The rest of the stuff is on the agenda.  
25 Thanks.

26 COMMISSIONER BAKKER: Thank you.

27 CHAIRMAN MILLS: Thank you.  
28  
29

30 **PUBLIC COMMENT**  
31

32 CHAIRMAN MILLS: We'll move to public comment for  
33 nonagendized items only.

34 Persons are invited to submit comment in writing and/or  
35 attend and make comment on any nonagenda item at the board  
36 meeting, if any, and discussion of those comments at the  
37 discretion of the board. All public comment may be limited to  
38 three minutes per person, again at the discretion of the board.  
39 Reasonable restrictions may be placed on public comment based  
40 upon time, place, and manner, but public comment based upon

1 viewpoint may not be restricted.

2 Do we have any public comment?

3 (No comment.)

4  
5  
6 **CONSENT AGENDA**

7  
8 CHAIRMAN MILLS: Okay. We'll go to consent agenda.

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

17 One, approval of June 28, 2018, agenda notice; two,  
18 approval of May 10, 2018, meeting minutes; three, approval of  
19 May 24, 2018, meeting minutes; four, approval of June 14, 2018,  
20 meeting minutes; five, approval of the payment of bills; six,  
21 approval of payroll change requests.

22 COMMISSIONER BAKKER: We don't have June 14th meeting  
23 minutes.

24 May 24th, we have?

25 No.

26 UNIDENTIFIED PARTICIPANT: May 10th.

27 COMMISSIONER BAKKER: May 10th. Okay.

28 Any --

29 Okay. Cool.

30 All right. I'll make a motion to approve the June 8 -- 28,  
31 2018, agenda notice; the May 10th, 2018, meeting minutes; payment  
32 of the bills, and payroll change requests.

33 COMMISSIONER ALLAN: Second.

34 CHAIRMAN MILLS: Sean made a motion. Judie seconded.

35 Do we have any public comment?

36 (No comment.)

37 CHAIRMAN MILLS: All in favor?

38 COMMISSIONER BAKKER: Aye.

39 COMMISSIONER ALLAN: Aye.

40 CHAIRMAN MILLS: Aye.

1 COMMISSIONER CLARK: Aye.

2

3

4 **COMMISSIONERS**

5

6 1) **Discussion only recognizing Nevaeh Serna for outstanding**  
7 **performance at the Bishop Invitational Swim Meet where she**  
8 **earned four first place awards and one second place award,**  
9 **and all other matters properly related thereto.**

10

11 CHAIRMAN MILLS: Item Number 1. Discussion only  
12 recognizing Nevaeh Serna for outstanding performance at the  
13 Bishop Invitational Swim Meet where she earned fir- -- fir- --  
14 four first place awards and one second place award, and all  
15 other matters properly related thereto.

16 COMMISSIONER CLARK: I asked for this agenda item.

17 I believe that this young lady is the first swimmer from  
18 our swim team to venture not only out of county but out of state  
19 and did exceptionally well.

20 Come up here, young lady.

21 How many first places do you have?

22 TONY: Five.

23 NEVAEH SERNA: Five.

24 CHAIRMAN MILLS: Goll-, look at all those --

25 COMMISSIONER CLARK: Five first places? In two meets?

26 TONY: In two meets.

27 COMMISSIONER CLARK: That's outstanding.

28 COMMISSIONER BAKKER: That's amazing.

29 TONY: One second --

30 COMMISSIONER CLARK: I think we have --

31 TONY: -- and two --

32 COMMISSIONER CLARK: -- some- --

33 TONY: -- thirds.

34 COMMISSIONER CLARK: -- -thing for you.

35 TONY: Yeah.

36 KEITH WESTENGARD: So we'll just have you --

37 COMMISSIONER CLARK: Can you beat your aunt --

38 REGINA: Yeah.

39 COMMISSIONER CLARK: -- in the pool?

40 TONY: What's that?

1 COMMISSIONER BAKKER: Can --  
2 REGINA: I can't swim.  
3 COMMISSIONER CLARK: -- can she beat her aunt in the pool?  
4 REGINA: Yes, she --  
5 TONY: Yes. She can.  
6 She can swim faster than a rock.  
7 CHAIRMAN MILLS: That's great.  
8 KEITH WESTENGARD: We -- we have a certificate here.  
9 And -- and if -- we do have a -- a wood backing for it, but it  
10 hasn't been completed yet.  
11 Once we get that, the commissioners will all sign it. It  
12 will be mounted onto a -- a wood backing, a nice wood plaque.  
13 And then if it was a hangable or on the wall or however you guys  
14 would like to do it. So I'm going to have the commissioners  
15 sign this.  
16 I want to shake your hand, wish you congratulations. It  
17 says --  
18 It says, Lander County certificate of outstanding performance  
19 is hereby granted to --  
20 TONY: Nevaeh Serna.  
21 KEITH WESTENGARD: -- Nevaeh --  
22 TONY: Nevaeh --  
23 KEITH WESTENGARD: -- Nevaeh --  
24 TONY: -- Serna.  
25 KEITH WESTENGARD: -- sorry -- for outstanding performance  
26 at the Bishop Invitational Swim Meet granted June 28, 2018.  
27 And the board will sign it for you.  
28 Okay?  
29 CHAIRMAN MILLS: Congratulations.  
30 COMMISSIONER ALLAN: Do we have a special pen --  
31 CHAIRMAN MILLS: That's --  
32 COMMISSIONER ALLAN: -- that might --  
33 CHAIRMAN MILLS: -- wonderful.  
34 KEITH WESTENGARD: Let me grab a pen for it.  
35 COMMISSIONER CLARK: You practice five days a week? Three  
36 days a week?  
37 TONY: Three.  
38 COMMISSIONER ALLAN: Anywhere on the line?  
39 COMMISSIONER CLARK: It'll be five --  
40 KEITH WESTENGARD: We'll -- we'll just --

1 COMMISSIONER CLARK: -- in the near future.  
2 KEITH WESTENGARD: -- kind of --  
3 TONY: Oh, yeah. Here.  
4 COMMISSIONER CLARK: And then it'll be mornings and  
5 afternoons. And then it'll be weights in between and diet and  
6 --  
7 TONY: Oh, yeah.  
8 CHAIRMAN MILLS: And then --  
9 COMMISSIONER CLARK: A whole lot to it.  
10 CHAIRMAN MILLS: -- and then the Olympics.  
11 REGINA: Then the Olympics.  
12 COMMISSIONER ALLAN: There you go.  
13 JEANNE FALZONE: Tony or Regina? Could you kind of explain  
14 when she started swimming and the process and everything so that  
15 people are aware of why this is really --  
16 TONY: She took her --  
17 JEANNE FALZONE: -- special.  
18 TONY: -- she took her swimming lessons in February.  
19 She just learned how to swim in February. And she went to  
20 her first meet in March 10th.  
21 And then she took off from there.  
22 COMMISSIONER CLARK: That's awesome.  
23 COMMISSIONER ALLAN: Tony?  
24 TONY: And then we went to Bishop. And her next meet is  
25 in --  
26 REGINA: Tahoe.  
27 TONY: Some --  
28 NEVAEH SERNA: Lake Tahoe.  
29 TONY: Lake Tahoe.  
30 And that's in two weeks.  
31 COMMISSIONER BAKKER: Cool.  
32 COMMISSIONER ALLAN: And how old are you, Nevaeh?  
33 NEVAEH SERNA: Six.  
34 COMMISSIONER ALLAN: That is just --  
35 CHAIRMAN MILLS: Wow.  
36 COMMISSIONER ALLAN: -- awesome.  
37 TONY: What's your favorite stroke?  
38 NEVAEH SERNA: Freestyle.  
39 REGINA: Freestyle.  
40 CHAIRMAN MILLS: Freestyle. Yeah.

1 COMMISSIONER ALLAN: Wow.  
2 KEITH WESTENGARD: So here's -- I can give this to you.  
3 And when we do get the backing, I can ask you to come back in.  
4 Or we can get the backing and put it on and then ask you to come  
5 back in.  
6 TONY: We'll just come back in and get it, then.  
7 KEITH WESTENGARD: Okay. All right.  
8 Thank you very much.  
9 TONY: Thank you.  
10 COMMISSIONER BAKKER: Thank you.  
11 KEITH WESTENGARD: We appreciate it. Congratulations, by  
12 the way.  
13 COMMISSIONER ALLAN: Congratulations.  
14 UNIDENTIFIED PARTICIPANT: Good job, honey.  
15 Congratulations.  
16  
17 2) Discussion and possible action regarding a waiver of fees for  
18 the Lander County School District at the Battle Mountain  
19 Civic Center and Battle Mountain Recreation Center for a  
20 period of three years, and all other matters properly related  
21 thereto.  
22  
23 CHAIRMAN MILLS: Okay. We'll move to Item Number 2.  
24 Discussion and possible action regarding the waiver of fees  
25 for the Lander County School District at the Battle Mountain  
26 Civic Center and Battle Mountain Recreation Center for a period  
27 of three years, and all other matters properly related thereto.  
28 Good morning.  
29 SONDR TORGERSON: Good morning.  
30 COMMISSIONER CLARK: Good morning.  
31 COMMISSIONER BAKKER: Good morning.  
32 SONDR TORGERSON: I'm --  
33 COMMISSIONER ALLAN: Good morning.  
34 SONDR TORGERSON: -- Sondra Torgerson, next year's  
35 principal. And I'm here on behalf of Russ Klein, the  
36 superintendent.  
37 And I'm here to ask that the commissioners consider waiving  
38 the fee that is charged to the Lander County School District for  
39 use of the civic center and rec center for the next three years.  
40 COMMISSIONER CLARK: The rec center and the civic center;



1 right?

2 SONDRA TORGERSON: Correct.

3 CHAIRMAN MILLS: Have we done that before?

4 SONDRA TORGERSON: Not to my --

5 COMMISSIONER CLARK: The --

6 SONDRA TORGERSON: -- knowledge.

7 COMMISSIONER CLARK: Could you explain what's going on with  
8 the finances? Because when Russ explained it to me, I  
9 understood perfectly.

10 The finances -- the net proceeds of mine money is not used  
11 in the same way that the county and the hospital can use -- use  
12 it.

13 You want to take a shot at that?

14 SONDRA TORGERSON: No.

15 I'm going to be really honest with you. I don't because I  
16 don't want to say something incorrectly.

17 COMMISSIONER CLARK: Yeah.

18 SONDRA TORGERSON: I know that with the building projects  
19 that we had that were completed a couple years ago, we ran down  
20 to --

21 COMMISSIONER CLARK: Nothing.

22 SONDRA TORGERSON: -- nothing.

23 COMMISSIONER CLARK: And -- and took a --

24 SONDRA TORGERSON: And --

25 COMMISSIONER CLARK: -- \$2 million --

26 SONDRA TORGERSON: -- net proceeds --

27 COMMISSIONER CLARK: -- loan.

28 SONDRA TORGERSON: -- ye- -- and net proceeds were not good  
29 last year.

30 We're trying to get on the rebound. But that would give us,  
31 you know, an extra --

32 COMMISSIONER CLARK: Will give --

33 SONDRA TORGERSON: -- 5,000, --

34 COMMISSIONER CLARK: -- you a little bit more --

35 SONDRA TORGERSON: -- \$10,000 --

36 COMMISSIONER CLARK: -- money.

37 Yeah. It -- the way it works is the school district can't  
38 use their net proceeds that they received this year, \$9 million,  
39 until --

40 SONDRA TORGERSON: No.

1 COMMISSIONER CLARK: -- next year.  
2 SONDRA TORGERSON: Correct. That is --  
3 COMMISSIONER CLARK: So --  
4 SONDRA TORGERSON: -- correct.  
5 COMMISSIONER CLARK: -- you really do have a money crunch  
6 right now.  
7 SONDRA TORGERSON: Right.  
8 COMMISSIONER CLARK: Yeah.  
9 CHAIRMAN MILLS: How --  
10 DISTRICT ATTORNEY HERRERA: Until the --  
11 CHAIRMAN MILLS: -- how much --  
12 DISTRICT ATTORNEY HERRERA: -- next year --  
13 CHAIRMAN MILLS: -- have we --  
14 DISTRICT ATTORNEY HERRERA: The starting school year?  
15 COMMISSIONER CLARK: This starting school year they cannot  
16 use the 9 million --  
17 SONDRA TORGERSON: It'll be in --  
18 COMMISSIONER CLARK: -- that they --  
19 SONDRA TORGERSON: -- '19.  
20 COMMISSIONER CLARK: -- just got.  
21 SONDRA TORGERSON: '19 -- the '19/'20 school year we could  
22 use it.  
23 COMMISSIONER CLARK: Right.  
24 COMMISSIONER BAKKER: Go ahead.  
25 KEITH WESTENGARD: So in the county when we -- la- -- this  
26 year we trued up. We -- we now receive actual net proceeds.  
27 And we -- once that money was av- -- is available to us, which  
28 was last month, it's available to use within the county.  
29 So in the school district, you guys get -- you get it -- the  
30 county gives you the money. But you are not actually able to use  
31 it -- and it has to do with your student counts, which is in  
32 October?  
33 SONDRA TORGERSON: September.  
34 KEITH WESTENGARD: September -- which is in September or  
35 October.  
36 So even though they have the money, it's not really  
37 available to them until months later because they have to look  
38 at their student counts. And the federal government looks at  
39 it. And -- and there's adjustments made through -- and I don't  
40 remember the name -- the program Russ referred to, but it's your

1 student counts, the number of students in the --  
2 COMMISSIONER CLARK: For the --  
3 KEITH WESTENGARD: -- school.  
4 COMMISSIONER CLARK: -- distributive school count. You  
5 don't get any DSA money because you have --  
6 KEITH WESTENGARD: DSA.  
7 SONDRA TORGERSON: Right.  
8 COMMISSIONER CLARK: -- so much net --  
9 SONDRA TORGERSON: Net --  
10 COMMISSIONER CLARK: -- proceeds.  
11 SONDRA TORGERSON: -- proceeds.  
12 We do not receive anything from the state.  
13 COMMISSIONER CLARK: Which is kind of a good place to be  
14 most of the time, but it's not --  
15 COMMISSIONER ALLAN: So it's --  
16 COMMISSIONER CLARK: -- working too good now.  
17 COMMISSIONER ALLAN: Sondra, basically what these -- what  
18 these are for is, is you do have different events at the civic  
19 center and to be utilizing the rec center for --  
20 COMMISSIONER CLARK: PE classes.  
21 SONDRA TORGERSON: Well, our --  
22 COMMISSIONER ALLAN: Well, are you using it for PE --  
23 SONDRA TORGERSON: I can only --  
24 COMMISSIONER ALLAN: -- and --  
25 SONDRA TORGERSON: -- speak on behalf of the high school as  
26 far as the rec center. We used it. I know they did a two-week  
27 swimming unit there for PE classes. And we also use it  
28 occasionally for a basketball practice. If our gym is being  
29 used for wrestling duals on a Tuesday night, then we need  
30 facilities to do basketball. So we either use the junior high  
31 and the rec center. That occurred.  
32 COMMISSIONER ALLAN: I just want that on the record that,  
33 you know, for what -- what the school is utilizing. And that's  
34 one of the things I think when we started, you know, designing  
35 the rec center and -- and whatnot is -- is to be able to be  
36 utilized by the school system for PE and -- and swim teams and  
37 -- and whatnot.  
38 So I just -- like I said, I want it out in the open. It's  
39 -- it's --  
40 SONDRA TORGERSON: And they've done a great job of working

1 with us.

2 COMMISSIONER ALLAN: For wh- --

3 SONDR TORGERSON: It was a really good partnership this  
4 year.

5 COMMISSIONER ALLAN: Right. For exactly what you guys do  
6 utilize it for.

7 SONDR TORGERSON: Uh-huh.

8 COMMISSIONER CLARK: And from what -- from what Russ  
9 explained, he figures in three years he'll have the -- the  
10 finances corrected and start building a nest egg again.

11 SONDR TORGERSON: Yes. That's his plan.

12 CHAIRMAN MILLS: So how --

13 COMMISSIONER BAKKER: Cool.

14 CHAIRMAN MILLS: -- how -- how much money are we talking  
15 about? Because I don't know what your --

16 COMMISSIONER CLARK: \$10,000.

17 COMMISSIONER BAKKER: Ten grand.

18 SONDR TORGERSON: We have currently have paid 5,000 --

19 CHAIRMAN MILLS: Is that --

20 SONDR TORGERSON: -- for the --

21 CHAIRMAN MILLS: Is that a year?

22 SONDR TORGERSON: -- civic center in the past.

23 CHAIRMAN MILLS: Or total?

24 SONDR TORGERSON: A year.

25 COMMISSIONER BAKKER: A year.

26 CHAIRMAN MILLS: A year. Okay.

27 COMMISSIONER BAKKER: Because there's an interlocal  
28 agreement.

29 And on the -- the forms for the rec center and stuff, it  
30 says, for the betterment of the community, the fees can be  
31 waived. So -- and I think for our community and for our  
32 children, it's definitely --

33 CHAIRMAN MILLS: Right.

34 COMMISSIONER BAKKER: -- for the betterment of our  
35 community. So...

36 COMMISSIONER CLARK: Yeah.

37 COMMISSIONER BAKKER: With that, I'll make a motion to  
38 approve the waiver of fees for the Lander County School District  
39 at the Battle Mountain Civic Center and the Battle Mountain  
40 Recreation Center for a period of three years.

1 COMMISSIONER ALLAN: Second.  
2 CHAIRMAN MILLS: Okay. Sean made a motion. Judie  
3 seconded.  
4 Do we have any public comment?  
5 (No comment.)  
6 CHAIRMAN MILLS: All in favor?  
7 COMMISSIONER BAKKER: Aye.  
8 CHAIRMAN MILLS: Aye.  
9 COMMISSIONER CLARK: Aye.  
10 SONDR TORGERSON: Thank you very, --  
11 COMMISSIONER BAKKER: Yep.  
12 SONDR TORGERSON: -- very --  
13 COMMISSIONER ALLAN: Thanks, Sondra.  
14 SONDR TORGERSON: -- much.  
15 COMMISSIONER CLARK: You're welcome.  
16 CHAIRMAN MILLS: Thank you.  
17 COMMISSIONER CLARK: For the kids.

18  
19 3) Discussion and possible action regarding a burn ban within  
20 Lander County that would be put into effect immediately and  
21 will last until further notice, and all other matters  
22 properly related thereto.  
23

24 CHAIRMAN MILLS: Okay. Item 3. Discussion and possible  
25 action regarding a burn ban within Lander County that would be  
26 put into effect immediately and will last until further notice,  
27 and all other matters properly related thereto.

28 COMMISSIONER BAKKER: Ron, do you think we need this?

29 SHERIFF RON UNGER: Yes.

30 COMMISSIONER CLARK: Yes.

31 COMMISSIONER ALLAN: Do we need it immediately?

32 SHERIFF RON UNGER: Yes.

33 COMMISSIONER BAKKER: When Ron and I were reeling up a hose  
34 the other day from a house fire from someone burning weeds  
35 outside, the first thing I said to him is, "Man, we need to get  
36 a burn back in place."

37 So I do believe we need this.

38 So with that, I'll make a motion to approve a burn ban  
39 within Lander County that would be put into effect immediately  
40 and will last till further notice.

1 COMMISSIONER CLARK: Second.  
2 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.  
3 Do we have any public comment?  
4 COMMISSIONER CLARK: Yeah. I've got a question.  
5 This is the same kind of burn ban that we put in place last  
6 year?  
7 DISTRICT ATTORNEY HERRERA: Yes.  
8 COMMISSIONER CLARK: Okay. We really don't have an  
9 ordinance to cite anybody if they are burning on their property,  
10 do we?  
11 SHERIFF RON UNGER: No.  
12 COMMISSIONER CLARK: Okay.  
13 SHERIFF RON UNGER: The thing that they would have to do is  
14 if they're burning on their property and they lose that fire --  
15 COMMISSIONER CLARK: Right.  
16 SHERIFF RON UNGER: You know, say they burn down a house,  
17 well, that's on them. Their insurance would not take care of  
18 it. If it goes outside of their property on the BLM or -- land,  
19 they could be responsible for the cost of the extinguishing that  
20 fire through the federal government. So...  
21 COMMISSIONER CLARK: Well, if it goes on BLM land, you can  
22 be tried as a terrorist and sent to prison like the Hammonds.  
23 SHERIFF RON UNGER: It depends on how it starts. But they  
24 need to be aware of that, that you get a few aircraft in there,  
25 that'll see planes dropping some fire retardant, and the cost  
26 runs up to the hundred thousands real fast.  
27 So they need to know this. And like Sean said, that  
28 started at just a yard, and it could have burned two houses  
29 immediately.  
30 COMMISSIONER BAKKER: Yeah. It was --  
31 SHERIFF RON UNGER: We were lucky.  
32 COMMISSIONER BAKKER: -- it was --  
33 COMMISSIONER CLARK: Yeah.  
34 COMMISSIONER BAKKER: -- cruising.  
35 SHERIFF RON UNGER: We were lucky.  
36 CHAIRMAN MILLS: How -- how are we going to notify people  
37 that we're doing a burn ban?  
38 COMMISSIONER CLARK: Yeah.  
39 KEITH WESTENGARD: Once you approve it, we'll put it in the  
40 paper and -- and post it and advertise --

1 COMMISSIONER ALLAN: Do we --  
2 KEITH WESTENGARD: -- it.  
3 COMMISSIONER ALLAN: Will you run --  
4 CHAIRMAN MILLS: Okay.  
5 COMMISSIONER ALLAN: -- it for one or two weeks?  
6 KEITH WESTENGARD: Probably put it in for at least two  
7 weeks, maybe even -- maybe even a reminder midsummer, something  
8 like that.  
9 COMMISSIONER ALLAN: It's not a bad --  
10 COMMISSIONER BAKKER: Especially with --  
11 COMMISSIONER ALLAN: -- idea.  
12 COMMISSIONER BAKKER: -- Fourth of July coming. Everyone's  
13 going to be lighting off fireworks. So...  
14 COMMISSIONER ALLAN: Yeah.  
15 COMMISSIONER BAKKER: And I know last year they lit off  
16 fireworks and started a fire that the sheriff's department put  
17 out before it got out of hand.  
18 So we need to get it out there.  
19 CHAIRMAN MILLS: Okay. Any other public comment?  
20 SHERIFF RON UNGER: I got one. The -- Ron Unger, for the  
21 record. The -- a lot of these people call in to the sheriff's  
22 office and they do it daily. They were doing it yesterday. And  
23 -- and -- just to let us know they're going to be burning on  
24 their property. We call it a burn notice. So we notify the  
25 deputies that there is.  
26 Do you want us to put a halt to that and tell them there is  
27 no --  
28 The only thing we can do is tell them that there -- there's  
29 got a no-burn in Lander County and leave it at that, I guess.  
30 COMMISSIONER ALLAN: Absolutely.  
31 CHAIRMAN MILLS: That's --  
32 COMMISSIONER CLARK: That's --  
33 CHAIRMAN MILLS: -- probably the best way --  
34 SHERIFF RON UNGER: Great.  
35 CHAIRMAN MILLS: -- to do that.  
36 SHERIFF RON UNGER: So that's -- that's what we'll --  
37 COMMISSIONER CLARK: We don't --  
38 SHERIFF RON UNGER: -- (indiscernible).  
39 COMMISSIONER CLARK: You can ask them not to --  
40 SHERIFF RON UNGER: Yeah. If they --

1 COMMISSIONER CLARK: -- because the fire --  
2 SHERIFF RON UNGER: -- go ahead and do it, it's on them. I  
3 mean, if it gets out of hand, the fire department will go and  
4 put the bo- -- put it out.  
5 But just so you know, that's happening daily --  
6 COMMISSIONER CLARK: Yeah.  
7 SHERIFF RON UNGER: -- right now.  
8 COMMISSIONER CLARK: Well, that's why I -- I asked the  
9 question. Because last year we had the same discussion, and we  
10 can't cite somebody if they're burning on their property. But  
11 as you mentioned, if it jumps, then that's where the problem  
12 begins.  
13 COMMISSIONER BAKKER: Okay.  
14 CHAIRMAN MILLS: Okay. All in favor?  
15 COMMISSIONER BAKKER: Aye.  
16 COMMISSIONER ALLAN: Aye.  
17 CHAIRMAN MILLS: Aye.  
18 COMMISSIONER CLARK: Aye.

19  
20 **4) Discussion and possible action requesting a letter of support**  
21 **from the Lander County Board of Commissioners to extend the**  
22 **safety/sound wall on I-80 as it passes Battle Mountain house**  
23 **division and Battle Mountain High School, and all other**  
24 **matters properly related thereto.**  
25

26 CHAIRMAN MILLS: Item 4. Discussion and possible action  
27 requesting a letter of support from the Lander County Board of  
28 Com- -- of Commissioners to extend the safety/sound wall on I-80  
29 as it passes Battle Mountain house division and Battle Mountain  
30 High School, and all other matters properly related thereto.

31 COMMISSIONER CLARK: Come on up, Worth.

32 Worth contacted me about this. And, you know, I -- I've  
33 often wondered, working at the high school, why the sound wall  
34 is just right there that protects the pond -- it -- basically.

35 And we have probably 10, 15 houses along the freeway that  
36 are 25 yards from there.

37 And then my other question would be: Do we want to ask to  
38 extend it down -- down on the west end where the residential --  
39 where there's residential area too? That would be the colony or  
40 the apartments -- Clark Park Apartments down there. So...



1           WORTH NELSON: My name is Worth Nelson.  
2           And I -- I've -- I have been driving around kind of taking  
3 a look at it.  
4           And there's 15, 16, 17, depending on if you count the ones  
5 that are kind of on the corner of the Gold Creek subdivision  
6 down -- down there.  
7           The wall does begin. The -- the -- the one that's there  
8 presently begins right about where the gra- -- I don't know if  
9 they actually call it a park there where the high school pond is  
10 at or not, right about the edge of the grass there and then ends  
11 right afterwards, exposing the high school on -- on -- on the  
12 west end and -- and all of the subdivision there.  
13          And there is a part -- I didn't even realize it till I was  
14 looking at a picture of town. There is a wall down by the  
15 apartments there on the Broyles Ranch. I don't remember the name  
16 of them. And they're actually quite a bit further off the -- off  
17 the freeway than the subdivision is over there.  
18          I mean, I actually went out and ranged from the back fence  
19 of John Mauldin's house to the diesels going by, and they're  
20 25 yards away. So the edge of the freeway is probably  
21 actually --  
22          COMMISSIONER CLARK: Less than --  
23          WORTH NELSON: -- a little bit --  
24          COMMISSIONER CLARK: -- 25.  
25          WORTH NELSON: -- less than 25 yards --  
26          COMMISSIONER CLARK: Oh.  
27          WORTH NELSON: -- away.  
28          And, you know, the traffic's 75 to 80 miles an hour. And --  
29          COMMISSIONER CLARK: And that would protect some -- give  
30 some protection not only --  
31          WORTH NELSON: Well, --  
32          COMMISSIONER CLARK: -- for sound, --  
33          WORTH NELSON: -- I -- I --  
34          COMMISSIONER CLARK: -- but if anybody --  
35          WORTH NELSON: -- I spoke to --  
36          COMMISSIONER CLARK: -- went off --  
37          WORTH NELSON: -- one particular person that lives on that  
38 side. And they were going to build a shop. And they purposely  
39 built it on the east end of their property, hoping that if  
40 somebody did come off that freeway, it would get into the shop

1 before they got into the house or the yard.

2 It's kind of funny when you drive through the neighborhood  
3 over there, there's little kids playing all over in the streets.  
4 And everybody yells at the kids to stay out of the streets. But  
5 it's safer on Gold Creek to play in the street than it is your  
6 backyard.

7 And I'm not sure -- I've been told -- one person I talked to  
8 who was actually on one of the crews when they were doing the dirt  
9 work for the freeway said there was a wall in the plan, but by the  
10 time they got done, it wasn't there anymore. I don't have any  
11 idea why. And this is say-so.

12 And another person said that the plan for that free was --  
13 freeway was supposed to be out on the -- what is that? -- Mount  
14 Lewis, Old -- Old 8A, whatever you call it there where Legarza's  
15 at now. It goes to Tomera Ranches -- Tomera --

16 COMMISSIONER ALLAN: Old 8A.

17 WORTH NELSON: -- Ranch Road, maybe it's called.

18 COMMISSIONER ALLAN: Old 8A.

19 WORTH NELSON: That it was supposed to be there and that a  
20 prominent businessman had it moved in and had an overpass put  
21 there. I don't know if you couldn't have put an overpass out  
22 where it was at or what. And that's how it ended up being right  
23 on top of the houses and -- and the high school over there.

24 We've had at least two or three semi tractor trailer wrecks  
25 over there just in the last few years that I can remember.

26 Had a car actually leave the -- the freeway and end up  
27 tangled up in the fence right behind the high school where  
28 there's often, you know, quite a few kids during class change  
29 and the shops there where people are working all the time. And  
30 their answer to that was to build a nice berm. So now they can  
31 get airborne coming off of that freeway and get over the fence,  
32 I guess. I'm not -- I'm not really sure, but that's what they  
33 did is they put a berm kind of there. And --

34 COMMISSIONER CLARK: As long as we get a video of it --

35 COMMISSIONER BAKKER: Now --

36 WORTH NELSON: And I just -- I mean, you -- anywhere you  
37 travel in -- in the state, I mean, where there's housing there  
38 and actually businesses in, you know, Reno and Carson and Vegas,  
39 I mean, they're -- the walls are j- -- are everywhere.

40 COMMISSIONER CLARK: Sure. Even on state roads.

1           WORTH NELSON: Right. And -- and they're -- and they're  
2 doing a nice job with them.  
3           COMMISSIONER CLARK: Yeah.  
4           WORTH NELSON: And I -- you know, thought that's kind of  
5 what they were doing over there when they started that one, but  
6 then it kind of started here and stopped there and went, well,  
7 the ducks are safe now.  
8           So --  
9           COMMISSIONER CLARK: Well, I think what we can do is --  
10          WORTH NELSON: We don't know.  
11          COMMISSIONER CLARK: -- we can write a letter of support to  
12 NDOT. And then they can contact the feds or whomever is  
13 responsible for --  
14          WORTH NELSON: Well, I --  
15          COMMISSIONER CLARK: -- the --  
16          WORTH NELSON: -- I -- I assumed that it would have to be  
17 federal monies. I don't think even if Lander County had the  
18 money and wanted to could go out there and build their --  
19          COMMISSIONER CLARK: No.  
20          WORTH NELSON: -- own wall on that. I don't -- it's not  
21 our --  
22          CHAIRMAN MILLS: No.  
23          WORTH NELSON: -- property. And, I mean, I see -- I mean,  
24 I -- I guess I understand. I mean, over there in Carlin where  
25 you drive, you know, just west of Carlin where you go over the  
26 little hill, the side hills there, they must have spent hundreds  
27 of thousands of dollars to save --  
28          COMMISSIONER CLARK: With the broken rock.  
29          WORTH NELSON: -- soil with the rock over there. And it  
30 does look nice. And it probably does help. But I -- you know,  
31 the -- somebody's going to get killed over there on -- in one of  
32 those houses one of these days.  
33          COMMISSIONER BAKKER: Art, you -- give them -- us a little  
34 bit of background. You were on the school board when they  
35 decided to build that wall; right? Was it the school --  
36          COMMISSIONER CLARK: Well --  
37          COMMISSIONER BAKKER: -- board?  
38          COMMISSIONER CLARK: Build the wall?  
39          COMMISSIONER BAKKER: Yeah, the wall over there by the high  
40 school.

1 COMMISSIONER CLARK: Oh, that was built when they built the  
2 freeway.  
3 COMMISSIONER BAKKER: Yeah, why --  
4 WORTH NELSON: No, --  
5 COMMISSIONER BAKKER: -- did they --  
6 WORTH NELSON: -- no, --  
7 COMMISSIONER BAKKER: -- put that wall --  
8 WORTH NELSON: -- no.  
9 COMMISSIONER BAKKER: -- on the --  
10 WORTH NELSON: It wasn't. It was built after the --  
11 COMMISSIONER CLARK: No, I --  
12 WORTH NELSON: -- freeway --  
13 COMMISSIONER CLARK: -- (indiscernible).  
14 CHAIRMAN MILLS: Yeah, that --  
15 WORTH NELSON: -- was there.  
16 CHAIRMAN MILLS: -- came -- that --  
17 COMMISSIONER CLARK: That was done --  
18 CHAIRMAN MILLS: -- bowl came --  
19 COMMISSIONER CLARK: -- before --  
20 CHAIRMAN MILLS: -- later.  
21 COMMISSIONER CLARK: -- I was on the school --  
22 WORTH NELSON: The -- yeah --  
23 COMMISSIONER CLARK: -- board.  
24 WORTH NELSON: -- wall came --  
25 COMMISSIONER BAKKER: Okay.  
26 WORTH NELSON: -- later.  
27 COMMISSIONER BAKKER: Okay.  
28 WORTH NELSON: And -- and -- and I'm not sure. I mean, I  
29 didn't really -- I had no concern about it. Just saw it being  
30 built and assumed that they were going to do the whole thing and  
31 then --  
32 COMMISSIONER CLARK: No, we don't --  
33 WORTH NELSON: -- they were gone, anyway.  
34 CHAIRMAN MILLS: So we're --  
35 COMMISSIONER CLARK: -- want to -- we don't want to disrupt  
36 the breeding habits of the ducks. That's --  
37 WORTH NELSON: No.  
38 COMMISSIONER CLARK: -- why --  
39 WORTH NELSON: Yeah. I don't know.  
40 COMMISSIONER CLARK: -- it must be --

1 CHAIRMAN MILLS: I don't --  
2 WORTH NELSON: I mean, I -- you know, on top of that, I  
3 mean, the landowners or the -- or the, you know, residential  
4 people over there, they're -- I think I counted this morning. I  
5 think there's 14 houses that actually back right straight up to  
6 the -- the freeway.  
7 People -- I mean, there's about four yards that people do  
8 anything with. Other than that, it's just like part of the desert  
9 because nobody ever goes back there. I mean, there's four or five  
10 for sale and a couple of them that have been empty for years.  
11 And, I mean, it's hurting a -- a lot of things there to not have  
12 something, I believe, anyway, is one of the reasons why.  
13 COMMISSIONER ALLAN: I think a lot of the purpose of the  
14 sound walls is just that is a sound wall.  
15 WORTH NELSON: Right.  
16 COMMISSIONER ALLAN: Is one of the other things that you  
17 can -- can request if you'd like, you notice if you're going  
18 into Carlin, it'll say no engine brakes.  
19 WORTH NELSON: There's a sign there where it's --  
20 COMMISSIONER ALLAN: They're --  
21 WORTH NELSON: -- clear down by the -- right where you exit  
22 in the middle of town, --  
23 COMMISSIONER ALLAN: Okay.  
24 WORTH NELSON: -- right -- right by the high school.  
25 COMMISSIONER ALLAN: Okay. So I've never -- I've never  
26 noticed --  
27 WORTH NELSON: Yeah.  
28 COMMISSIONER ALLAN: -- that.  
29 WORTH NELSON: There is one of those. Yeah.  
30 COMMISSIONER ALLAN: So there is?  
31 WORTH NELSON: Yes.  
32 COMMISSIONER ALLAN: Okay.  
33 WORTH NELSON: One of the scariest things is when you're  
34 sitting there and you hear the rumble strip.  
35 COMMISSIONER CLARK: Yeah.  
36 WORTH NELSON: When the big tractor trailers go down there,  
37 one of these --  
38 CHAIRMAN MILLS: Hear those --  
39 WORTH NELSON: -- times --  
40 CHAIRMAN MILLS: -- all the --

1 WORTH NELSON: -- you're going to --  
2 CHAIRMAN MILLS: -- time.  
3 WORTH NELSON: -- you're going to hear the rumble strip,  
4 then you're going to hear metal, and then you're going to hear  
5 house. I mean, --  
6 COMMISSIONER ALLAN: Yeah.  
7 WORTH NELSON: -- you know. And I mean it -- I know that  
8 happens all over the place, but --  
9 COMMISSIONER CLARK: When years ago --  
10 WORTH NELSON: -- you're close to it there.  
11 COMMISSIONER CLARK: Years and years ago, Jerry Corbitt  
12 pointed out that we're one of the very few high schools that are  
13 so close to a freeway. He had concerns about this --  
14 WORTH NELSON: Well, chemical spills --  
15 COMMISSIONER CLARK: -- fifteen --  
16 WORTH NELSON: -- or -- or --  
17 COMMISSIONER CLARK: Yeah.  
18 WORTH NELSON: -- explosive-type things that they haul all  
19 over. I don't know how often at all, but, I mean, it could be  
20 catastrophic --  
21 CHAIRMAN MILLS: Right.  
22 WORTH NELSON: -- thing, I think, when we're --  
23 CHAIRMAN MILLS: Well, that's outside the scope of what a  
24 sound wall is supposed to do. But --  
25 WORTH NELSON: Right.  
26 COMMISSIONER ALLAN: Yeah.  
27 WORTH NELSON: Well, I mean, I -- you know. And when I  
28 wrote this, I wrote sound wall, slash, safety barrier because I  
29 think as much as anything, the safety factor there -- I mean, --  
30 CHAIRMAN MILLS: Yeah.  
31 WORTH NELSON: -- it's not like -- I mean, I can hear the  
32 train and I'm a long ways away. But the safety factor for --  
33 for the housing division and the school, you know, to -- to have  
34 someone --  
35 CHAIRMAN MILLS: Right.  
36 WORTH NELSON: -- get killed over it would be --  
37 CHAIRMAN MILLS: So for --  
38 WORTH NELSON: -- much worse than --  
39 CHAIRMAN MILLS: -- our agenda item, it's just to -- to  
40 write a letter, which I have no problem doing that. If --

1 COMMISSIONER CLARK: Yeah.  
2 CHAIRMAN MILLS: -- if it can go somewhere, great.  
3 WORTH NELSON: Yeah. I -- I don't know --  
4 CHAIRMAN MILLS: So --  
5 WORTH NELSON: I don't if the -- the -- NDOT says, you  
6 know, you guys are in Lander County or there's some concerns  
7 there with your roads or your what- -- I don't know. I was told  
8 there was, but I don't know that for a fact.  
9 DISTRICT ATTORNEY HERRERA: Well, they gave us a  
10 presentation a couple of years ago and said if we had any  
11 improvements we wanted to make how -- the process and how to do  
12 it.  
13 COMMISSIONER CLARK: Right.  
14 DISTRICT ATTORNEY HERRERA: Because we have to do it like a  
15 year in advance before they make a decision.  
16 They get their money and then they --  
17 WORTH NELSON: Right.  
18 DISTRICT ATTORNEY HERRERA: -- decide their projects.  
19 CHAIRMAN MILLS: Right.  
20 DISTRICT ATTORNEY HERRERA: I believe that's the procedure  
21 that he informed us on the slide show a couple years ago.  
22 COMMISSIONER BAKKER: Uh-huh.  
23 COMMISSIONER ALLAN: I was going to say, it's -- it's not  
24 like we can write a letter and they'll, you know, decide on it.  
25 It'll --  
26 WORTH NELSON: Right. Right.  
27 COMMISSIONER ALLAN: -- it'll take time --  
28 WORTH NELSON: Sure.  
29 COMMISSIONER ALLAN: -- for the state, --  
30 CHAIRMAN MILLS: Right.  
31 COMMISSIONER ALLAN: -- a couple years.  
32 WORTH NELSON: Well, I mean, the -- the freeway's been  
33 there for a lot of years already --  
34 COMMISSIONER ALLAN: Right.  
35 WORTH NELSON: -- and -- you know, knock on wood -- nothing  
36 catastrophic has -- has happened.  
37 And so if it took a year to -- or so to do it, I mean,  
38 that's better than never.  
39 CHAIRMAN MILLS: I would suspect --  
40 COMMISSIONER ALLAN: So --

1 CHAIRMAN MILLS: -- it'll take more than a year.  
2 WORTH NELSON: Right.  
3 COMMISSIONER ALLAN: Well, yeah.  
4 WORTH NELSON: Well, --  
5 COMMISSIONER ALLAN: So --  
6 WORTH NELSON: -- I -- I understand.  
7 CHAIRMAN MILLS: But we've got to start sometime. Yeah.  
8 WORTH NELSON: Right. That's -- I mean, I -- I've talked  
9 to some people that said they thought it was already in the  
10 process. And then I -- I talked to one individual that he --  
11 he -- he said he talked to a coun- -- he said it was years  
12 ago -- talked to one of the county commissioners and the guy  
13 laughed and said, "How long do you plan on living?" He said,  
14 "Because it --  
15 DISTRICT ATTORNEY HERRERA: Yeah.  
16 WORTH NELSON: -- probably won't happen in your lifetime."  
17 COMMISSIONER ALLAN: Well, I do have another -- another  
18 option, and -- and this could be included in the -- the letter  
19 to the state is, you know, no idea of -- of what it costs to  
20 build a sound wall, but possibly safety features is maybe do put  
21 up some -- some guardrailing system, maybe give them the option.  
22 It might be a little bit cheaper at that route. It's not going  
23 to cut the noise, --  
24 WORTH NELSON: Right.  
25 COMMISSIONER ALLAN: -- but it does provide a little bit of  
26 barrier, a little bit of more safety if they're -- they're more  
27 willing to do something like that than just go ahead and do  
28 another wall.  
29 WORTH NELSON: Well, I -- I -- I agree with you. I mean,  
30 I -- I -- it's -- I would say that would be my least desired  
31 thing, --  
32 COMMISSIONER ALLAN: Well, --  
33 WORTH NELSON: -- you know.  
34 COMMISSIONER ALLAN: -- absolutely.  
35 WORTH NELSON: But --  
36 COMMISSIONER ALLAN: Just --  
37 WORTH NELSON: -- but if that's all you can get, --  
38 COMMISSIONER ALLAN: Better than nothing.  
39 WORTH NELSON: -- then right. Right.  
40 DISTRICT ATTORNEY HERRERA: I --



1           Commissioners, I suggest that, if -- if you go along with  
2 this that in the motion you ask for -- you say you're going to  
3 request certain things. Because I think that's part of the  
4 procedure that we not just write a letter in support, that we  
5 actually --

6           COMMISSIONER ALLAN: That we're asking.

7           DISTRICT ATTORNEY HERRERA: -- request the project.

8           COMMISSIONER CLARK: Right.

9           CHAIRMAN MILLS: Right.

10          COMMISSIONER ALLAN: Yep. So I'll make a motion that we  
11 draft a letter to Nevada Department of Transportation requesting  
12 extension of the safety/soun- -- safety/sound wall on I-80 as it  
13 passes by the 231 exit or possibly other options for safety  
14 issues? And authorize --

15          WORTH NELSON: Well, it -- it would be before it passes  
16 the exit.

17          COMMISSIONER ALLAN: Well --

18          Yeah. In -- in the -- in the vicinity of --

19          WORTH NELSON: Okay.

20          COMMISSIONER ALLAN: -- the 231 exit. And authorize the  
21 executive director to sign?

22          COMMISSIONER BAKKER: Second.

23          SHERIFF RON UNGER: I've got a statement on that.

24          Now that you're going to write the letter, you might consider  
25 putting in -- I -- I know you're talking a sound wall, but there's  
26 also a safety issue here that Worth is trying to get across.

27          There's also a fire issue. Is like Worth just stated, a  
28 lot of those houses, their backyards, it looks like the brush  
29 outside.

30          If a truck is dragging a chain or losing its wheel bearing  
31 and rolls into that grass, it's going to burn a house down  
32 before we can get there.

33          So it's not -- there's a safety factor there also that a  
34 sound wall would prevent. Might not prevent somebody from a  
35 spark like we had last week, the start of the fire in that  
36 backyard, but it would stop stuff from coming off the freeway  
37 because of the fuel load that we have this year and -- and last  
38 year also.

39          So there's a -- there's a fire safety issue involved also on  
40 that.

1 COMMISSIONER ALLAN: That's a good point as a -- as a  
2 persuasive issue in the letter.

3 WORTH NELSON: Even a blown tire. I think at 25 yards a  
4 blown tire, I mean, those -- you know, the tractor trailer tires  
5 are pretty large and heavy. When they lose a cap or something,  
6 it, you know, can go 25 yards and, you know, a grown person or a  
7 kid or -- or whatever it could be.

8 COMMISSIONER CLARK: It should be extended across areas  
9 that are residential, at a minimum.

10 WORTH NELSON: Right.

11 COMMISSIONER CLARK: At a minimum.

12 WORTH NELSON: I mean, I --

13 CHAIRMAN MILLS: Okay.

14 WORTH NELSON: -- I realize the sound is a big -- safety's  
15 big too.

16 CHAIRMAN MILLS: So Judie made a motion. Sean seconded.  
17 Do we have any public comment?  
18 (No comment.)

19 CHAIRMAN MILLS: All in favor?

20 COMMISSIONER BAKKER: Aye.

21 COMMISSIONER ALLAN: Aye.

22 CHAIRMAN MILLS: Aye.

23 COMMISSIONER CLARK: Aye.

24 CHAIRMAN MILLS: Okay. Thank you --

25 COMMISSIONER CLARK: Thanks, --

26 CHAIRMAN MILLS: -- for your --

27 COMMISSIONER CLARK: -- Worth.

28 COMMISSIONER BAKKER: Thanks, Worth.

29 COMMISSIONER ALLAN: Thanks, Worth.

30 WORTH NELSON: Thank you.

31 CHAIRMAN MILLS: -- bringing that to us and your concern  
32 over that.

33 COMMISSIONER CLARK: And -- and keep checking up on it.

34 WORTH NELSON: By...

35 COMMISSIONER CLARK: Check up with Keith --

36 WORTH NELSON: Oh, okay.

37 COMMISSIONER CLARK: -- in a month. And then, you know,  
38 check every month and see if we hear anything.

39 WORTH NELSON: Okay.

40 COMMISSIONER CLARK: And we'll get an agenda item. If --

1 if they're willing to come here and -- and discuss it, we'll let  
2 you know.

3 WORTH NELSON: Okay. Thank you.

4 COMMISSIONER BAKKER: Thank you.

5 COMMISSIONER CLARK: You're welcome, Worth.

6  
7 **5) Discussion and possible action regarding permission to cross**  
8 **county land and provide a letter of support for WAG-TV to**  
9 **film in and around Kingston and the Victorine Mine for the**  
10 **documentary series of *Strange Evidence* on the Science**  
11 **Discovery Channel, and all other matters properly related**  
12 **thereto.**  
13

14 CHAIRMAN MILLS: Okay. Item Number 5. Discussion and  
15 possible action regarding permission to cross county land and  
16 provide a letter of support for WAG-TV to film in and around  
17 Kingston and the Victorine Mine for the doc- -- documentary  
18 series of *Strange Evidence* on the Science Discovery Channel, and  
19 all other matters properly related thereto.

20 KEITH WESTENGARD: So about a month and a half -- a month  
21 or so ago, I was contacted by the Discovery Channel. They have  
22 this series called *Strange Evidence*.

23 And the Victorine mine or the Horton Mine there outside of  
24 Kingston is -- been pretty popular over the years as being a  
25 haunted mine. So that's kind of their forté.

26 They wanted to get some information from us. So Kyla worked  
27 on getting land ownership, which it is privately owned. But they  
28 would like to get the support of the county in case they have to  
29 cross any of our -- or our county land to get to this.

30 They are having some issues with the current landowner right  
31 now. So it's not like it's going to -- they -- they wanted to  
32 film next month.

33 And it's not -- probably not going to happen unless they can  
34 work something out with the -- the current landowner.

35 But this is just for the commissioners to say, it's okay  
36 for you to cross any of our county land.

37 If they do or come across any county land, they -- it was  
38 pretty clear that they are to notify me. And we'll go from --

39 And then they'll go from there to -- to make the film.

40 COMMISSIONER CLARK: Cross with what?

1 KEITH WESTENGARD: Foot. They -- they -- they are going --  
2 they're going to hike it. They're going to --  
3 COMMISSIONER CLARK: They're not going to --  
4 KEITH WESTENGARD: -- get --  
5 COMMISSIONER CLARK: -- bring --  
6 KEITH WESTENGARD: -- into it.  
7 COMMISSIONER CLARK: -- a bulldozer in or anything like --  
8 KEITH WESTENGARD: No.  
9 COMMISSIONER CLARK: -- that?  
10 KEITH WESTENGARD: No, no, no. There'd be no disturbance  
11 to the land.  
12 But, like I say -- and they've -- they've been in contact  
13 with the Forest Service Toiyabe down in -- down in that area.  
14 But they are having issues with the current landowner. So...  
15 COMMISSIONER BAKKER: What's the current landowner saying?  
16 KEITH WESTENGARD: They're not even returning calls.  
17 And -- and this was last week.  
18 So I -- I don't know where it -- where it's at this week.  
19 COMMISSIONER BAKKER: Okay.  
20 COMMISSIONER ALLAN: I'll make a motion that we provide a  
21 letter of support for WAG-TV to film in and around the Kingston  
22 and Victorine Mine and allow them access to cross any county  
23 land.  
24 And this is not in my motion, but I want to add something.  
25 COMMISSIONER BAKKER: I'll second that, first.  
26 CHAIRMAN MILLS: Okay.  
27 COMMISSIONER ALLAN: Is I'm going to put it on Keith's  
28 shoulders that he needs to keep us updated so we can watch this  
29 if it gets done.  
30 KEITH WESTENGARD: I will do that. And I did -- I did  
31 notify Shannon in Kingston that this was going on. And they  
32 were pretty excited.  
33 They -- they're actually looking -- once they get to the  
34 point they're looking for somebody that might be able to -- to  
35 show them around. So I figured since it was in the Kingston  
36 area to kind of give Kingston a little bit of -- throw them a  
37 bone, so to speak, to be -- be a part of this. So they're  
38 pretty --  
39 CHAIRMAN MILLS: Yeah.  
40 KEITH WESTENGARD: Kind of prepared on that end.

1 COMMISSIONER ALLAN: And I have to add, authorize to  
2 chair -- or the executive director to sign.  
3 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
4 seconded.  
5 Do we have any public comment?  
6 (No comment.)  
7 CHAIRMAN MILLS: All in favor?  
8 COMMISSIONER BAKKER: Aye.  
9 CHAIRMAN MILLS: Aye.  
10 COMMISSIONER ALLAN: Aye.  
11 COMMISSIONER CLARK: Aye.  
12 COMMISSIONER BAKKER: Shall we call Patsy?  
13 CHAIRMAN MILLS: Oh, yeah.  
14 KEITH WESTENGARD: Art, are you going to call?  
15 COMMISSIONER BAKKER: She wants us to.  
16 KEITH WESTENGARD: Th- -- there's -- she's -- she's at that  
17 desk or that number.  
18  
19 (Contacting Commissioner Waits by telephone.)  
20  
21 COMMISSIONER WAITS: Hello. This is Pat.  
22 COMMISSIONER BAKKER: Patsy, how are you?  
23 COMMISSIONER WAITS: Hello.  
24 COMMISSIONER BAKKER: Can you hear me?  
25 COMMISSIONER WAITS: Barely.  
26 COMMISSIONER BAKKER: Okay. Hold on.  
27 Austin, are you still there too?  
28 FRANK WHITMAN: Austin here.  
29 COMMISSIONER BAKKER: Okay. Patsy, you there?  
30 FRANK WHITMAN: No.  
31 COMMISSIONER WAITS: I'm here. Thank you.  
32 COMMISSIONER BAKKER: Cool. Okay.  
33  
34 6) Discussion and possible action to approve/disapprove a  
35 memorandum of understanding between Battle Mountain Chamber  
36 of Commerce and Lander County, and all other matters properly  
37 related thereto.  
38  
39 CHAIRMAN MILLS: Okay. We're on Item Number 6.  
40 Item 6 is discussion and possible action to

1 approve/disapprove a memorandum of understanding between Battle  
2 Mountain Chamber of Commerce and Lander County, and all other  
3 matters properly related thereto.

4 So this is just to let them use that office space over at the  
5 --

6 DISTRICT ATTORNEY HERRERA: Yeah.

7 CHAIRMAN MILLS: -- civic center?

8 DISTRICT ATTORNEY HERRERA: They -- yeah, it -- it's a  
9 memorandum --

10 CHAIRMAN MILLS: Okay.

11 DISTRICT ATTORNEY HERRERA: -- of understanding. And we're  
12 not leasing it to them. We're not charging them any money. But  
13 they are doing -- in return for occupying that office space,  
14 they are providing the county with a visitor center. I think  
15 that's what they call it. So that's the letter of  
16 understanding.

17 It's kind of like a contract, but it's more like an  
18 understanding between -- between that -- that entity and -- and  
19 us.

20 CHAIRMAN MILLS: Okay.

21 COMMISSIONER BAKKER: Okay.

22 I'll make a motion to approve the memorandum of understanding  
23 between the Battle Mountain Chamber of Commerce and Lander County.

24 COMMISSIONER CLARK: Second.

25 COMMISSIONER BAKKER: Chair need to sign?

26 COMMISSIONER CLARK: Second.

27 COMMISSIONER BAKKER: And authorize the chair to sign.

28 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.  
29 Do we have any public comment?

30 (No comment.)

31 CHAIRMAN MILLS: All in favor?

32 Aye.

33 COMMISSIONER ALLAN: Aye.

34 COMMISSIONER CLARK: Aye.

35 COMMISSIONER BAKKER: Aye.

36 COMMISSIONER WAITS: Aye.

37  
38  
39  
40

1     **7) Discussion and possible action to approve/disapprove an**  
2     **interlocal agreement between Lander County and Battle**  
3     **Mountain General Hospital for purchase of immunizations,**  
4     **medication, and supplies for the community health nurse, and**  
5     **all other matters properly related thereto.**  
6

7           CHAIRMAN MILLS: Item 7. Discussion and possible to action  
8 to approve/disapprove an interlocal agreement between Lander  
9 County and Battle Mountain General Hospital for the purchase of  
10 immunizations, medications, and supplies for the community  
11 health nurse, and all other matters properly rel- -- related  
12 thereto.

13          KEITH WESTENGARD: So with our new community health nursing  
14 program -- and, Abby, can you come up if there's any questions  
15 also, please.

16          With our new community -- county community health nursing  
17 program, we will be looking at -- Abby would be looking at  
18 purchasing supplies through the hospital. And -- and through a  
19 partnership, we would like -- or we met with Jason. It would be  
20 a -- a at-cost basis.

21          And Jason did call me yesterday. He reviewed it and had no  
22 problems with it. And I don't know if Abby has anything she  
23 wanted to add. But this would be for the benefit of our county  
24 community health nurse program at-cost purchasing through the  
25 hospital.

26          COMMISSIONER BAKKER: Okay.

27          CHAIRMAN MILLS: Seems pretty straightforward.

28          ABBY BURKHART: Need supplies.

29          CHAIRMAN MILLS: Yep.

30          COMMISSIONER ALLAN: So I'll make a motion that we approve  
31 an interlocal agreement between Lander County and Battle  
32 Mountain General Hospital for the purchase of immunizations,  
33 medicine, and suppli- -- medications, supplies for the community  
34 health nurse and authorize the chair to sign.

35          COMMISSIONER CLARK: Second.

36          CHAIRMAN MILLS: Okay. Judie made a motion. Art seconded.  
37 Do we have any public comment?

38          KEITH WESTENGARD: I did want to let the commission know  
39 that the district attorney did review this -- actually wrote  
40 this contract.

1 So it's been gone through --  
2 CHAIRMAN MILLS: Okay.  
3 KEITH WESTENGARD: -- legal.  
4 CHAIRMAN MILLS: All right. All in favor?  
5 COMMISSIONER BAKKER: Aye.  
6 COMMISSIONER ALLAN: Aye.  
7 CHAIRMAN MILLS: Aye.  
8 COMMISSIONER CLARK: Aye.  
9 COMMISSIONER WAITS: Aye.

10

11 8) **Discussion and possible action to approve/disapprove an**  
12 **interlocal agreement between Lander County and the Lander**  
13 **County Sheriff's Office for nonemergency medical needs of the**  
14 **inmates, and all other matters properly related thereto.**

15

16 CHAIRMAN MILLS: Item 8. Discussion and possible action to  
17 approve/disapprove an interlocal agreement between Lander County  
18 and Lander County Sheriff's Office for nonemergency medical  
19 needs of inmates, and all other matter- -- all other matters  
20 properly related thereto.

21 So we're going to try to and keep our community health nurse  
22 busy.

23 ABBY BURKHART: Sound like it.

24 SHERIFF RON UNGER: She said she didn't have enough to do.  
25 So we was going to help her out here a little bit.

26 I do have an interlocal agreement. And I believe the  
27 district attorney helped write it up.

28 CHAIRMAN MILLS: Okay.

29 SHERIFF RON UNGER: We were able -- I've reviewed it. And  
30 I have no problems with this at all.

31 CHAIRMAN MILLS: Okay.

32 COMMISSIONER ALLAN: So this is dispensing any kind of  
33 medications that they need or what -- what -- what exactly are  
34 the nonemergency medical needs of the --

35 SHERIFF RON UNGER: Mainly, what --

36 COMMISSIONER ALLAN: -- inmates?

37 SHERIFF RON UNGER: -- she's written down here, she can't  
38 overstep her scope of training.

39 So this would be a lot of the immuni- -- immunizations,  
40 the --



1 COMMISSIONER ALLAN: Oh.  
2 SHERIFF RON UNGER: -- shots. For TB, she can check for  
3 TB. She can take pregnancy tests. Stuff that -- stuff in that  
4 nature.  
5 We'll still have to have the use of a physician occasionally.  
6 So --  
7 But this will help.  
8 COMMISSIONER ALLAN: I'll make a motion that we approve an  
9 interlocal agreement between Lander County and the Lander County  
10 Sheriff's Office for nonemergency medical needs of the inmates.  
11 COMMISSIONER BAKKER: Second.  
12 Authorize --  
13 COMMISSIONER ALLAN: And authorize --  
14 COMMISSIONER BAKKER: -- the chair --  
15 COMMISSIONER ALLAN: -- the chair --  
16 COMMISSIONER BAKKER: -- to sign.  
17 COMMISSIONER ALLAN: -- to sign.  
18 COMMISSIONER BAKKER: Second.  
19 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
20 seconded.  
21 Do we have any public comment?  
22 (No comment.)  
23 COMMISSIONER ALLAN: Ted?  
24 DISTRICT ATTORNEY HERRERA: Yes.  
25 COMMISSIONER ALLAN: So really we haven't -- nothing in the  
26 motion. I didn't know if we needed to state that that would be  
27 with the community health nurse? Or is that what --  
28 DISTRICT ATTORNEY HERRERA: Well, no.  
29 UNIDENTIFIED PARTICIPANT: -- outlined in the --  
30 DISTRICT ATTORNEY HERRERA: If you approve -- if you  
31 approve the interlocal agreement --  
32 COMMISSIONER ALLAN: Okay.  
33 DISTRICT ATTORNEY HERRERA: -- between the two entities,  
34 that it's sufficient because the --  
35 COMMISSIONER ALLAN: Okay.  
36 DISTRICT ATTORNEY HERRERA: -- document itself goes into  
37 detail.  
38 COMMISSIONER ALLAN: Okay.  
39 CHAIRMAN MILLS: Okay. All in favor?  
40 COMMISSIONER ALLAN: Aye.

1 COMMISSIONER BAKKER: Aye.  
2 CHAIRMAN MILLS: Aye.  
3 COMMISSIONER CLARK: Aye.  
4 COMMISSIONER WAITS: Aye.  
5 SHERIFF RON UNGER: We didn't tell her, but this is 24/7  
6 for her. So we've --  
7 ABBY BURKHART: He's going to have to figure out how to  
8 (indiscernible).  
9 COMMISSIONER WAITS: And now you tell her.  
10 KEITH WESTENGARD: Mr. Chairman?  
11 CHAIRMAN MILLS: Sadie?  
12 KEITH WESTENGARD: Can we jump to the rural housing? She  
13 has --  
14 CHAIRMAN MILLS: Oh, okay. Yeah. I forgot about that.  
15 Sorry.  
16 KEITH WESTENGARD: That's all right.  
17 CHAIRMAN MILLS: It's Item 27. Is that correct?  
18 KEITH WESTENGARD: I believe so.

19  
20  
21 **FINANCE**

22  
23 27) **Discussion for possible action to approve/disapprove**  
24 **Resolution 2018-08, the transfer of the Lander County 2018**  
25 **private activity bond volume cap to the Nevada Rural Housing**  
26 **Authority, and all other matters properly related thereto.**  
27

28 CHAIRMAN MILLS: Okay. We're going to jump to Item Number  
29 27.

30 Discussion for possible action to approve/disapprove  
31 Resolution 2018-08, for the transfer of the Lander County 2018  
32 private activity bond volume cap to the Nevada Rural Housing  
33 Authority, and all other matters properly related thereto.

34 DIANE ARVIZO: Mr. Chair, commissioners, thank you very  
35 much for moving my agenda item up on the list. I appreciate  
36 that.

37 And it's always fun to come here. I think you have the  
38 most entertaining commissioner meetings, I think, anywhere in  
39 rural Nevada. It's great. Thank you.

40 COMMISSIONER BAKKER: I don't know --

1 DIANE ARVIZO: Do you --  
2 COMMISSIONER BAKKER: -- if that's a compliment or not.  
3 CHAIRMAN MILLS: Yeah. Is that good or --  
4 DIANE ARVIZO: I love it.  
5 CHAIRMAN MILLS: Is that good or bad?  
6 DIANE ARVIZO: So I hate that I'm actually going to have to  
7 leave early today because I stayed for quite a while last time.  
8 But --  
9 So I th- -- I know that you were greeted here this morning  
10 with some little fur baby. Oh. Sorry.  
11 Diane Arvizo with Nevada Rural Housing Authority, for the  
12 record.  
13 Apologies for that.  
14 You had some HAL Pal fur babies greet you this morning.  
15 And I just wanted to -- before I talk to you about what Nevada  
16 Rural Housing Authority has done for you and in prior years, and  
17 since we've launched the Home At Last program, wanted to let you  
18 know that one of the things that we've recently added to our  
19 Home At Last homeownership programs was adoption of fur babies.  
20 And so one of the things that we have realized with  
21 homeownership is that one of the things renters cannot often  
22 have is a fur baby. And so one of the perks of homeownership is  
23 being able to have a pet of your own, which, of course, helps  
24 people realize some of the joys of owning of a home of your own.  
25 And those are perks that people often get to do for the first  
26 time besides painting a room pink or -- or painting the outside  
27 or planting flowers and having a backyard and all those  
28 wonderful things that come along with homeownership.  
29 So Nevada Rural Housing Authority implemented the HAL Pals,  
30 standing for Home At Last -- HAL Pals pet adoption program in  
31 November of last year. And it has taken off like gangbusters.  
32 We actually won a national housing award because of this,  
33 among other things that we have done. And it has really been a  
34 tremendous program that has helped promote the benefits of  
35 homeownership across Nevada.  
36 And so what we do is pick up 100 percent of the pet  
37 adoption fees for all par- -- participants in our down payment  
38 assistance program.  
39 One of the things that I would like to do here in Lander  
40 County is find a way to make sure that people purchasing a home

1 here in Lander County can adopt locally.

2 So we are still working on finding a way for them to be able  
3 to do that within your community. And I'm not sure if all of your  
4 locals use the SPCA of Northern Nevada or if there's a means to  
5 adopt locally, but we're going to be looking into that.

6 So if you have some ways that you can help facilitate that,  
7 please let me know later because we'd love to be able to support  
8 that here locally for your home buyers.

9 So on to some other business. I would like to, of course,  
10 thank you for your past years of partnership with Nevada Rural  
11 Housing Authority. As you know, because you've been all been  
12 long-time partners with Nevada Rural Housing Authority, you've  
13 already transferred over 2.1 million -- or almost 2.1 million in  
14 pri- -- private activity bond cap in private -- prior years.

15 Your return on investment has been fantastic. We've  
16 actually returned two -- 12.5 million in mortgage products here  
17 to folks in Lander County.

18 That's been through down payment assistance and the mortgage  
19 credit certificate program. It is the mortgage credit certificate  
20 program that actually gets funded through the transfer of the  
21 private activity bond cap.

22 And, as you know, it's the unused private activity bond cap  
23 that we seek here today.

24 And if you did not already have a project that is going to  
25 be using that this year, we would ask that you continue to  
26 transfer that to us because, as you know, if that is not  
27 allocated to a specific project by September 1st, it reverts  
28 back to the state and could potentially ultimately be  
29 transferred back to the treasury if unused.

30 So what Nevada Rural Housing seeks to do, as we've  
31 implemented since 2006, is we pool the unused private activity  
32 bond cap from counties and cities across rural Nevada. And by  
33 pooling that together, we can put it to good use with our  
34 single-family housing programs and continue to help folks in  
35 rural Nevada.

36 We've had helped 68 families in Lander County. And that  
37 averaged with the 12.5 million is about 183,823 per family. So  
38 that's pretty fantastic.

39 On a side note, as you know, the Nevada Rural Housing  
40 Authority also does our Housing Choice Voucher program that

1 provides the rental assistance. And I thought it would be  
2 beneficial for you to know that in just 2017 we provided about  
3 3,186 in just rental assistance to your families here in Lander  
4 County through the Housing Choice Voucher program.

5 A little update on some of the good work that Nevada Rural  
6 Housing has been doing as well as we've had some employees  
7 recently launch within the last couple years a nonprofit  
8 organization that you may not be aware of. And what reminded me  
9 was that beautiful young lady who you presented a swimmer's award  
10 to. I made a quick note that you need to know about our nonprofit  
11 organization that's called Nevada Rural Community Partners. We  
12 call it NRCP for short.

13 It provides scholarships to the youth in your communities  
14 that are of low income to help them participate in extracurricular  
15 activities if they are of low income and cannot access or have the  
16 means to participate.

17 So we provide scholarships to help them. If anything from  
18 swimming to maybe rodeo to maybe football. It could be band. It  
19 could help them buy an instrument. It could help them go to a  
20 camp that helps them facilitate new skills. Any kind of things  
21 that are extracurricular and would help them get engaged with  
22 their community, which as you know can change their stars.

23 Our NRCP 501(c)(3) is completely operated by employees. No  
24 executive- or leadership-level management of any kind. And so  
25 we're very proud of that.

26 And so it would please me greatly if we could help some of  
27 your youth here in Lander County.

28 So, please, let me know how we can help spread the word here  
29 in Lander County. We are taking great strides here in the next  
30 coming months to really do a push on how we can get the word out  
31 to local youth. In fact, I would love to talk to your -- the  
32 swimming coach of that young lady to let them know if there are  
33 local kids that want to know how they can get access to these  
34 scholarship funds.

35 Right now we're doing it through Facebook. But we would  
36 love to know other ways.

37 So catch me later if there's a way for us to be able to do  
38 that through another mechanism.

39 Aside for them -- aside from that, you should also know  
40 that Bill Brewer -- many of you are familiar with Bill Brewer

1 who spent 30 years working for USDA Rural Development as a  
2 housing program director. Certainly knows rural -- rural areas  
3 of Nevada like the back of his hand and has been a good partner  
4 in his former role with USDA, has been serving as deputy  
5 director with Nevada Rural Housing Authority for the last 3 1/2  
6 years, is going to be the new executive director with Nevada  
7 Rural Housing Authority come July 1.

8 And so Gary Longacre is retiring after 15 years of service.  
9 So we just had his retirement party last week.

10 So that's my update. And I am here to answer any questions  
11 you have about our request to transfer the private activity bond  
12 cap.

13 COMMISSIONER ALLAN: So I do have a question.

14 Do you have people on a waiting list?

15 DIANE ARVIZO: For the rental assistance? Or for  
16 homeownership?

17 COMMISSIONER ALLAN: For homeownership.

18 DIANE ARVIZO: No. Our homeownership programs are -- well,  
19 the down payment assistance is continuously funded. And our  
20 mortgage credit certificate program has funding available that  
21 there is no wait list of any kind.

22 COMMISSIONER ALLAN: I just didn't know if -- if -- when  
23 you were talking about possibly having to -- to return money,  
24 that basically you -- you can utilize everything and there's  
25 always going to be the demand that you always have people that  
26 are going to be applying for it and -- and everybody that  
27 qualifies is getting the help that they need.

28 DIANE ARVIZO: That's a great question.

29 So the way the private activity bond cap works is that there  
30 is a time frame in which you need to utilize it. You have three  
31 years from once you initiated into a program.

32 So what we will do with the private activity bond cap that  
33 we collect through transfers is assign that to a single-family  
34 housing program.

35 Once that's assigned and we report to the treasury what it's  
36 going to be used for in single family, then that triggers a  
37 three-year period in which it has to be fully utilized. We've  
38 always fully implemented those funds.

39 Yeah.

40 And down payment assistance, which is, of course, the big

1 monster program that we have that provides up to \$22,655 in down  
2 payment assistance and closing cost assistance, that is on a  
3 revolving fund. It never runs out of funding. We do that through  
4 the sale of mortgage-backed securities. So we've always got  
5 plenty of money for that.

6 COMMISSIONER ALLAN: Okay.

7 COMMISSIONER BAKKER: Okay.

8 I'll make a motion to approve the Resolution 2018-08, the  
9 transfer of Lander County 2018 private activity bond volume cap to  
10 the Nevada Rural Housing Authority, and authorize the chair to  
11 sign.

12 COMMISSIONER ALLAN: Actually, I think it's the executive  
13 director is on the --

14 COMMISSIONER BAKKER: Oh. Authorize the executive director  
15 to sign.

16 COMMISSIONER ALLAN: I'll second that.

17 CHAIRMAN MILLS: Okay. Sean made a motion. Judie  
18 seconded.

19 Do we have any public comment?  
20 (No comment.)

21 CHAIRMAN MILLS: All in favor?

22 COMMISSIONER BAKKER: Aye.

23 COMMISSIONER ALLAN: Aye.

24 CHAIRMAN MILLS: Aye.

25 COMMISSIONER CLARK: Aye.

26 COMMISSIONER WAITS: Aye.

27 CHAIRMAN MILLS: Okay. Thank --

28 DIANE ARVIZO: Thank --

29 CHAIRMAN MILLS: -- you.

30 DIANE ARVIZO: -- you very much for --

31 COMMISSIONER BAKKER: Thank you.

32 DIANE ARVIZO: -- your --

33 COMMISSIONER ALLAN: Thank you.

34 DIANE ARVIZO: -- continued support. Look forward to  
35 seeing you soon.

36 COMMISSIONER BAKKER: Do you want to do Ken? Whatever you  
37 want to do. I just --

38 CHAIRMAN MILLS: Do Ken?

39 COMMISSIONER BAKKER: Ken, are you in a hurry?  
40 Okay.

1 KEN BROWN: I'm good for time. Thank you.  
2 COMMISSIONER BAKKER: Okay.  
3 CHAIRMAN MILLS: Okay.  
4 I don't know where we're at here.  
5 COMMISSIONER ALLAN: On 9.  
6 CHAIRMAN MILLS: Is Gene --  
7 Grab Gene real quick?  
8 COMMISSIONER ALLAN: Do you want to do 10 while we're  
9 waiting for Gene?  
10 CHAIRMAN MILLS: Well, that's kind of a Gene thing too.  
11 COMMISSIONER ALLAN: Oh, okay.  
12 Yeah.  
13 CHAIRMAN MILLS: So is 11.  
14 KEITH WESTENGARD: He's coming.  
15 CHAIRMAN MILLS: So is --  
16 COMMISSIONER ALLAN: Yeah.  
17 CHAIRMAN MILLS: -- 12.  
18 COMMISSIONER ALLAN: Oh.  
19 (Indiscernible.)  
20 COMMISSIONER BAKKER: Let's take --  
21 CHAIRMAN MILLS: Oh, just give him a minute to get here.  
22 COMMISSIONER BAKKER: There he is.

23  
24

25 **TREASURER**

26  
27  
28  
29  
30

9) **Discussion and possible action regarding an update from the  
Lander County treasurer, and all other matters properly  
related thereto.**

31 CHAIRMAN MILLS: Okay. We'll move to Item Number 9.  
32 Discussion and possible action regarding an update from the  
33 Lander County treasurer, and all other matters properly related  
34 thereto.

35 Good morning, Gene.

36 COMMISSIONER CLARK: Good morning, Geno.

37 GENE ETCHEVERRY: Good morning.

38 Chairman Mills, members of the commission. Lander County  
39 Treasurer Gene Etcheverry.

40 I'll try and make this brief. It's a pretty long update.



1 First off, I think we're all aware we received our net  
2 minerals -- net proceeds and minerals payment. And that is for  
3 the '17/'18 or current fiscal year.

4 The first payment was in the amount of \$42,723,396.24. That  
5 has been distributed and allocated. So all the other entities  
6 that are due -- due net proceeds have received their checks.  
7 Those checks have actually cleared. And all the funds within the  
8 county have also received their appropriations.

9 Additionally, as of this morning, we've been made aware  
10 that there is a -- a residual balance distribution of net  
11 proceeds in the amount of \$82,512.53.

12 The fiscal officer and I will get together. And we'll make  
13 that allocation. And we will get that out to all the other  
14 entities as soon as possible as well.

15 PILT. We received our annual PILT payment, which is payment  
16 in lieu of taxes from the federal government. We received that  
17 June 26th in the amount of \$1,024,407.

18 As of today that has been posted, of course. And it goes  
19 into our Fund 52.

20 Investments. Critical -- critical calculations have been  
21 done and not -- not detailed, but critical, to see how we did just  
22 first blush for this fiscal year.

23 It's a transitional rate environment. And I'll get into that  
24 in a little bit. But, overall, our portfolio -- invested  
25 portfolio received an overall gross rate of return of 6.82  
26 percent.

27 And that sounds really awesome. We should be getting a whole  
28 lot of money into all our funds. Well, the 6.82 percent is the  
29 appreciation, of course, of what's invested and then our interest  
30 and dividend income.

31 So the money that we get into our funds at the end of  
32 tomorrow when we post it all up through all the funds, it won't  
33 look like 6.82 percent.

34 And then, of course, when the auditors come and we get  
35 together and do that long spreadsheet that is a snapshot of fair  
36 market value, we'll see what we come up with when that's done.

37 But just tertiary information and -- and the crude  
38 calculation, about 6.82 percent for this fiscal year.

39 Check interest --

40 COMMISSIONER BAKKER: Dollar amount?

1 GENE ETCHEVERRY: -- would be good.  
2 COMMISSIONER BAKKER: What's that work out, Gene?  
3 GENE ETCHEVERRY: I'm sorry?  
4 COMMISSIONER BAKKER: The dollar amount.  
5 GENE ETCHEVERRY: I don't have a dollar amount on that  
6 because it's spread between interest and different points in  
7 time on what the value is.  
8 Crude? It's right around --  
9 COMMISSIONER BAKKER: Nine and a half?  
10 GENE ETCHEVERRY: -- 6 million, total. Six million.  
11 COMMISSIONER CLARK: How much?  
12 GENE ETCHEVERRY: Six million.  
13 COMMISSIONER BAKKER: Oh, 6 million?  
14 GENE ETCHEVERRY: Yeah. And that's with, you know, the  
15 appreciation and the different assets that we've got.  
16 COMMISSIONER BAKKER: Okay.  
17 GENE ETCHEVERRY: It's going to be right around  
18 1.7 million, I believe, of distributed interest.  
19 Okay. Delinquent property taxes.  
20 This year our team has been working really hard to not only  
21 enhance the procedures and go by what is set forth in statute, but  
22 to take into account a little bit heightened level of notice. You  
23 might have seen on the reader board at the civic center, this year  
24 we had a couple of notices about delinquent taxes, et cetera.  
25 I believe it paid off.  
26 We have lowered the list of delinquent tax letters that were  
27 sent. And when we actually had to go and process deeds on  
28 properties, total amount of properties is right at 32, down  
29 slightly from what was at 37. But it's movement in the right  
30 direction.  
31 And I do want to thank the DA's Office. They helped us a  
32 lot. We processed DA letters this year, which also brought in  
33 additional payments. So that -- that was successful.  
34 We've undergone a business process review. And -- and  
35 somewhat of a business process reorganization. And I believe from  
36 your angle, what you're seeing is we're coming up with a  
37 documented set of procedures for our office.  
38 When that is complete -- and we anticipate it to be complete  
39 hopefully before our first visit of the auditors, which will be  
40 the second week in August. We hope to have a complete -- we're

1 going to distribute a copy of it with the executive director for  
2 the commission and admin, with our fiscal officer. Because not  
3 only is she our fiscal officer, she's our county auditor. And we  
4 will have a copy of it residing in the DA's Office as well so that  
5 they're aware of our procedures, et cetera.

6 That has been difficult. It's been difficult on our team.  
7 It's -- it's been time-consuming. And -- and sometimes when you  
8 do a business process review, things come out that, not  
9 necessarily wrong, but you need to revisit them because maybe the  
10 situation has changed or audit standards, et cetera, have changed.

11 I think we've made it through. We're in the review stage  
12 before we go to a final print. I really have to give the staff in  
13 that office all the credit I can. We've put them through a lot.  
14 And they've come through on that.

15 So that should be forthcoming. And I will present it at a  
16 commission meeting, along with our consultants, when it is  
17 complete.

18 The new DevNet and Tyler systems. Of course, DevNet is  
19 assessors, treasurers. So assessment and then billing tax  
20 collection.

21 And then Tyler. Tyler is our financial system of which  
22 finance and the treasury will participate in.

23 I believe we begin our first in-house procedures next week,  
24 July 5th and 6th, for our office, particularly with cashiering  
25 and -- and other items.

26 We're in from -- for a difficult fall. It will -- it will be  
27 all-consuming for Finance and all-consuming for our office as  
28 well.

29 But once again, we're looking forward to benefits from that  
30 system other than just the systems.

31 CHAIRMAN MILLS: So, Gene, how -- how are you getting  
32 trained in on how to use that system?

33 GENE ETCHEVERRY: Chairman Mills, right now what you do is  
34 you get on the Tyler site and you take different online courses.

35 They're brief, but they're -- and tertiary, but they're  
36 enough to get you familiar with what the system will look like.

37 CHAIRMAN MILLS: Okay. And how are those going?

38 GENE ETCHEVERRY: A little bit slow. A little bit slow in  
39 our office.

40 And reason being is April and May we were fairly consumed

1 with ensuring a very good close and, you know, enhanced procedures  
2 with property tax.

3 Our office will move forward. And part of the difficulty  
4 there as well is we've gone through this business process review.

5 But since a lot of what's done in the treasury is done  
6 in extruded and divorced -- let's call it -- spreadsheets,  
7 electronic spreadsheets. And then the ADS system, centrally.  
8 That will no longer be the way we do things.

9 And it's very difficult to change institutions. And that's  
10 what we're doing.

11 So it's -- it's kind of difficult.

12 CHAIRMAN MILLS: Okay.

13 GENE ETCHEVERRY: Once again, our team is up to it.

14 And hopefully we'll -- we'll still be getting along well as  
15 the fall progresses.

16 Close of fiscal year. As of Friday, that's the last  
17 business day, of course, for the fiscal year. Financial  
18 transactions will trickle in, particularly through the July 4th  
19 holiday.

20 And it looks like our consolidated tax, this new net  
21 proceeds, that we'll get the residual and our sales tax are  
22 amongst those major components.

23 This year we're on top of it.

24 It'll be all posted correctly into the fiscal year. We won't  
25 have to worry about audit adjustments or et cetera.

26 So we're looking at a very clean, complete close. And I  
27 think our audit staff and certainly Finance will look forward to  
28 that as well.

29 Once again, the team in that office has worked tirelessly to  
30 get that accomplished.

31 Lastly, we've lived by the words "audit-ready every day"  
32 since I uttered that statement on -- long ago in one of the  
33 commission meetings.

34 Hasn't been easy. It's -- it's been difficult on all of us  
35 in there, but I do truly think we've made it.

36 We're not worried about the auditors coming in. I believe  
37 it's August 9th and 10th they're going to come in for an initial  
38 walk-through of procedures. It's just another date on the  
39 calendar.

40 We're ready for it. It's not going to create a -- a

1 traumatic or crash scenario, if you will.  
2 So we'll see. I'm sure that there -- doesn't mean we haven't  
3 ran into issues along way. But in our current state, when an  
4 issue comes up, we're able to identify it and find out what  
5 happened and correct it on a fairly immediate basis.  
6 And that's what you look for in a good system and a good  
7 system of internal control.  
8 COMMISSIONER BAKKER: So are you audit-ready, Gene?  
9 GENE ETCHEVERRY: We're audit-ready, Commissioner Bakker.  
10 CHAIRMAN MILLS: Every day.  
11 COMMISSIONER BAKKER: Okay.  
12 GENE ETCHEVERRY: Every day.  
13 Saturday and Sundays excepted, of course.  
14 CHAIRMAN MILLS: Okay.  
15 GENE ETCHEVERRY: That's all I have for our update.  
16 If you have any questions, please come on into the  
17 treasury. We don't have a doorbell any longer.  
18 And --  
19 COMMISSIONER BAKKER: Is there --  
20 GENE ETCHEVERRY: -- come on in.  
21 COMMISSIONER BAKKER: -- a lock on the door?  
22 GENE ETCHEVERRY: We do have locks on the door. Yes.  
23 COMMISSIONER BAKKER: Okay.  
24 GENE ETCHEVERRY: Very sturdy ones.  
25 CHAIRMAN MILLS: Okay.  
26 GENE ETCHEVERRY: Thank you.  
27 CHAIRMAN MILLS: I believe our next couple of items we'll  
28 --  
29 COMMISSIONER ALLAN: Do we have any public comment?  
30 CHAIRMAN MILLS: Oh, that's right.  
31 Do we have any public comment?  
32 (No comment.)  
33 CHAIRMAN MILLS: Okay.  
34 COMMISSIONER ALLAN: Not that they --  
35 CHAIRMAN MILLS: Thanks.  
36 COMMISSIONER ALLAN: -- did, but --  
37 CHAIRMAN MILLS: Yeah. We never do.  
38 Thanks for the reminder.  
39 Yeah. So on our next couple of items I think you'll have  
40 some input for us, hopefully.

1     **10) Discussion for possible action to approve/disapprove**  
2     **Resolution 2018-09 to levy the 2018-19 tax rates, and all**  
3     **other matters properly related thereto.**  
4

5           CHAIRMAN MILLS: Item Number 10. Discussion and possible  
6 action to approve/disapprove Resolution 2018-09 to levy the  
7 2018-19 tax rates, and all other matters properly related  
8 thereto.

9           GENE ETCHEVERRY: Chairman Mills, members of the  
10 commission, I present to you Resolution Number 2018-09 to go  
11 ahead and certify and levy the property tax rates -- *ad valorem*  
12 property tax rates for Lander County for the fiscal year.  
13 July 1, 2018, through June 30th, 2019.

14           The State Tax Commission certified these rates on the 25th of  
15 June, as per statute. And they become levied and certified on the  
16 county level for us to impose those taxes as soon as the  
17 commission passes this resolution.

18           COMMISSIONER ALLAN: Do we want this read into the record?

19           DISTRICT ATTORNEY HERRERA: Probably should.

20           COMMISSIONER ALLAN: So I will make a motion that we  
21 approve Resolution 2018-19 [verbatim] to levy the 2018-19 tax  
22 rates.

23           The resolution as follows: Resolution Number 2018-09 of  
24 the Board of Lander County Commissioners.

25           Rel- -- a resolution by the Lander County Commissioners,  
26 State of Nevada, to certify the levy and -- levy the *ad valorem*  
27 property tax rate required for the fiscal year July 1st, 2018,  
28 through June 30th, 2019, in accordance with NRS 361.40- -- 460.

29           Whereas, NRS 361.460 states, Immediately after the Nevada Tax  
30 Commission shall -- shall certify the combined tax rate, the Board  
31 of County Commissioners shall by resolution proceed to levy the  
32 tax rate required for the fiscal period beginning the succeeding  
33 July 1st, designating the number of cents of each hundred dollars  
34 of property levied for each fund.

35           Now, therefore, it -- therefore it be hereby resolved, by  
36 the Board of County Commissioners of Lander County, now that the  
37 Nevada Tax Commission has certified the combined tax rate, that  
38 the levy of taxes in Lander County for the fiscal period  
39 beginning July 1st, 2018, shall be in accordance with the  
40 following schedule for each fund of a hundred dollars of

1 property.  
2 Under "County," we have General, 1.2650; Road and Bridge,  
3 .1909; Indigent, .0755; Ag Extension, .0150; Aging Services,  
4 .0850; Airport, .0400; Culture and Recreation, .0895; Youth  
5 Services, .0029; State Indigent NACO, .0150; State Medical  
6 Indigency, .0655; Capital Acquisition, .0300; Lander County  
7 Landfill, .0500. County subtotal, 1.9243.  
8 School, .7500.  
9 Hospital, .5109.  
10 State, .1700.  
11 With a base of 3.3552.  
12 Specials would be Sewer and Water District 2, .0677.  
13 Austin Town, .2213.  
14 Battle Mountain Town, .0500.  
15 Kingston Town, .3048.  
16 Passed and adopted this 28th day of June, 2018.  
17 COMMISSIONER BAKKER: Second.  
18 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
19 seconded.  
20 Do we have any public comment?  
21 (No comment.)  
22 CHAIRMAN MILLS: All in favor?  
23 COMMISSIONER BAKKER: Aye.  
24 COMMISSIONER ALLAN: Aye.  
25 CHAIRMAN MILLS: Aye.  
26 COMMISSIONER CLARK: Aye.  
27 COMMISSIONER WAITS: Aye.  
28 CHAIRMAN MILLS: Okay.  
29 And --  
30 GENE ETCHEVERRY: Thank you. And, Commissioners, I'd like  
31 to thank our fiscal officer, Cindy Benson. Her and I worked  
32 closely together this year as -- as it is set forth in our -- in  
33 our procedures. And it went very smoothly. And --  
34 COMMISSIONER ALLAN: Thank you, Gene.  
35 COMMISSIONER BAKKER: Thank you, --  
36 GENE ETCHEVERRY: -- very well.  
37 COMMISSIONER BAKKER: -- Cindy.  
38 CHAIRMAN MILLS: Thanks.  
39 COMMISSIONER BAKKER: Thanks, Gene.  
40 COMMISSIONER ALLAN: I -- and Cindy. I do have a question.

1 And this -- this actually -- very, very --  
2 COMMISSIONER CLARK: Yeah.  
3 COMMISSIONER ALLAN: -- brief explanation.  
4 GENE ETCHEVERRY: Okay.  
5 COMMISSIONER ALLAN: And -- and it really does pertain  
6 to -- to the finance. You mentioned the PILT. So other item.  
7 But, anyway, just out of curiosity, I know that different  
8 counties receive -- their PILT rate is -- is -- it's not across  
9 the board. It's state. Some counties, theirs is higher, lower.  
10 Can that be changed? Can we do anything to change that? Do you  
11 know?  
12 COMMISSIONER BAKKER: Bring in more population.  
13 COMMISSIONER ALLAN: Is it based on population?  
14 CHAIRMAN MILLS: That's part --  
15 COMMISSIONER ALLAN: Okay.  
16 CHAIRMAN MILLS: -- of the count.  
17 COMMISSIONER BAKKER: We can't. We'll --  
18 GENE ETCHEVERRY: Commissioner Allan, --  
19 COMMISSIONER BAKKER: -- talk to that here in a bit.  
20 GENE ETCHEVERRY: Actually, see if -- I think you have  
21 experts that know more than I do here in the audience. But CFR  
22 44 sets forth PILT, Code of Federal -- 44 CFR, Code of Federal  
23 Regulations.  
24 It's based on our acreage that is controlled by the federal  
25 government, and population.  
26 COMMISSIONER ALLAN: And population. Okay.  
27 GENE ETCHEVERRY: But, yes. It is different for each  
28 county.  
29 COMMISSIONER ALLAN: Right. I knew that. I just didn't  
30 know. So --  
31 Sean said, I guess, we need more people.  
32 COMMISSIONER BAKKER: Yep. Bring in more.  
33 COMMISSIONER ALLAN: All right. Thank you.  
34 CHAIRMAN MILLS: Okay. So we're going to take a break.  
35 COMMISSIONER BAKKER: Any public comment?  
36 CHAIRMAN MILLS: Oh. Yeah. Public comment on that?  
37 COMMISSIONER BAKKER: Nope. Hey, --  
38 CHAIRMAN MILLS: All right.  
39 COMMISSIONER BAKKER: -- Patsy? Austin?  
40 CHAIRMAN MILLS: Taking a break.



1 (Break taken between 10:09 a.m. and 10:23 a.m.)

- 2  
3 **11) Discussion for possible action to approve/disapprove payment**  
4 **for delinquent water/sewer accounts for 2017-2018 and**  
5 **reconcile on June 28, 2018: a) to pay accounts according to**  
6 **LCC Section 13.04.050(7)(E) Battle Mountain in an amount not**  
7 **to exceed \$42,868.44; b) to pay accounts according to LCC**  
8 **Section 13.08.050 Lander County Combined Sewer and Water**  
9 **District #2 in an amount not to exceed \$7,724.04; and all**  
10 **other matters properly related thereto.**

11  
12 CHAIRMAN MILLS: We're on Item Number 11. Discussion for  
13 possible action to approve/disapprove payment for delinquent  
14 water/sewer accounts for 2017-2018 and reconcile on June 28,  
15 2018: a) to pay accounts according to LCC Section  
16 13.04.050(7)(E) Battle Mountain in an amount not to exceed  
17 \$42,868.44; b) to pay accounts according to LCC Section  
18 13.08.050 Lander County Combined Sewer and Water District #2 in  
19 an amount not to exceed \$7,724.04; and all other matters  
20 properly related thereto.

21 GENE ETCHEVERRY: Chairman Mills, members of the  
22 commission. Lander County Treasurer Gene Etcheverry.

23 Present to you this fiscal year's closeout, if you will, of  
24 our three-month delinquent -- or more -- water and sewer bills  
25 for both Lander County's Sewer and Water District #2 in Austin  
26 and for the Battle Mountain water and sewer system.

27 As of this morning, we reset liens. So they have been  
28 reconciled. And we're ready to transfer those to the property  
29 tax bills for fiscal year 2018-19 per Lander County code.

30 COMMISSIONER BAKKER: Okay.

31 COMMISSIONER ALLAN: I will make a motion that we approve  
32 payment for delinquent water/sewer accounts for the 2017-18 and  
33 reconcile on June 28th, 2018, according to Lander County Section  
34 13.04.050(7)(E) Battle Mountain in an amount not to exceed  
35 \$42,868.44 and accounts according to Lander County Section  
36 13.08.050 Lander County Combined Sewer and Water District #2 in  
37 an amount not to exceed \$7,724.04.

38 COMMISSIONER BAKKER: Second.

39 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
40 seconded.

1 Do we have any public comment?  
2 (No comment.)  
3 CHAIRMAN MILLS: All in favor?  
4 COMMISSIONER BAKKER: Aye.  
5 COMMISSIONER ALLAN: Aye.  
6 CHAIRMAN MILLS: Aye.  
7 COMMISSIONER CLARK: Aye.  
8 CHAIRMAN MILLS: Item 12.  
9 COMMISSIONER WAITS: Aye.  
10 CHAIRMAN MILLS: Thank you.

11  
12 **12) Discussion and possible action to approve/disapprove a refund**  
13 **for the overpayment of real property taxes paid on APN**  
14 **003-111-24, 106 Kingston Drive, Kingston, Nevada, in an**  
15 **amount not to exceed \$3,101.55, and all other matters**  
16 **properly related thereto.**  
17

18 CHAIRMAN MILLS: Twelve. Discussion and possible action to  
19 approve/disapprove a refund for the overpayment of real property  
20 taxes paid on APN 003-111-24, 106 Kingston Drive, Kingston,  
21 Nevada, in an amount not to exceed \$3,101.55, and all other  
22 matters properly related thereto.

23 GENE ETCHEVERRY: Yes, Chairman Mills, members of the  
24 commission.

25 I present to you a refund that was processed on Parcel  
26 Number 03-11-24 [verbatim] in Kingston. And the reason for the  
27 overpayment of taxes was actually an overassessment for fiscal  
28 years 2015/'16, '16/'17, and the current fiscal year '17/'18.

29 CHAIRMAN MILLS: Okay.

30 COMMISSIONER BAKKER: I'll make a motion to approve a  
31 refund for the overpayment of real property taxes paid on APN  
32 003-111-24, 106 Kingston Drive, Kingston, Nevada, in an amount  
33 not to exceed \$3,101.55.

34 COMMISSIONER ALLAN: Second.

35 COMMISSIONER CLARK: Second.

36 CHAIRMAN MILLS: Okay. Sean made a motion. Judie  
37 seconded.

38 Do we have any public comment?  
39 (No comment.)  
40 CHAIRMAN MILLS: All in favor?

1 COMMISSIONER BAKKER: Aye.  
2 COMMISSIONER ALLAN: Aye.  
3 CHAIRMAN MILLS: Aye.  
4 COMMISSIONER CLARK: Aye.  
5 COMMISSIONER WAITS: Aye.  
6 GENE ETCHEVERRY: Thank you very much.  
7 COMMISSIONER BAKKER: Thank you, Gene.  
8 COMMISSIONER ALLAN: Thank --  
9 CHAIRMAN MILLS: Thank --  
10 COMMISSIONER ALLAN: -- you, --  
11 CHAIRMAN MILLS: -- you, --  
12 COMMISSIONER ALLAN: -- Gene.  
13 CHAIRMAN MILLS: -- Gene.

14  
15  
16 **COMMISSIONERS**

17  
18 13) **Discussion and possible action regarding policies,**  
19 **procedures, and PERS within Lander County, Battle Mountain**  
20 **Fire Department, and all other matters properly related**  
21 **thereto.**

22  
23 CHAIRMAN MILLS: Item 13. Discussion and possible action  
24 regarding policies, procedures, and PERS within Lander County,  
25 Battle Mountain Fire Department, and all other matters properly  
26 related thereto.

27 COMMISSIONER CLARK: We don't have any backup.

28 COMMISSIONER BAKKER: Ron and I already discussed some  
29 things the other day.

30 Part of the reason, because in our last meeting when Patsy  
31 was here, there was some concerns about PERS being paid out and  
32 people not responding to fire calls and starting a policy and  
33 procedure towards people showing up for the fire calls.

34 But we already talked, that we have something in place.

35 SHERIFF RON UNGER: Correct.

36 COMMISSIONER BAKKER: Okay.

37 Can you elaborate on that?

38 SHERIFF RON UNGER: Yeah. On our -- our policies and --  
39 woops -- well, anyway.

40 We have in there that each fireman -- and I don't have it

1 with me.

2 COMMISSIONER WAITS: I can't hear a thing. I'm sorry.

3 SHERIFF RON UNGER: Hi, Patsy. Let me move this closer.

4 COMMISSIONER BAKKER: Hold on. Talk -- try that real  
5 quick.

6 SHERIFF RON UNGER: Can you hear me now, Patsy?

7 COMMISSIONER WAITS: Yes. Thank you.

8 SHERIFF RON UNGER: Okay. Yeah. We have policies and  
9 procedures. And it states in there that the firemen have to  
10 attend so many business meetings that they miss so many in a  
11 row, then the assistant chief will write a letter to them and  
12 let them know that they have to make the next meeting.

13 They can also be excused. If they call in and they're  
14 working because of work schedules, that's taken into effect.

15 And then when redid our bylaws, we put in there that -- and  
16 I believe it's quarterly. They have to make so many fires in a  
17 -- a quarterly deal. So it's something that we -- we have in  
18 effect.

19 We probably could do a better job on managing it, which we  
20 will do.

21 COMMISSIONER BAKKER: Okay.

22 And as far as that comes, is there a way we can provide  
23 proof of people making fire calls -- to the commission?

24 SHERIFF RON UNGER: What we do, as you know, we have a run  
25 report.

26 So after each -- each fire, usually one of the firemen will  
27 make a run report out and then sign it, which lists who was there.

28 There is times when I might be filling it out and I may miss  
29 a fireman.

30 But, yeah, there's -- there's run reports that you can look  
31 at. You're more than welcome to look at.

32 COMMISSIONER WAITS: This is Pat. So it's my understanding  
33 that the different departments all have some policies and  
34 procedures. And they were going to bring those to Keith or  
35 Keith was going to check them out and put one together for all  
36 of Lander County.

37 Is that what we still plan on doing?

38 COMMISSIONER BAKKER: Keith?

39 KEITH WESTENGARD: I -- I haven't received any -- any  
40 policies and procedures from any of the departments. But I -- I

1 don't think it's -- I -- I'm unaware of combining them. I don't  
2 think that's a good idea. We have --

3 CHAIRMAN MILLS: I haven't heard about --

4 KEITH WESTENGARD: -- three --

5 CHAIRMAN MILLS: -- that.

6 KEITH WESTENGARD: -- separate, distinct departments with  
7 different roles.

8 But I have not received anything from any department about  
9 policies and procedures.

10 I know Aus- --

11 COMMISSIONER WAITS: Well, I -- I --

12 KEITH WESTENGARD: I know -- I know Austin was -- was  
13 working on them. And I know Kingston's been working on them.  
14 And Battle Mountain's has been in place. And I believe Battle  
15 Mountain's is r- -- it -- probably ready to come before the  
16 commission for your ratification.

17 COMMISSIONER BAKKER: Okay. Then let's --

18 COMMISSIONER WAITS: Well, I --

19 SHERIFF RON UNGER: On that, Patsy, I can tell you that I  
20 -- I -- I've been in -- had some conversations with the fire  
21 chief in Kingston, Roger, and also there was a female. And I  
22 can't recall her name. And this has been some time back. But  
23 they came up and got our policies and procedures and our bylaws.  
24 They got those from us, and they was going to kind of use those  
25 to work off of.

26 COMMISSIONER WAITS: Thank you.

27 Actually, I'm -- I'm okay with that being separate if they  
28 can enforce them.

29 And -- and that way if they bring each one to us for the  
30 commissioners to approve, at least they've got some teeth in it  
31 saying, This is what the county wants us to follow.

32 That -- that's what I'm trying to give them. Because it just  
33 seems like if they're just Austin or just Kingston, they're  
34 saying, we need to follow this. That was one thing.

35 But now that we're paying PERS for Kingston and they may  
36 not have been able to enforce it or for that matter if we  
37 increased PERS so much, we want Austin to be able to enforce  
38 that too.

39 So Battle Mountain has been kind of leading it. I know.  
40 Thank you.

1 But I want us to follow through with each one at least comes  
2 before the commission so that we know, indeed, we've got some  
3 teeth in there for paying this kind of money out.  
4 We want to reward the ones that are there, and the ones  
5 that have been on the list forever that we've been paying for,  
6 that's not an acceptable procedure anymore.  
7 Does that make sense, Keith?  
8 KEITH WESTENGARD: Yeah. That -- that -- that's fine. And  
9 the -- my plan was to include Austin and Kingston at your next  
10 meeting that is in Austin, to have -- ask the chiefs to -- to  
11 show up to the commission meeting there.  
12 COMMISSIONER BAKKER: Let's get a policies and procedures  
13 put together for Austin and Kingston before we go to Austin and  
14 Kingston.  
15 KEITH WESTENGARD: Well --  
16 SHERIFF RON UNGER: And then the county commissioners, they  
17 could -- once you review that, you could approve those for each  
18 entity.  
19 COMMISSIONER BAKKER: Right.  
20 COMMISSIONER WAITS: That -- that --  
21 SHERIFF RON UNGER: Because --  
22 COMMISSIONER WAITS: -- sounds fine.  
23 SHERIFF RON UNGER: -- like Keith says, they are going to  
24 be different.  
25 COMMISSIONER BAKKER: But, I mean, --  
26 COMMISSIONER WAITS: I -- I can understand that.  
27 COMMISSIONER BAKKER: We're going to be --  
28 COMMISSIONER WAITS: Thank you.  
29 COMMISSIONER BAKKER: -- in Austin for our next commission  
30 meeting.  
31 KEITH WESTENGARD: I --  
32 COMMISSIONER BAKKER: We -- we -- it's --  
33 KEITH WESTENGARD: I'll --  
34 COMMISSIONER BAKKER: -- kind of --  
35 KEITH WESTENGARD: -- give --  
36 COMMISSIONER BAKKER: -- like --  
37 KEITH WESTENGARD: -- I'll give --  
38 COMMISSIONER BAKKER: -- putting the cart --  
39 KEITH WESTENGARD: -- Roger --  
40 COMMISSIONER BAKKER: -- before the --

1 KEITH WESTENGARD: -- the (indiscernible).  
2 COMMISSIONER BAKKER: -- horse. We need to have the  
3 procedures and policies approved so we know what we're saying  
4 and what we need -- what we're asking for.  
5 SHERIFF RON UNGER: Now, our policies --  
6 COMMISSIONER WAITS: Okay. Well, then we --  
7 SHERIFF RON UNGER: -- and procedures --  
8 COMMISSIONER WAITS: Then --  
9 SHERIFF RON UNGER: -- have been --  
10 COMMISSIONER WAITS: -- then we need --  
11 SHERIFF RON UNGER: -- approved.  
12 COMMISSIONER WAITS: Yeah. We actually need some backup,  
13 then, to show what -- what we're approving.  
14 DISTRICT ATTORNEY HERRERA: Well, Ron, I don't -- I don't  
15 know if -- if your policies and procedures have been modified a  
16 few -- a little bit over the years.  
17 SHERIFF RON UNGER: That is correct.  
18 DISTRICT ATTORNEY HERRERA: So it has to be reapproved,  
19 ratified.  
20 SHERIFF RON UNGER: And what we have done is -- and -- and  
21 years -- years back, they had their bylaws.  
22 Okay?  
23 DISTRICT ATTORNEY HERRERA: Right.  
24 SHERIFF RON UNGER: And when they changed them, they would  
25 bring them in front of the county commissioners and just let  
26 them know what changes were made.  
27 Now we made changes on ours, maybe, ten years ago,  
28 something of that nature, maybe less.  
29 But --  
30 DISTRICT ATTORNEY HERRERA: Yeah. It was less.  
31 SHERIFF RON UNGER: It was approved --  
32 DISTRICT ATTORNEY HERRERA: Because I helped. I helped Max  
33 write it. So, I mean, --  
34 SHERIFF RON UNGER: There it is.  
35 DISTRICT ATTORNEY HERRERA: I -- I know there's some  
36 modifications that --  
37 SHERIFF RON UNGER: Yes.  
38 DISTRICT ATTORNEY HERRERA: So it's just easy to get it  
39 ratified.  
40 SHERIFF RON UNGER: Since that point, we haven't --

1 DISTRICT ATTORNEY HERRERA: Right.  
2 SHERIFF RON UNGER: We've discussed changes, but we  
3 haven't --  
4 DISTRICT ATTORNEY HERRERA: Right.  
5 SHERIFF RON UNGER: -- incorporated them yet.  
6 DISTRICT ATTORNEY HERRERA: Right.  
7 COMMISSIONER BAKKER: Okay. So let's get --  
8 CHAIRMAN MILLS: Yeah.  
9 COMMISSIONER BAKKER: -- that --  
10 CHAIRMAN MILLS: So I think that the -- at this point, you  
11 got them. The thing now is just to enforce them. And --  
12 SHERIFF RON UNGER: Yes. That's correct. It's a --  
13 CHAIRMAN MILLS: Yeah.  
14 SHERIFF RON UNGER: -- it's an --  
15 DISTRICT ATTORNEY HERRERA: Ron, if you would --  
16 SHERIFF RON UNGER: -- in-house deal.  
17 CHAIRMAN MILLS: Yeah.  
18 DISTRICT ATTORNEY HERRERA: If you have any more  
19 modifications, I'll -- I can help you guys do it. I'll -- you  
20 just give me the language. I'll do it.  
21 SHERIFF RON UNGER: Perfect.  
22 DISTRICT ATTORNEY HERRERA: And then you can bring it in  
23 front of the commissioners to get it ratified.  
24 I'd be more than happy.  
25 SHERIFF RON UNGER: And I think that's what was done the  
26 last time.  
27 DISTRICT ATTORNEY HERRERA: Yes.  
28 SHERIFF RON UNGER: So, yeah, we're golden with this.  
29 COMMISSIONER BAKKER: Are you good with that, Patsy?  
30 COMMISSIONER WAITS: That's fine. Thank you.  
31 COMMISSIONER BAKKER: Okay.  
32 CHAIRMAN MILLS: Okay.  
33 Do we have any public comment?  
34 (No comment.)  
35 CHAIRMAN MILLS: Okay.  
36  
37  
38  
39  
40



1           **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**  
2 **RECESSED.)**

3  
4           **(MEETING OF THE LANDER COUNTY LIQUOR BOARD CONVENED.)**

5  
6           CHAIRMAN MILLS: We are going to recess the Board of Lander  
7 County Commission -- Commissioners and convene the meetings of  
8 the Lander County Liquor Board and --

9           COMMISSIONER BAKKER: Don't go anywhere, Ron.

10          CHAIRMAN MILLS: -- composed of the --

11          COMMISSIONER CLARK: I --

12          CHAIRMAN MILLS: -- Lander County Board of Commissioners  
13 and the Lander County sheriff.

14          COMMISSIONER CLARK: I'm -- I'm declaring a conflict here.  
15 Fam- -- almost or family in like. So you three can make a  
16 decision.

17          CHAIRMAN MILLS: Okay.

18          COMMISSIONER BAKKER: Four.

19  
20  
21 **SHERIFF**

22  
23 14) **Discussion and possible action to approve/disapprove an**  
24 **on-site liquor license for the Battle Mountain Adult Softball**  
25 **League Board, including board members Shannon Berumen, Cayla**  
26 **Millsap, Clayton Millsap, Laken Marine, Joel Farnsworth,**  
27 **Kelly Farnsworth, and Dawnette Johnson, and all other matters**  
28 **properly related thereto.**

29  
30          CHAIRMAN MILLS: We're on Item Number 14. Discussion and  
31 possible action to approve/disapprove an on-site liquor license  
32 for the Battle Mountain Adult Softball League Board, including  
33 board members Shannon Berumen, Kyla Millsap, Clayton Millsap,  
34 Laken Marine, Joe Farnsworth, Kelly Farnsworth, and Dawnette  
35 Johnson, and all other matters properly related thereto.

36          COMMISSIONER BAKKER: Cayla.

37          CHAIRMAN MILLS: Cayla? Oh, --

38          CAYLA MILLSAP: It's Cayla.

39          CHAIRMAN MILLS: -- Cayla.

40          Sorry about that.

1 CAYLA MILLSAP: It's all good. Just don't call me  
2 Courtney.  
3 CHAIRMAN MILLS: Okay.  
4 COMMISSIONER BAKKER: Hey, Courtney.  
5 SHERIFF RON UNGER: Okay. The -- the sheriff's office, we  
6 re- -- received this application. We did a complete background  
7 check on all of the board members, which would include Shannon  
8 Berumen, Cayla Millsap, Clayton Millsap, Laken Marine, Joel  
9 Farnsworth, Kelly Farnsworth, and Dawnette Johnson.  
10 And we found no disqualifiers at all on this. And it is an  
11 on-site for the adult so- -- soft- -- softball league.  
12 COMMISSIONER BAKKER: Okay.  
13 CHAIRMAN MILLS: Okay. And let's -- because I don't  
14 remember. Last time this came up, there was a something about  
15 doing this on county property, but we resolved all that and  
16 that's all okay? Is --  
17 DISTRICT ATTORNEY HERRERA: It's not resolved. It --  
18 CHAIRMAN MILLS: It --  
19 DISTRICT ATTORNEY HERRERA: They haven't -- I don't believe  
20 they've got their 501(c)(3) yet.  
21 CAYLA MILLSAP: We don't have it in our hand.  
22 DISTRICT ATTORNEY HERRERA: Right.  
23 CAYLA MILLSAP: But we have applied for and paid for it.  
24 UNIDENTIFIED PARTICIPANT: And paid for it.  
25 CAYLA MILLSAP: We talked to them yesterday, and they said  
26 it's in -- in the review --  
27 CHAIRMAN MILLS: Yeah. The process.  
28 CAYLA MILLSAP: -- part. Yeah. Where it would take 30  
29 days.  
30 DISTRICT ATTORNEY HERRERA: Now they -- they did get a  
31 business license.  
32 CAYLA MILLSAP: We have a business license. We have --  
33 DISTRICT ATTORNEY HERRERA: And my han- --  
34 CAYLA MILLSAP: -- the liability insurance. Sorry, Ted.  
35 DISTRICT ATTORNEY HERRERA: They had a -- a tax-exempt  
36 business license. Yesterday we talked to them. They haven't  
37 changed it --  
38 CAYLA MILLSAP: Yep.  
39 DISTRICT ATTORNEY HERRERA: -- to a non-tax-exempt because  
40 we can't give a -- a liquor license to an invalid business

1 license.

2 CAYLA MILLSAP: Right.

3 DISTRICT ATTORNEY HERRERA: So we changed that. That's  
4 been fixed.

5 CAYLA MILLSAP: Yes.

6 DISTRICT ATTORNEY HERRERA: So you guys have to determine  
7 if you're going to allow them the liquor license in spite of the  
8 fact that the 501(c)(3) hasn't come in yet. And -- and --

9 CHAIRMAN MILLS: So it's --

10 DISTRICT ATTORNEY HERRERA: -- it's --

11 CHAIRMAN MILLS: -- become -- it's basically a timing issue  
12 at this point. Do we approve it before they get the --

13 DISTRICT ATTORNEY HERRERA: Well, it's up to --

14 CHAIRMAN MILLS: -- license or not?

15 DISTRICT ATTORNEY HERRERA: -- you. I mean, you can. But  
16 you realize that there -- there's liability. They have to --

17 CHAIRMAN MILLS: So if they get --

18 DISTRICT ATTORNEY HERRERA: -- work --

19 CHAIRMAN MILLS: -- when they get the 501(c)(3), do we have  
20 to readdress it? Do they have to get a new --

21 COMMISSIONER BAKKER: No, they have to change their  
22 business license.

23 CHAIRMAN MILLS: They have to -- they have to get a new  
24 business license. They've got to --

25 DISTRICT ATTORNEY HERRERA: Well, they have to -- you may  
26 not have to readdress it because they've got the same  
27 information down on it. They just have to convert their  
28 business license into a tax-exempt --

29 CHAIRMAN MILLS: To exempt --

30 DISTRICT ATTORNEY HERRERA: -- business.

31 CHAIRMAN MILLS: -- tax.

32 COMMISSIONER ALLAN: Cayla?

33 CHAIRMAN MILLS: Okay.

34 DISTRICT ATTORNEY HERRERA: That's all they have -- if you  
35 approve it today, then they would just -- when they get the  
36 501(c)(3), they'd give us a copy, which they need to do.

37 CHAIRMAN MILLS: Right.

38 DISTRICT ATTORNEY HERRERA: And they would change their  
39 business license.

40 So, again, just so you know, to approve it, you're going to

1 have to make the decision whether you're going to wait for their  
2 501(c)(3) or you're going to give it regardless of it because they  
3 are in process of getting it.

4 CAYLA MILLSAP: Yes, Judie.

5 DISTRICT ATTORNEY HERRERA: That's the --

6 COMMISSIONER ALLAN: Do you --

7 DISTRICT ATTORNEY HERRERA: -- question.

8 COMMISSIONER ALLAN: Do you have any idea how long it will  
9 be before you get that 501(c)(3)?

10 CAYLA MILLSAP: We don't. We -- when we talked to them  
11 yesterday, they said that it was in the review process which  
12 could take up to 30 days. And we applied for our 501(c)(3) a  
13 month ago. And we were told then it would take three to four  
14 weeks. But then we called yesterday to check to see where it  
15 was at. And they said that it was in the review process still.

16 COMMISSIONER ALLAN: So in the next month, how many  
17 functions do you have planned?

18 CAYLA MILLSAP: We have three a week.

19 COMMISSIONER ALLAN: Okay.

20 CAYLA MILLSAP: So 12.

21 COMMISSIONER ALLAN: Okay. I -- I'm going to --

22 CAYLA MILLSAP: But we go -- sorry -- we -- we're going  
23 through August.

24 So...

25 COMMISSIONER ALLAN: Right.

26 I'm going to make a motion that we approve the on-site liquor  
27 license for the Battle Mountain Adult Softball League Board.

28 COMMISSIONER BAKKER: Second.

29 CHAIRMAN MILLS: Now, I have a question on that. Can we --

30 Because if the 501(c)(3) doesn't come -- 501(c)(3) doesn't  
31 come through in the next 30 days and it's just kind of hanging  
32 out, what -- what can we do to --

33 CAYLA MILLSAP: Well, we -- we changed our business license  
34 from a nonprofit to a profit business. And so does that take  
35 care of that?

36 DISTRICT ATTORNEY HERRERA: No, the -- the issue is -- is  
37 a -- a nonprofit -- a non nonprofit organization using county  
38 land and selling liquor. And it's a liability.

39 CHAIRMAN MILLS: Right.

40 DISTRICT ATTORNEY HERRERA: Now they're doing a waiver of

1 liability. So you -- you guys and -- and ladies have to decide  
2 whether or not -- and you -- and this board's done it before, --  
3 CHAIRMAN MILLS: Right.  
4 DISTRICT ATTORNEY HERRERA: -- a -- waiting for people to  
5 get a 501(c)(3). And I'm certainly not going on the record  
6 saying that -- that inappropriate activity's precedent for other  
7 inappropriate activities. But if you allow it, it's not  
8 inappropriate. You're just -- know that there's possible  
9 liability issue.  
10 And -- and I will make -- I'll go over their waiver with  
11 them, and that'll protect the county. But you need to know that  
12 until they get a 501(c)(3), there could be more liability.  
13 CHAIRMAN MILLS: Right. And that's why I'm asking is that  
14 --  
15 COMMISSIONER BAKKER: Hey, Cayla, don't create liability.  
16 DISTRICT ATTORNEY HERRERA: There's --  
17 CHAIRMAN MILLS: I'm willing to overlook liability for the  
18 period of time.  
19 DISTRICT ATTORNEY HERRERA: Right. That's what --  
20 CHAIRMAN MILLS: But I don't want it --  
21 DISTRICT ATTORNEY HERRERA: -- you get.  
22 CHAIRMAN MILLS: -- to continue -- if -- because if you  
23 don't get your 501(c)(3) in 30 days, I don't know if I want to  
24 just kind of let that hang out there, hang out there, and then  
25 -- and continue the liabil- -- liability for some unknown period  
26 of time.  
27 DISTRICT ATTORNEY HERRERA: You can --  
28 CAYLA MILLSAP: Right.  
29 DISTRICT ATTORNEY HERRERA: -- certainly --  
30 CAYLA MILLSAP: And we just --  
31 CHAIRMAN MILLS: So how --  
32 DISTRICT ATTORNEY HERRERA: That's --  
33 CHAIRMAN MILLS: -- do we protect ourselves --  
34 CAYLA MILLSAP: We don't --  
35 CHAIRMAN MILLS: -- in that --  
36 CAYLA MILLSAP: -- know.  
37 CHAIRMAN MILLS: -- case?  
38 CAYLA MILLSAP: We --  
39 DISTRICT ATTORNEY HERRERA: Ask -- ask for an update in 30  
40 days.

1 CAYLA MILLSAP: And we'll give it to you. And I'll --  
2 CHAIRMAN MILLS: Okay.  
3 CAYLA MILLSAP: -- I'll give you guys whatever you guys  
4 need or want. And as soon as the 501(c)(3) comes in, I will  
5 bring it to you guys. We just don't know how long it's going to  
6 take. We've already --  
7 CHAIRMAN MILLS: All right.  
8 CAYLA MILLSAP: -- applied for and paid for it. We  
9 literally are just waiting --  
10 CHAIRMAN MILLS: So we can --  
11 CAYLA MILLSAP: -- for it.  
12 CHAIRMAN MILLS: -- have you just come to each commission  
13 meeting. And --  
14 CAYLA MILLSAP: I can.  
15 CHAIRMAN MILLS: -- report until it shows up.  
16 CAYLA MILLSAP: I can.  
17 CHAIRMAN MILLS: All right. Because I -- I just don't want  
18 to have it hanging out there and just --  
19 DISTRICT ATTORNEY HERRERA: Right.  
20 CHAIRMAN MILLS: -- be unresolved for who knows how long.  
21 COMMISSIONER ALLAN: Well, and I don't think you have to  
22 come to every single --  
23 DISTRICT ATTORNEY HERRERA: Well, --  
24 COMMISSIONER ALLAN: -- commissioners' meeting.  
25 DISTRICT ATTORNEY HERRERA: -- as soon as you --  
26 COMMISSIONER ALLAN: I mean --  
27 CHAIRMAN MILLS: Yeah.  
28 COMMISSIONER ALLAN: Is if you don't get it within 30 days,  
29 then come back and say, you know, hey, we --  
30 CAYLA MILLSAP: We still --  
31 COMMISSIONER ALLAN: -- haven't --  
32 CAYLA MILLSAP: -- don't have --  
33 COMMISSIONER ALLAN: -- gotten it yet. Here's our report  
34 from --  
35 CAYLA MILLSAP: From what they have told --  
36 CHAIRMAN MILLS: Yeah.  
37 CAYLA MILLSAP: -- us.  
38 CHAIRMAN MILLS: I just --  
39 COMMISSIONER ALLAN: From what they've --  
40 CHAIRMAN MILLS: I just don't want --

1 A report is better than --  
2 CAYLA MILLSAP: Right.  
3 CHAIRMAN MILLS: -- nothing.  
4 CAYLA MILLSAP: Okay. Yeah. That's fine.  
5 CHAIRMAN MILLS: That's all I'm --  
6 SHERIFF RON UNGER: You can give it to Keith.  
7 CAYLA MILLSAP: Well, it's --  
8 CHAIRMAN MILLS: Yeah.  
9 CAYLA MILLSAP: -- going to come -- when it comes in the  
10 mail, it -- it's going to come to Laken because she's on our  
11 board. And -- and so she can give it to Keith.  
12 CHAIRMAN MILLS: Okay.  
13 As long as we get some follow-up on it, then I'm -- I just  
14 don't want it hanging and -- and not follow up.  
15 COMMISSIONER ALLAN: Well, we will have Keith put that on  
16 his calendar too to --  
17 DISTRICT ATTORNEY HERRERA: Tickle --  
18 CHAIRMAN MILLS: Okay.  
19 DISTRICT ATTORNEY HERRERA: -- his calendar?  
20 COMMISSIONER ALLAN: Countdown.  
21 CHAIRMAN MILLS: So --  
22 If I -- because I didn't write this down. So Judie made a  
23 motion.  
24 COMMISSIONER ALLAN: Sean seconded.  
25 CHAIRMAN MILLS: Sean seconded. Okay.  
26 Do we have any public comment?  
27 (No comment.)  
28 KEITH WESTENGARD: Thirty days.  
29 CHAIRMAN MILLS: All in favor?  
30 COMMISSIONER BAKKER: Aye.  
31 COMMISSIONER ALLAN: Aye.  
32 CHAIRMAN MILLS: Aye.  
33 COMMISSIONER WAITS: Aye.  
34 COMMISSIONER BAKKER: Okay.  
35 CHAIRMAN MILLS: Okay.  
36 CAYLA MILLSAP: Thank you.  
37 COMMISSIONER BAKKER: Good luck, --  
38 CHAIRMAN MILLS: Thanks.  
39 COMMISSIONER BAKKER: -- guys.  
40 CHAIRMAN MILLS: Okay. We're going to adjourn the meeting

1 of the Lander County Liquor Board and reconvene the meeting of  
2 the Lander County Commissioners.

3  
4 **(MEETING OF THE LANDER COUNTY LIQUOR BOARD ADJOURNED.)**

5  
6 **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**  
7 **RECONVENED.)**

8  
9 15) Discussion and possible action to approve/disapprove a  
10 variance for David Moore for the RV on APN 001-066-03 located  
11 at 55 Overland Street, Austin, Nevada, to be used as a  
12 personal residence, and all other matters properly related  
13 thereto.  
14

15 CHAIRMAN MILLS: Item Number 15.

16 Discussion and possible action to approve/disapprove a  
17 variance for David Moore for the RV on APN 001-066-03 located at  
18 55 Overland Street, Austin, Nevada, to be used as a personal  
19 residence, and all other matter- -- all other matters properly  
20 related thereto.

21 KEITH WESTENGARD: So several years back, Mr. Moore -- and  
22 I would ask Mr. Moore to come up.

23 I'll give you a little background, and then I'll let --  
24 I'll let Mr. Moore speak.

25 Several years back, Mr. -- Mr. Moore went to the planning  
26 commission and asked for a variance to be in his -- his fifth  
27 wheel on his -- or his trailer on his -- on his property.

28 The variance was denied. But some extenuating circumstances  
29 prevailed, and Mr. Moore did end up staying on his property on his  
30 fifth wheel.

31 Without getting into a whole lot, Mr. Moore does have some --  
32 some -- some major health issues.

33 And -- and we met. He and I and Anna, the building  
34 inspector, met. Previously, there was letters sent out to all his  
35 neighbors. They had no issues with him staying there as -- as --  
36 as per the -- the -- the rules for the planning commission.

37 There was no complaints.

38 We have had no complaints. But it did come to our attention.  
39 And we did send a letter to Mr. Moore. He's -- he's been very  
40 cooperative in this. We -- we do believe, in discussions with



1 Mr. Moore with myself, the building official, that we should  
2 bring -- he should bring it to the commissioners and have it  
3 reviewed. And that -- it's a very unique situation. And we -- we  
4 as staff -- or as building and director would -- would support you  
5 granting his variance to Mr. Moore. But that's where it would  
6 stay is with him. It's not on the property forever. It's just  
7 it's with Mr. Moore. And he's here to -- to speak. And I can  
8 answer any questions as well.

9 COMMISSIONER ALLAN: So I guess my only question is -- I --  
10 I fully support this.

11 I have an issue with the variances, that we start setting a  
12 precedence, is -- is there a way that we can word this or come up  
13 with a contract or something to where it's not going to be, you  
14 know, year or so down the line somebody else comes back with the  
15 same issue and says, hey, you know, you let him do it. Why can't  
16 we?

17 How can we do this so that it doesn't start creating a  
18 precedence?

19 COMMISSIONER CLARK: I -- I'd like to mention that I was  
20 present when Mr. Moore asked for a variance. And he was denied.  
21 And I was present at the next building meeting, exact same  
22 situation, and a variance was granted.

23 So --

24 CHAIRMAN MILLS: Do we --

25 COMMISSIONER CLARK: -- I want that --

26 CHAIRMAN MILLS: Why --

27 COMMISSIONER CLARK: -- out there.

28 CHAIRMAN MILLS: Why -- why was that denied?

29 KEITH WESTENGARD: To -- Mr. Moore's?

30 CHAIRMAN MILLS: Yeah.

31 KEITH WESTENGARD: What was initially denied --

32 It -- it's -- doesn't fall within the code is -- is -- is  
33 what it comes down --

34 He's -- he's using a -- a fifth wheel or a tractor trailer  
35 as a residence. And it's not in the code.

36 And to answer your question, Commissioner Allan, we -- we're  
37 working on revisions to our code.

38 We're working on some -- some special circumstances that  
39 hopefully we'll be able to put into there. And -- and this is a  
40 unique situation. That -- that's why it's being brought before

1 you for your -- for your discussion and -- and --  
2 COMMISSIONER ALLAN: And I --  
3 KEITH WESTENGARD: -- if this is where you want --  
4 COMMISSIONER ALLAN: -- understand that, --  
5 KEITH WESTENGARD: -- to go.  
6 COMMISSIONER ALLAN: -- Keith.  
7 KEITH WESTENGARD: So we -- so we are working on to try  
8 to --  
9 COMMISSIONER ALLAN: Right.  
10 KEITH WESTENGARD: -- to try to get some things worked out  
11 where we have unique situations like this, where we -- where it  
12 needs -- the planning commission, in this case, you know, they  
13 followed their -- their code -- or our code.  
14 COMMISSIONER ALLAN: Yeah.  
15 KEITH WESTENGARD: But this is --  
16 COMMISSIONER WAITS: Mr. Chair?  
17 KEITH WESTENGARD: -- this is where he --  
18 COMMISSIONER BAKKER: Yeah?  
19 CHAIRMAN MILLS: Yeah, Patsy?  
20 COMMISSIONER WAITS: Yeah. Thank you.  
21 Yeah. I have a couple comments on here.  
22 One is -- of course, Judie mentioned, you know, setting a  
23 precedence. But, as you know, I've had a real estate license  
24 for over 20 years. And I can't tell you how many people,  
25 literally hundreds, that would like to buy a piece of property  
26 somewhere in the lower, you know, Lander County area and then  
27 just bring their RV on and leave it and that way go back and  
28 forth.  
29 And we didn't want it to be another (indiscernible) site or  
30 another mobile home, you know, area that we all lived in. So the  
31 ordinance has stayed in place.  
32 But I do take precedent in the comment on the agenda  
33 request form that David has. Because he says, background  
34 information, tried in time -- tried one time before. Evicted  
35 from prior residence and had no place to go.  
36 Well, I can't speak for the other RV park, but I know David  
37 never asked for a place in mine. And one of those same people  
38 that was in the same residence area that he got evicted from is  
39 now in my park as a full-time resident. And we're paying room and  
40 board taxes.

1           So he never asked for one of the legitimate, you know,  
2 mobile home parks to take him.

3           So I take precedent on that one. He didn't look for that  
4 alternative.

5           And, of course, my real problem is once he was denied by the  
6 planning commission, to just thumb his finger at us and go ahead  
7 and go on and -- and not pay any attention. And he's been there  
8 for a long time because he didn't pay any attention to the ruling.

9           Thank you.

10          COMMISSIONER CLARK: Well, I've been approached by people  
11 in Austin. And their feelings are that they would like to see  
12 an ordinance where people could --

13          SHERIFF RON UNGER: This are --

14          COMMISSIONER CLARK: -- park their --

15          SHERIFF RON UNGER: -- these are --

16          COMMISSIONER CLARK: -- RVs, --

17          SHERIFF RON UNGER: -- (indiscernible) --

18          COMMISSIONER CLARK: -- park their trailers so that they  
19 would have a place to go on the weekends.

20          And the people that talked to me feel that that would enhance  
21 their economy, having people from the western part of the state  
22 with property and, you know, live that way, have a -- a Shangri-La  
23 on the weekends.

24          So --

25          And --

26          COMMISSIONER ALLAN: I kind of agree with that. And, you  
27 know, I mean, not saying -- I know it's a code issue, that we're  
28 not getting into discussing the code. And -- and -- but, you  
29 know, I -- I support that.

30          I -- I'm just worried about, you know, if you make allowances  
31 for one, all of a sudden you have everybody coming out of the  
32 woodworks with -- with their justification of saying, hey --

33          KEITH WESTENGARD: And -- and I think that if -- if it does  
34 come to that, there's -- like I say, this is -- this is unique.

35          COMMISSIONER ALLAN: Right.

36          CHAIRMAN MILLS: So tell -- tell me -- you're say- --  
37 you're saying it's unique. What makes it unique?

38          DISTRICT ATTORNEY HERRERA: Hi- -- his medical problems.

39          KEITH WESTENGARD: His -- his medical -- his medical -- his  
40 health issues. And -- and, you know, I'm not -- and I'm not

1 going to get into that in the middle --  
2 CHAIRMAN MILLS: Right. Okay.  
3 KEITH WESTENGARD: -- of a meeting. But there are health  
4 issues. And -- and Mr. Moore's ex- -- explained them to -- to  
5 myself and -- and Anna in -- in our meeting.  
6 So it's -- it's pretty evident. And I -- I hope the board  
7 understands the -- the --  
8 COMMISSIONER CLARK: And the what?  
9 KEITH WESTENGARD: -- confidentiality involved here with --  
10 with that.  
11 CHAIRMAN MILLS: Right.  
12 KEITH WESTENGARD: But there -- there --  
13 CHAIRMAN MILLS: So the uniqueness is a medical issue.  
14 COMMISSIONER CLARK: But the plan- --  
15 KEITH WESTENGARD: There -- there is. And he o- --  
16 CHAIRMAN MILLS: Okay.  
17 KEITH WESTENGARD: He's the --  
18 CHAIRMAN MILLS: That's --  
19 KEITH WESTENGARD: -- owner --  
20 CHAIRMAN MILLS: -- fine.  
21 KEITH WESTENGARD: -- of the land. This is his land.  
22 DISTRICT ATTORNEY HERRERA: And -- and --  
23 COMMISSIONER CLARK: Right.  
24 DISTRICT ATTORNEY HERRERA: -- you -- and Commissioner --  
25 Commissioner Allan, you could put certain unique verbiage in the  
26 variance if you grant it that it's only because of these  
27 specific circumstances that we're allowing that.  
28 COMMISSIONER ALLAN: And -- and that's what I was wondering  
29 is --  
30 DISTRICT ATTORNEY HERRERA: Right.  
31 COMMISSIONER ALLAN: -- yeah.  
32 COMMISSIONER CLARK: But that --  
33 DISTRICT ATTORNEY HERRERA: And that way --  
34 COMMISSIONER ALLAN: How we can word it so that --  
35 DISTRICT ATTORNEY HERRERA: -- unless those specific  
36 circumstances --  
37 COMMISSIONER ALLAN: Right.  
38 DISTRICT ATTORNEY HERRERA: -- arise again, there's no  
39 precedent.  
40 COMMISSIONER CLARK: And there --

1 COMMISSIONER ALLAN: Right.  
2 COMMISSIONER CLARK: -- has been a variance for the exact  
3 same situation here. We had a --  
4 DISTRICT ATTORNEY HERRERA: Yeah. But we -- we don't want  
5 to continue that, Commissioner, because we want to make it a  
6 unique situation.  
7 COMMISSIONER ALLAN: Right.  
8 COMMISSIONER CLARK: It was a unique situation in that the  
9 person had medical issues and the planning commission allowed  
10 the owners of the property to park a trailer on their property  
11 for this person to live in because of their unique medical --  
12 DISTRICT ATTORNEY HERRERA: You -- you're absolutely --  
13 COMMISSIONER CLARK: So --  
14 DISTRICT ATTORNEY HERRERA: -- correct.  
15 COMMISSIONER CLARK: -- this man came and in between those  
16 two variances that were given and he was denied, but two other  
17 people in similar situations were given variances. I don't  
18 see -- I --  
19 DISTRICT ATTORNEY HERRERA: Well --  
20 COMMISSIONER CLARK: -- don't see equality there.  
21 DISTRICT ATTORNEY HERRERA: My only point is that the  
22 planning commission didn't use the specific unique language --  
23 COMMISSIONER ALLAN: Yeah.  
24 DISTRICT ATTORNEY HERRERA: -- to describe why they gave  
25 the variances. And that if we -- if you do it, we should start.  
26 That's all I'm saying.  
27 COMMISSIONER CLARK: Yeah.  
28 KEITH WESTENGARD: This is for -- for Mr. Moore.  
29 COMMISSIONER ALLAN: Right.  
30 KEITH WESTENGARD: It's not for the property. It will  
31 be -- so if he decides --  
32 COMMISSIONER ALLAN: Individual.  
33 KEITH WESTENGARD: -- to move or -- or leave or whatever --  
34 whatever in the future, that variance is then done.  
35 DISTRICT ATTORNEY HERRERA: Yeah.  
36 KEITH WESTENGARD: It doesn't stay with the property.  
37 DISTRICT ATTORNEY HERRERA: It goes to him.  
38 KEITH WESTENGARD: To him.  
39 COMMISSIONER ALLAN: Well, and -- and as long as -- as, you  
40 know, Counselor, you know, as you mentioned, we can word it

1 specifically to match this individual, then not -- well --  
2 DISTRICT ATTORNEY HERRERA: Yeah.  
3 COMMISSIONER ALLAN: -- you know.  
4 DISTRICT ATTORNEY HERRERA: You won't have the floodgate  
5 effect.  
6 COMMISSIONER ALLAN: Right. And that's -- that was my  
7 only --  
8 DISTRICT ATTORNEY HERRERA: Right.  
9 COMMISSIONER ALLAN: -- only concern.  
10 DISTRICT ATTORNEY HERRERA: And that --  
11 COMMISSIONER ALLAN: And --  
12 DISTRICT ATTORNEY HERRERA: That's how I see you can  
13 resolve that. That's the only --  
14 COMMISSIONER CLARK: You just --  
15 DISTRICT ATTORNEY HERRERA: -- way --  
16 COMMISSIONER CLARK: -- make a narrow --  
17 DISTRICT ATTORNEY HERRERA: Yeah.  
18 COMMISSIONER CLARK: -- variance.  
19 DISTRICT ATTORNEY HERRERA: Make a narrow --  
20 COMMISSIONER ALLAN: Right.  
21 DISTRICT ATTORNEY HERRERA: -- exception.  
22 COMMISSIONER BAKKER: I'll make a motion to approve a  
23 variance for David Moore for the RV on APN 001-066-03, located  
24 at 55 Overland Street, Austin, Nevada, to be used as his  
25 personal residence.  
26 COMMISSIONER CLARK: Second.  
27 DISTRICT ATTORNEY HERRERA: Could -- could you add because  
28 of the unique circumstances of his case?  
29 COMMISSIONER BAKKER: Because of the unique circumstances  
30 of his case, this variance will be granted.  
31 DISTRICT ATTORNEY HERRERA: And it'll be just to him  
32 personally, not to the land.  
33 COMMISSIONER BAKKER: I said that when I said --  
34 DISTRICT ATTORNEY HERRERA: Okay.  
35 COMMISSIONER BAKKER: -- approve a variance for David  
36 Moore.  
37 DISTRICT ATTORNEY HERRERA: Okay. Thank you.  
38 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.  
39 Do we have any public comment?  
40 DONNA SOSSA: Yes. Is an RV supposed to be a permanent

1 residence for --  
2 COMMISSIONER BAKKER: State --  
3 DONNA SOSSA: -- people?  
4 COMMISSIONER BAKKER: -- your name.  
5 DONNA SOSSA: Or is it a temporary residence?  
6 CHAIRMAN MILLS: Can I get you to state name before we  
7 answer?  
8 DONNA SOSSA: Oh. Donna Sossa.  
9 CHAIRMAN MILLS: Okay.  
10 I don't know if I have an answer for that.  
11 COMMISSIONER CLARK: Well, the variance --  
12 DONNA SOSSA: Well, my --  
13 COMMISSIONER CLARK: -- is a temporary variance.  
14 DISTRICT ATTORNEY HERRERA: Well, it -- it depends on what  
15 you're using the RV for. Mr. Moore's using it to live in.  
16 That's why he needs -- that's why --  
17 COMMISSIONER CLARK: A variance.  
18 DISTRICT ATTORNEY HERRERA: -- he wasn't allowed to do it.  
19 If --  
20 DONNA SOSSA: Well --  
21 DISTRICT ATTORNEY HERRERA: -- if -- if the ordinance  
22 allows you to use an RV for an RV park, as Commissioner Waits  
23 pointed out, then that's totally different.  
24 And -- and it's allowed in certain areas and certain  
25 circumstances. And as Keith pointed out, we're in the process  
26 of -- because of the unique circumstances of Austin at this time  
27 with RV parks and construction, we're trying to look for a  
28 temporary var- -- variance to -- to put in front of the board  
29 that -- that allows during certain peak times of the season or  
30 construction matters, that certain things will be allowed. If  
31 that answers your question at all.  
32 DONNA SOSSA: Well, my question is an RV puts a -- an RV  
33 park has a trailer, or whatever Mr. Moore's residence is -- is  
34 considered, on it. Can they live there permanently on the -- in  
35 the RV park?  
36 COMMISSIONER ALLAN: Absolutely.  
37 DISTRICT ATTORNEY HERRERA: Well, they can -- if they rent.  
38 If -- unless it's their private land and their private home,  
39 it's different.  
40 Mr. Moore's case is -- is different from RV parks is what

1 I'm saying. Totally different.

2 DONNA SOSSA: Well, my understanding when his -- his case  
3 came up was that they didn't want RVs on private property  
4 because of the -- the fact they might deteriorate and would be  
5 an eyesore for the Austin area.

6 DISTRICT ATTORNEY HERRERA: And because it's not zoned --

7 DONNA SOSSA: And it's --

8 DISTRICT ATTORNEY HERRERA: -- that way.

9 DONNA SOSSA: Well, it's nonzoned. But I'm --

10 DISTRICT ATTORNEY HERRERA: They can say whatever they  
11 want, but that's -- that's the deciding factor. What is it  
12 zoned for?

13 DONNA SOSSA: (Indiscernible.)

14 I have no objections to this being approved. I just wanted  
15 to make it clear that it -- it seems like -- select -- he's being  
16 selected out of the -- well, because of the zoning, he is an  
17 exceptional circumstance.

18 But Austin seems to have some selective -- selectivity in who  
19 they pick on and who they don't.

20 DISTRICT ATTORNEY HERRERA: Well, that's what we're trying  
21 to make it equal across the board.

22 And this is why Mr. Moore brought this case -- his single  
23 case in front of the county commissioners based on unique  
24 circumstances.

25 But as far as the zoning in Austin, it needs work. And we're  
26 working on it.

27 Keith and Anna are working on it, and I'm helping them  
28 whenever I can -- however I can, I should say.

29 CHAIRMAN MILLS: Okay. Do we have any other public  
30 comment?

31 (No comment.)

32 CHAIRMAN MILLS: Okay.

33 All in favor?

34 COMMISSIONER BAKKER: Aye.

35 COMMISSIONER ALLAN: Aye.

36 CHAIRMAN MILLS: Aye.

37 COMMISSIONER CLARK: Aye.

38 CHAIRMAN MILLS: Opposed?

39 COMMISSIONER WAITS: I'm opposed.

40 CHAIRMAN MILLS: Okay. All right.



1 Thank you very much.  
2 Is that -- we're going to write up something. Is that going  
3 to come before us again, then? Is that for us to sign that or  
4 anything? Or what do --  
5 COMMISSIONER ALLAN: I think --  
6 CHAIRMAN MILLS: -- we do --  
7 COMMISSIONER ALLAN: -- we have --  
8 CHAIRMAN MILLS: -- with it?  
9 COMMISSIONER ALLAN: -- to.  
10 DISTRICT ATTORNEY HERRERA: Yeah. Variance. And -- yeah.  
11 CHAIRMAN MILLS: The --  
12 DISTRICT ATTORNEY HERRERA: You're going to --  
13 CHAIRMAN MILLS: -- the variance --  
14 DISTRICT ATTORNEY HERRERA: -- have some --  
15 CHAIRMAN MILLS: -- will come back before us later?  
16 Okay.  
17 DISTRICT ATTORNEY HERRERA: Yeah. And Anna will -- will --  
18 no.  
19 KEITH WESTENGARD: We'll get it put --  
20 DISTRICT ATTORNEY HERRERA: (Indiscernible) will --  
21 KEITH WESTENGARD: -- together.  
22 DISTRICT ATTORNEY HERRERA: -- do that. That's --  
23 CHAIRMAN MILLS: All right.  
24 KEITH WESTENGARD: So -- so we -- we -- obligation to sign  
25 is a good thing.  
26 DISTRICT ATTORNEY HERRERA: Do you have the --  
27 KEITH WESTENGARD: Yeah.  
28 DISTRICT ATTORNEY HERRERA: When it's done, we'll bring  
29 it before you.  
30 KEITH WESTENGARD: Yeah. When it's done, we'll get --  
31 COMMISSIONER ALLAN: Yeah.  
32 KEITH WESTENGARD: -- it all --  
33 CHAIRMAN MILLS: Right.  
34 KEITH WESTENGARD: -- taken care of. Yeah.  
35 CHAIRMAN MILLS: Okay. Did you have something?  
36 COMMISSIONER ALLAN: No.  
37 CHAIRMAN MILLS: Okay.  
38 We'll move on to Item Number 16.  
39 DAVID MOORE: Thank you, folks.  
40 COMMISSIONER CLARK: You're welcome.

1 CHAIRMAN MILLS: Thank --  
2 COMMISSIONER ALLAN: Thank --  
3 CHAIRMAN MILLS: -- you.  
4 COMMISSIONER ALLAN: -- you. Good luck.  
5 COMMISSIONER CLARK: Good luck, --  
6 COMMISSIONER BAKKER: Thank you.  
7 COMMISSIONER CLARK: -- David.

8  
9

10 **BOARD APPOINTMENTS**

11

12 16) **Discussion and possible action to appoint/reappoint Dan**  
13 **Tomera to fill one vacancy on the Lander County Public Land**  
14 **Use Advisory Commission (PLUAC) (five-member board, three**  
15 **vacancies) to a two-year term ending June 30, 2020, and all**  
16 **other matters properly related thereto.**

17

18 CHAIRMAN MILLS: Discussion and possible action to appoint  
19 or reappoint Dan Tomera to fill one vacancy on the Lander County  
20 Public Land Use Advisory Commission, PLUAC, five-member board,  
21 three vacancies, to a two-year term ending June 30th, 2020, and  
22 all other matters properly related thereto.

23 COMMISSIONER CLARK: I make a motion to appoint Dan Tomera  
24 to the Public Lands Use Advisory Commission.

25 COMMISSIONER BAKKER: Two-year term.

26 COMMISSIONER CLARK: Two-year term ending in June 30th,  
27 2020.

28 COMMISSIONER ALLAN: Second.

29 COMMISSIONER BAKKER: Second.

30 CHAIRMAN MILLS: Okay. Art made a motion. Judie seconded.  
31 Do we have any public comment?

32 (No comment.)

33 CHAIRMAN MILLS: All in favor?

34 COMMISSIONER BAKKER: Aye.

35 COMMISSIONER ALLAN: Aye.

36 CHAIRMAN MILLS: Aye.

37 COMMISSIONER CLARK: Aye.

38 COMMISSIONER WAITS: Aye.

39

40

1 17) Discussion and possible action regarding appointment or  
2 reappointment of two individuals to serve on the Lander  
3 County Convention & Tourism Board (five-person board, two  
4 vacancies) which consist of one member to represent the  
5 county and one member to represent other commercial  
6 interests, to serve a two-year term expiring June 30, 2020,  
7 per NRS 244A.599, and to consider the following applicants to  
8 include: a) Marcia Forgeron to represent other commercial  
9 interests, b) Grady Pierce to represent the county at-large,  
10 and all other matters properly related thereto.  
11

12 CHAIRMAN MILLS: Item 17. Discussion and possible action  
13 regarding appointment or reappointment of two individuals to  
14 serve on the Lander County Convention & Tourism Board,  
15 five-person board, two vacancies, which consist of one member to  
16 represent the county, one member to represent our commercial  
17 interests, to serve a two-year term expiring June 30th, 2020,  
18 per NRS 244A.599, and to consider the following applicants to  
19 include: a) Marcia For- -- Forgeron to represent other  
20 commercial interests, b) Grady Pierce to represent the county  
21 at-large, and all other matters properly related thereto.

22 COMMISSIONER ALLAN: So I will make a motion to reappoint  
23 Marcia Forgeron to represent other commercial interests and  
24 Grady Pierce to represent the county at-large for the Lander  
25 County Convention & Tourism Board with a two-year term expiring  
26 June 30th, 2020, per NRS statute 244A.599.

27 COMMISSIONER BAKKER: Second.

28 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
29 seconded.

30 Do we have any public comment?

31 (No comment.)

32 CHAIRMAN MILLS: All in favor?

33 COMMISSIONER BAKKER: Aye.

34 CHAIRMAN MILLS: Aye.

35 COMMISSIONER ALLAN: Aye.

36 COMMISSIONER CLARK: Aye.

37 COMMISSIONER WAITS: Aye.

38  
39  
40

1 18) Discussion and possible action regarding appointment or  
2 reappointment of two individuals to serve on the Austin  
3 Airport Advisory Board (three-person board, three vacancies)  
4 which leaves one position and one alternate vacant, from July  
5 1, 2018, through June 30, 2020, and to consider each of the  
6 following: a) Ray H. Williams, Jr., b) Franklin B. Whitman,  
7 and all other matters properly related thereto.  
8

9 CHAIRMAN MILLS: Item 18. Discussion and possible action  
10 regarding appointment or reappointment of two individuals to  
11 serve on the Austin Airport Advisory Board, a three-person  
12 board, three vacancies, which leaves one position and one  
13 alternate vacant from July 1, 2018, through June 30, 2020, and  
14 to consider each of the following: a) Ray H. Williams, Jr., b)  
15 Franklin B. Whitman, and all other matters properly related  
16 thereto.

17 COMMISSIONER ALLAN: So I will make a motion to reappoint  
18 Ray H. Williams, Jr., and Franklin B. Whitman to the Austin  
19 Airport Advisory Board for the term from July 1st, 2018, through  
20 June 30th, 2020.

21 COMMISSIONER BAKKER: Second.

22 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
23 seconded.

24 Do we have any public comment?

25 (No comment.)

26 CHAIRMAN MILLS: All in favor?

27 COMMISSIONER BAKKER: Aye.

28 CHAIRMAN MILLS: Aye.

29 COMMISSIONER ALLAN: Aye.

30 COMMISSIONER CLARK: Aye.

31 COMMISSIONER WAITS: Aye.  
32

33 19) Discussion and possible action regarding appointment of  
34 Kenneth Rochester to serve on the Lander County Planning  
35 Commission (seven-person board, two vacancies), which leaves  
36 one vacant position, to complete a term ending June 30, 2021,  
37 and all other matters properly related thereto.  
38

39 CHAIRMAN MILLS: Item 19. Discussion and possible action  
40 regarding the reappointment [verbatim] of Kenneth Rochester to

1 serve on the Lander County Planning Commission -- seven-person  
2 board, two vacancies, which leaves one vacant position -- to  
3 complete a term ending June 30, 2021, and all other matters  
4 properly related thereto.

5 COMMISSIONER ALLAN: So I will make a motion that we  
6 appoint Kenneth Rochester -- Ro- -- okay. We have a misspelling  
7 anyway. Ken- -- Kenneth Rochester to serve on the Lander County  
8 Commis- -- Planning Commission for a term ending June 30th,  
9 2021.

10 COMMISSIONER CLARK: Second.

11 CHAIRMAN MILLS: Okay. Judie made a motion. Art seconded.  
12 Do we have any public comment?

13 (No comment.)

14 CHAIRMAN MILLS: All in favor?

15 COMMISSIONER BAKKER: Aye.

16 COMMISSIONER ALLAN: Aye.

17 CHAIRMAN MILLS: Aye.

18 COMMISSIONER WAITS: Aye.

19 COMMISSIONER CLARK: I want to thank the people that  
20 stepped up for these committees and commissions. They're very  
21 important. And they're time-consuming.

22  
23  
24 **PUBLIC WORKS**

25  
26 **20) Discussion and possible action to approve/disapprove the**  
27 **installation of culverts on Muleshoe Road, Battle Mountain,**  
28 **Nevada, and all other matters properly related thereto.**

29  
30 CHAIRMAN MILLS: Okay. Moving on to Item Number 20.  
31 Discussion and possible action to approve/disapprove the  
32 installation of culverts on Muleshoe Road, Battle Mountain,  
33 Nevada, and all other matters properly related thereto.

34 KEITH WESTENGARD: Mr. Chairman, you might consider to  
35 probably open 21. These are both filed by Mr. -- or the request  
36 was put in by Mr. --

37 COMMISSIONER CLARK: Oh. Okay.

38 KEITH WESTENGARD: -- Rochester. Probably could discuss  
39 them both if you'd like.

40 CHAIRMAN MILLS: Okay. We can do that.

1     **21) Discussion and possible action to approve/disapprove the**  
2     **paving of Bay Road, Battle Mountain, Nevada, and all other**  
3     **matters properly related thereto.**  
4

5           CHAIRMAN MILLS: Item Number 21. Discussion and possible  
6 action to approve/disapprove the paving of Bay Road, Battle  
7 Mountain, Nevada, and all other matters properly related  
8 thereto.

9           COMMISSIONER ALLAN: Bert, you want to come up here too.

10          KENNETH ROCHESTER: My name is Ken Rochester. I also go by  
11 K. C. Most everybody in town knows me as K. C.

12          And I've talk- -- I want to talk about these culverts  
13 first. I have been kind of hounding Keith about it for -- since  
14 December when last year when everything flooded out there.

15          Muleshoe Road became a dam, virtually. There was a failure  
16 of one culvert, a relief culvert. And they -- and they had to  
17 jerk it out because it was going to fail the road itself.

18          I mean, it was washing out pretty bad. And the water backed  
19 up onto my property pretty bad.

20          I'm not saying this is going to -- these culverts are going  
21 to -- going to stop that because -- but I've been out there for --  
22 since 1982. Which is what? Thirty-six years?

23          And I've never had -- I've always had water on my property  
24 close to Muleshoe Road, but I've never had it like it was this  
25 last time. And I'd really like to make sure these culverts --  
26 they've been purchased. They're in the county yard. And I'd  
27 really like to get -- make sure that they get scheduled and -- or  
28 whatever, if necessary, to get -- to go ahead on it.

29          I'm not saying that it's -- it needs to happen next months,  
30 two months. But I'm saying it -- you know, it'd be nice to make  
31 sure that they are going to be done.

32          CHAIRMAN MILLS: Okay. So I -- I've been doing some  
33 follow-up on that too. And I believe, as I told you before,  
34 they're -- they are scheduled to be done.

35          I did find out some new information that one of the things  
36 we're waiting on is some -- some engineering to make sure that  
37 they are adequate to work in conjunction with our levee. And we  
38 don't want to just throw a culvert in there that's not going to  
39 be appropriate for what needs to be done. So we are waiting for  
40 some engineering to be done.

1 KENNETH ROCHESTER: How -- what's the --  
2 CHAIRMAN MILLS: But those --  
3 KENNETH ROCHESTER: -- timeline on that?  
4 CHAIRMAN MILLS: That -- a lot depends on the engineer.  
5 Because we have to have it -- you know, we're waiting for that  
6 guy to do his job so that we can do ours.  
7 I don't know when that's going to be.  
8 But we do want them to work properly and in conjunction with  
9 our levee so things work the way they're supposed to. But they  
10 are scheduled to be done. They're -- they're -- it -- it's my  
11 understanding they will be done. It's -- it's just --  
12 KENNETH ROCHESTER: (Indiscernible.)  
13 CHAIRMAN MILLS: -- a matter of when.  
14 KENNETH ROCHESTER: I've lived in the Battle Mountain for  
15 44 years, and I've heard about a levee being built.  
16 CHAIRMAN MILLS: Right.  
17 KENNETH ROCHESTER: For 44 years. And it will be done.  
18 CHAIRMAN MILLS: Right.  
19 KENNETH ROCHESTER: So things sometimes don't happen --  
20 CHAIRMAN MILLS: Well, there --  
21 KENNETH ROCHESTER: -- or they will --  
22 CHAIRMAN MILLS: -- again --  
23 KENNETH ROCHESTER: -- be done.  
24 COMMISSIONER CLARK: Well, the levee --  
25 KENNETH ROCHESTER: Scheduled.  
26 COMMISSIONER CLARK: -- is built. The problem is the  
27 location and the (indiscernible) --  
28 KENNETH ROCHESTER: Well, I underst- -- I understand --  
29 COMMISSIONER BAKKER: Ken --  
30 KENNETH ROCHESTER: -- that. Well, as a matter of fact, I  
31 went to -- went to the levee meeting here a couple, three years  
32 ago with a -- and the engineers that you had hired didn't even  
33 know the levee extended over the --  
34 COMMISSIONER CLARK: The southern --  
35 KENNETH ROCHESTER: -- railroad --  
36 COMMISSIONER CLARK: -- part.  
37 KENNETH ROCHESTER: -- tracks -- north of the railroad  
38 tracks.  
39 Say -- and so it was like, okay, you guys hired these  
40 engineers to do this levee job and they don't even know the levee

1 extends to -- extends in that area over there?  
2 I mean, they'd have -- actually said at the meeting they had  
3 no idea that the levee was --  
4 COMMISSIONER CLARK: I'm thinking the --  
5 KENNETH ROCHESTER: -- over there.  
6 COMMISSIONER CLARK: -- engineer has been with the county  
7 for a long, long time.  
8 CHAIRMAN MILLS: They -- they understand --  
9 COMMISSIONER CLARK: We didn't just --  
10 CHAIRMAN MILLS: -- that.  
11 COMMISSIONER CLARK: -- hire this guy, Tom Gallagher,  
12 Summit Engineering, just three years ago. He's been on the  
13 levee project for a long --  
14 KENNETH ROCHESTER: Well --  
15 COMMISSIONER CLARK: -- time.  
16 KENNETH ROCHESTER: Well, I -- like I said, I was at that  
17 meeting. And -- and the guy that was representing the  
18 engineering firm at that time, he --  
19 CHAIRMAN MILLS: Keith, did --  
20 KENNETH ROCHESTER: I went up to him and asked him about  
21 how this new levee scheme was going to affect my house because I  
22 am in the floodplain out there.  
23 And -- and he told me directly, The levee goes over there?  
24 North of railroad tracks?  
25 He didn't even know it was there.  
26 So that's -- but that -- but that's -- that's beside the  
27 point. All I'm --  
28 CHAIRMAN MILLS: It is.  
29 KENNETH ROCHESTER: All --  
30 COMMISSIONER ALLAN: (Indiscernible.)  
31 KENNETH ROCHESTER: -- I'm saying --  
32 CHAIRMAN MILLS: I think the engineering --  
33 KENNETH ROCHESTER: -- is --  
34 CHAIRMAN MILLS: -- firm --  
35 KENNETH ROCHESTER: -- I want --  
36 CHAIRMAN MILLS: -- understands where the levee's at.  
37 So...  
38 KENNETH ROCHESTER: Well, and -- no, he doesn't. But any-  
39 --  
40 COMMISSIONER ALLAN: K. C.?



1 KENNETH ROCHESTER: -- -way, at least the guy --  
2 KEITH WESTENGARD: I'd like to point out --  
3 KENNETH ROCHESTER: -- I talked to.  
4 KEITH WESTENGARD: -- something, since you've asked --  
5 CHAIRMAN MILLS: Good.  
6 KEITH WESTENGARD: -- me.  
7 CHAIRMAN MILLS: Keith, go --  
8 KEITH WESTENGARD: Or since --  
9 CHAIRMAN MILLS: -- ahead.  
10 KEITH WESTENGARD: -- I would like -- or -- it needs to be  
11 pointed out.  
12 Tom Gallagher from Summit Engineering, as Commissioner Clark  
13 said, has been with the county for years and -- and understands  
14 where the levee is and flows.  
15 I believe that you're referring to the Army Corps of  
16 Engineers --  
17 COMMISSIONER CLARK: Right.  
18 KEITH WESTENGARD: -- who came out -- occasionally would  
19 come out to the levee. And every time they came out, it would  
20 be literally a different team that was --  
21 KENNETH ROCHESTER: Right.  
22 KEITH WESTENGARD: -- doing --  
23 COMMISSIONER CLARK: Yeah.  
24 KEITH WESTENGARD: -- it. So I could see the Army Corps of  
25 Engineers standing up.  
26 KENNETH ROCHESTER: Well --  
27 KEITH WESTENGARD: And we didn't hire the Army Corps of  
28 Engineers. The Army Corps of Engineers were -- were put on us.  
29 We, as this board, has gotten rid of the Army Corps of  
30 Engineers. And most --  
31 COMMISSIONER CLARK: We demanded --  
32 KENNETH ROCHESTER: (Indiscernible.)  
33 COMMISSIONER ALLAN: Okay. K. C., --  
34 COMMISSIONER CLARK: -- that --  
35 KEITH WESTENGARD: I wanted --  
36  
37 (Indiscernible simultaneous conversations.)  
38  
39 COMMISSIONER CLARK: -- they would --  
40 KEITH WESTENGARD: -- to make that --

1 COMMISSIONER CLARK: -- come.  
2 KEITH WESTENGARD: -- comment.  
3 COMMISSIONER CLARK: They --  
4 UNIDENTIFIED PARTICIPANT: We hired them.  
5 COMMISSIONER CLARK: -- they hadn't come to Lander --  
6 KENNETH ROCHESTER: No, I --  
7 COMMISSIONER CLARK: -- County for --  
8 KENNETH ROCHESTER: That's beside --  
9 COMMISSIONER CLARK: -- years --  
10 KENNETH ROCHESTER: -- the --  
11 COMMISSIONER CLARK: -- and years.  
12 KENNETH ROCHESTER: That's -- that's beside my -- the point  
13 I'm making is that --  
14 CHAIRMAN MILLS: Okay.  
15 KENNETH ROCHESTER: -- that the discussion about the levee  
16 has been years and years and years. And now you're saying that  
17 we're waiting on an engineering firm to --  
18  
19 (Indiscernible side conversation.)  
20  
21 KENNETH ROCHESTER: -- coordinate --  
22 CHAIRMAN MILLS: Right.  
23 COMMISSIONER ALLAN: Okay.  
24 KENNETH ROCHESTER: -- the --  
25 COMMISSIONER ALLAN: -- K. C.  
26 KENNETH ROCHESTER: -- the installation of culverts on  
27 Muleshoe Road with this levee. And, pardon me, but I'm a little  
28 skeptical, okay?  
29 COMMISSIONER ALLAN: All right, --  
30 KENNETH ROCHESTER: It's just -- I'm --  
31 COMMISSIONER ALLAN: -- K. C., --  
32 KENNETH ROCHESTER: -- I've got a lot of skepticism here  
33 about when this is happening.  
34 CHAIRMAN MILLS: And that's -- and that's fine. And I  
35 don't blame you, because it's been a long time. But this -- the  
36 levee --  
37 KENNETH ROCHESTER: Yes.  
38 CHAIRMAN MILLS: The levee is scheduled to be completed  
39 next year.  
40 KENNETH ROCHESTER: It is.

1 CHAIRMAN MILLS: Yes.

2 KENNETH ROCHESTER: It is going to be scheduled to be  
3 completed next year.

4 CHAIRMAN MILLS: Yes.

5 COMMISSIONER CLARK: It had -- it had been stagnant for  
6 many, many years. And the Army Corps of Engineers --

7 KENNETH ROCHESTER: Oh, yeah. I know that. I -- I know --

8 COMMISSIONER CLARK: But you're --

9 KENNETH ROCHESTER: -- that.

10 COMMISSIONER CLARK: -- dealing with --

11 KENNETH ROCHESTER: I was a --

12 COMMISSIONER CLARK: -- the --

13 KENNETH ROCHESTER: -- part --

14 COMMISSIONER CLARK: -- federal government here. You know  
15 that how that works.

16 KENNETH ROCHESTER: Yeah.

17 COMMISSIONER ALLAN: Okay.

18 KENNETH ROCHESTER: I understand --

19 COMMISSIONER ALLAN: Can --

20 KENNETH ROCHESTER: -- that.

21 COMMISSIONER ALLAN: -- can we get back to the culvert  
22 issue, please?

23 KENNETH ROCHESTER: That's what I'm getting at.

24 COMMISSIONER ALLAN: I understand that. Is -- by -- by  
25 getting the engineer with the levee involved, it is because  
26 Muleshoe R- -- Road does create, in essence, its own similar  
27 levee situation. So they do need to have some involvement.

28 As far as the culvert goes, I don't know if we have any --  
29 if the -- if the engineer has gotten any amount, you know. Do  
30 we have any cost questions involved?

31 Do -- do we --

32 CHAIRMAN MILLS: I haven't heard anything about --

33 COMMISSIONER ALLAN: Okay.

34 CHAIRMAN MILLS: -- cost of a --

35 COMMISSIONER ALLAN: Okay. Bert, --

36 CHAIRMAN MILLS: -- culvert.

37 COMMISSIONER ALLAN: -- do you -- do you -- are you aware  
38 of all of this?

39 So I guess one of the other questions is, is the cost  
40 involved. Is it going to be something that Road and Bridge can do

1 themselves? Or is this going to have to be something that would  
2 -- would be bid out?

3 Now, we've already approved our budget for the 2018-19  
4 budget.

5 And I'm sure that -- that there could be some augmentation,  
6 depending on the costs involved.

7 But first, because it will impact the levee and the water  
8 situation, we do have to have that engineer.

9 KENNETH ROCHESTER: I can understand that.

10 COMMISSIONER ALLAN: And we also then have to decide, you  
11 know, how we're going to pay for it. Is it -- is it going to be  
12 a -- an in-house situation, in which case, then we -- if we --  
13 we go out to bid, that's going to take some time.

14 But they're working on it. It's -- it's in the process,  
15 K. C., and they're aware of it. The county's working on things.  
16 We can't give you a timeline.

17 KENNETH ROCHESTER: Well --

18 COMMISSIONER CLARK: You have anything to add, Bert?

19 BERT RAMOS: Bert Ramos, for the record.

20 So with this culvert we have culverts in the yard that  
21 K. C.'s speaking of that are a size bigger -- that are a foot bigger  
22 than the existing culverts, which are bypass culverts. they're not  
23 the main culverts. They're bypass culverts that failed last time.

24 KENNETH ROCHESTER: Yeah, the one.

25 BERT RAMOS: The single. And so we do have them in the  
26 yard.

27 When we were going to go install them, we were told, hey,  
28 this is better to probably be a box culvert, which is going to  
29 be a concrete structure and the price significantly increases.  
30 And then it's a scope of work that's outside of the county. You  
31 know, it's something that is going to constitute a contract.

32 Now, with the other culvert, we can go dig it up and slap it  
33 in. That's not the issue. The problem with that point is then  
34 we -- we might be spending \$25,000 that will get pulled up within,  
35 you know, the next year.

36 And if that's -- if you guys would like us to, we'll happily  
37 do it.

38 COMMISSIONER CLARK: Can we -- can we just go ahead and put  
39 culverts in with no regard to the levee and the flow of water?  
40 Or do we need to get permission from someone to change that?

1 BERT RAMOS: No. We can -- we can put them in. However,  
2 it may not fit the scope of work that the Army Corps of  
3 Engineers. And to fit the levee. And then they'd just be  
4 jerked out anyway. So --  
5 COMMISSIONER CLARK: Right.  
6 BERT RAMOS: -- it'd be throwing money --  
7 COMMISSIONER CLARK: That's --  
8 BERT RAMOS: -- away is -- is the whole --  
9 CHAIRMAN MILLS: And just doing it twice.  
10 BERT RAMOS: Yes.  
11 CHAIRMAN MILLS: Right.  
12 KENNETH ROCHESTER: I'm willing to accept that. I just  
13 want to make sure that this does get done. Because --  
14 COMMISSIONER ALLAN: I believe it's going to --  
15 KENNETH ROCHESTER: -- I've been --  
16 COMMISSIONER ALLAN: -- happen.  
17 KENNETH ROCHESTER: -- I've been -- like I said, I've been  
18 after -- I've been bugging Keith about it for a long time. I  
19 put my phone number on the board for -- in Keith's office for  
20 Bert to give me a ring. And -- and I've been concerned about  
21 it. I have -- I went out and got me an EC for my house. So I  
22 could -- I -- elevation certificate.  
23 COMMISSIONER CLARK: What we --  
24 CHAIRMAN MILLS: Oh.  
25 COMMISSIONER CLARK: -- what we tried to do, a goal with  
26 this levee project, was to build the levee in such a way that  
27 we'll be declared an X zone so that you don't have to purchase  
28 flood insurance every year.  
29 KENNETH ROCHESTER: Well, I probably --  
30 COMMISSIONER CLARK: So --  
31 KENNETH ROCHESTER: -- will.  
32 CHAIRMAN MILLS: Well, you're on the wrong side of the  
33 levee for that.  
34 KENNETH ROCHESTER: I'm on the wrong side of the levee, --  
35 COMMISSIONER CLARK: Well --  
36 KENNETH ROCHESTER: -- Art. I -- I know --  
37 COMMISSIONER CLARK: That --  
38 KENNETH ROCHESTER: -- what --  
39 COMMISSIONER CLARK: -- that --  
40 KENNETH ROCHESTER: -- that's why --

1 COMMISSIONER CLARK: -- was --  
2 KENNETH ROCHESTER: -- I went out and got that EC.  
3 Because --  
4 COMMISSIONER CLARK: That's -- that's one of the goals.  
5 I'm in the flood zone out on Front Street.  
6 COMMISSIONER ALLAN: So, --  
7 KENNETH ROCHESTER: Yeah.  
8 COMMISSIONER ALLAN: -- K. C., --  
9 KENNETH ROCHESTER: Well --  
10 COMMISSIONER ALLAN: -- do you want it done fast or you  
11 want it done right?  
12 KENNETH ROCHESTER: No. I want it done right. But I --  
13 COMMISSIONER ALLAN: Okay.  
14 KENNETH ROCHESTER: -- want to make sure that it does get  
15 done. And -- and --  
16 COMMISSIONER CLARK: Oh, yeah.  
17 KENNETH ROCHESTER: -- and that's -- that's basically what  
18 I'm after, that it does get done.  
19 COMMISSIONER ALLAN: It is going --  
20 CHAIRMAN MILLS: Okay.  
21 COMMISSIONER ALLAN: -- to --  
22 KENNETH ROCHESTER: And it's to --  
23 COMMISSIONER ALLAN: -- get done.  
24 KENNETH ROCHESTER: -- it gets done in a timely manner.  
25 I understand that the engineering -- and I'm not saying,  
26 hey, take your backhoe over there and throw a culvert in  
27 tomorrow. Like I said, it takes -- it does take some planning  
28 and everything else. But I want to make sure that it does get  
29 done. It needs to get done.  
30 CHAIRMAN MILLS: Okay.  
31 Are we okay on the culvert part?  
32 KENNETH ROCHESTER: Yep.  
33 CHAIRMAN MILLS: Okay. Let's move on to the paving the  
34 road.  
35 KENNETH ROCHESTER: I want my road paved.  
36 CHAIRMAN MILLS: Okay.  
37 KENNETH ROCHESTER: I've been out there for -- since, like  
38 I said, since 1981, '82. And -- and I was out there bef- --  
39 when Muleshoe Road wasn't paved, when none of the roads were out  
40 there paved. And I saw them pave Muleshoe Road. And then I saw

1 them pave Appaloosa. Then I saw them pave Clydesdale. I saw  
2 them pave every road out there but mine.  
3 And it's a tenth of mile long. And I'm not the only one on  
4 that road.  
5 It goes into my property, granted. But my neighbor does use  
6 it extensively. Seventy-five percent of it -- his official  
7 address is Clydesdale. But he's set himself off of Clydesdale  
8 quite a ways. And so he uses -- he uses Bay Road extensively to  
9 go to his house. And I don't think it's beyond any problem to get  
10 my road paved.  
11 Except, again, I don't expect to do it tomorrow. I know you  
12 got to mobe and demobe. I just -- I was just out. I was driving  
13 around. I drive around Hill Top a lot here b- -- s- -- to come in  
14 here and protest my -- my -- my road-paving job. Because there's  
15 a lot of houses out there that two houses? And that's a --  
16 COMMISSIONER CLARK: And three miles --  
17 KENNETH ROCHESTER: -- lot of the road.  
18 COMMISSIONER CLARK: -- of pavement.  
19 KENNETH ROCHESTER: And then -- then there were -- they  
20 just put in pavement off of Presidential. Now, this is probably  
21 on a master plan or something, from Presidential probably over  
22 two miles to hook onto 3300 East, which is on the other -- which  
23 is off Airport Road.  
24 COMMISSIONER CLARK: Uh-huh.  
25 KENNETH ROCHESTER: And there's nobody that lives out  
26 there.  
27 And -- and so I'm thinking, well, you know, why can't I get  
28 my -- that road paved going down to my property line? I don't see  
29 there's any problem with that.  
30 COMMISSIONER CLARK: Were you --  
31 KENNETH ROCHESTER: It's --  
32 COMMISSIONER CLARK: -- part of the pray- -- paving project  
33 out there at Muleshoe?  
34 Or -- yeah. That was done before --  
35 CHAIRMAN MILLS: That was done --  
36 COMMISSIONER CLARK: -- you --  
37 CHAIRMAN MILLS: -- way --  
38 COMMISSIONER CLARK: -- came on --  
39 CHAIRMAN MILLS: -- before.  
40 COMMISSIONER CLARK: -- board?

1 And -- and the Hill Top -- Hill Top paving project was done  
2 before you came on; right?  
3 BERT RAMOS: The current one, no.  
4 COMMISSIONER CLARK: The --  
5 BERT RAMOS: The current Hill Top -- there's been a few  
6 Hill Top --  
7 COMMISSIONER CLARK: But the --  
8 BERT RAMOS: -- paving projects.  
9 COMMISSIONER CLARK: -- the paving that the -- K.C.'s  
10 talking about. Jay Tyler and -- and out that way where you have  
11 three, four miles of -- of paved road. And you have a mile, a  
12 half a mile where there's no ho- -- houses at all.  
13 Is that --  
14 KENNETH ROCHESTER: We have the whole road no houses.  
15 COMMISSIONER CLARK: Yeah, I -- I -- you know, seven years  
16 ago when I was doing animal control, I went out there and I  
17 went, holy cow, that's an airstrip out towards Skyline.  
18 KENNETH ROCHESTER: Yeah.  
19 COMMISSIONER CLARK: And there were no houses at the time.  
20 KENNETH ROCHESTER: No.  
21 COMMISSIONER CLARK: None.  
22 KENNETH ROCHESTER: But, anyway, like I said, I just -- I  
23 talked to Doug before. And I kept on saying, I want on the  
24 list.  
25 And he said -- and he said, --  
26 CHAIRMAN MILLS: Yeah. There's not a --  
27 KENNETH ROCHESTER: -- well, I --  
28 CHAIRMAN MILLS: -- there's not a list.  
29 KENNETH ROCHESTER: And he ke- -- he told me that about  
30 four times.  
31 CHAIRMAN MILLS: Yeah.  
32 KENNETH ROCHESTER: But I tell -- still told him I wanted  
33 on the list. But anyway.  
34 What I was -- what -- what I was getting at, basically, is  
35 that if you get out there -- if you get close to me and you're  
36 going to be doing any paving projects, then you can get -- get my  
37 road done too.  
38 And he said it might be six or eight years. And I thought,  
39 well, they got to replace those culverts. They're going to tear  
40 up Muleshoe Road to pla- -- replace those culverts. They'll have



1 all the paving stuff out there. Put it on -- put it on with that  
2 culvert job.

3 And I did not know at time when the culvert job was going  
4 to get done.

5 COMMISSIONER CLARK: Yeah.

6 KENNETH ROCHESTER: But I'm pushing the culvert job.  
7 That -- well, I was driving --

8 COMMISSIONER CLARK: K. C.?

9 KENNETH ROCHESTER: -- through eight inches of water for  
10 about --

11 COMMISSIONER ALLAN: K. C.?

12 KENNETH ROCHESTER: -- 150 yards on my road going into my  
13 house.

14 COMMISSIONER ALLAN: We absolutely appreciate you coming  
15 before us to request that information. And in -- definitely,  
16 you know, it's the right step.

17 As far as the paving goes, that's the gentleman that decides  
18 what's going to get paved.

19 So...

20 KENNETH ROCHESTER: I was told that he --

21 COMMISSIONER ALLAN: He --

22 KENNETH ROCHESTER: -- talks -- that you are his --

23 COMMISSIONER ALLAN: He does talk --

24 KENNETH ROCHESTER: -- bosses.

25 COMMISSIONER ALLAN: No. He comes to us with his plans.

26 And we approve the budgeting for the plans. But he's the one  
27 that makes the decisions of what he is going to do with -- with  
28 the roads within Lander County.

29 Whether, you know, they're paved, it's his decision through  
30 the process. And then he comes to us with the budget.

31 So talk to Mr. Ramos about getting on the list.

32 BERT RAMOS: So, first, I'd like to clarify that patching  
33 and paving are two separate projects. So when -- when the  
34 culverts get put in, they don't bring out -- they don't mobe out  
35 a paver and the whole nine. That would be -- that'd be a small  
36 patch.

37 That's -- a lot of that is so -- so it's not confused when  
38 they go up there and tear up the road, and then they come back  
39 and they do patch work, that there isn't actually a paving  
40 project going on at that time. That's just patch work.

1 As far as paving in Lander County, is -- what -- I've tried  
2 to do -- and the commission's the one that does the final  
3 approval on everything that we do, regard- -- everything I do.  
4 Or they can tell me what to do.  
5 CHAIRMAN MILLS: Uh-huh.  
6 So they are my --  
7 COMMISSIONER ALLAN: But we try --  
8 BERT RAMOS: -- direct --  
9 COMMISSIONER ALLAN: -- not to.  
10 BERT RAMOS: They -- they -- they are --  
11 CHAIRMAN MILLS: We can.  
12 BERT RAMOS: They direct -- they direct the -- the work, so  
13 to speak.  
14 CHAIRMAN MILLS: Right.  
15 BERT RAMOS: Not trying to pass the buck.  
16 But in the history that I have here, I have never went out  
17 and paved roads that lead to one or two homes if I can help it,  
18 unless we are in the area with the project.  
19 If we're in the area with the project, that's different,  
20 but to go out of our way to pave a road for one or two homes  
21 is -- is -- I try to get the bigger tax base, the more people we  
22 can affect. And I understand you've been here for a lot of  
23 years, been a taxpayer for a lot of years. There are many  
24 ranchers here that have been three and four generations that  
25 have paid a lot of taxes. And the roads to their multiple homes  
26 on one location are not paved. So it's not that we're singling  
27 you out or trying to pick on you. It is strictly trying --  
28 COMMISSIONER ALLAN: Logistics.  
29 BERT RAMOS: -- to get the most bang for the county's buck  
30 when we move forward with paving projects.  
31 KENNETH ROCHESTER: Well, it's my buck too.  
32 COMMISSIONER CLARK: Well, it would seem to make sense to  
33 have K. C.'s road paved when they paved Muleshoe, when they  
34 paved Appaloosa and Clydesdale and all those roads out there.  
35 My question is: A tenth of a mile and they missed it?  
36 KENNETH ROCHESTER: I don't know.  
37 COMMISSIONER BAKKER: How many roads have we axed in the  
38 last budget process that you wanted paved?  
39 BERT RAMOS: Well, you guys beat me up, man.  
40 COMMISSIONER BAKKER: But --

1 COMMISSIONER ALLAN: No, we only did one.  
2 BERT RAMOS: Well, on the southern end of --  
3 COMMISSIONER BAKKER: No, no. I'm not --  
4 BERT RAMOS: -- Lander County.  
5 COMMISSIONER BAKKER: I'm not pointing at you, K. C.  
6 BERT RAMOS: On the --  
7 COMMISSIONER BAKKER: I'm just --  
8 BERT RAMOS: -- on the southern --  
9 COMMISSIONER BAKKER: -- saying.  
10 BERT RAMOS: -- end of Lander --  
11 COMMISSIONER ALLAN: Just one.  
12 BERT RAMOS: -- County.  
13 COMMISSIONER ALLAN: Just one.  
14 COMMISSIONER BAKKER: Well, when you say that he -- he  
15 chooses, he -- he -- he puts it in front of us a request and  
16 then we either approve him or we -- we ax him, is --  
17 KENNETH ROCHESTER: I --  
18 COMMISSIONER BAKKER: -- all I'm saying.  
19 KENNETH ROCHESTER: I'm not doubting your patching/paving  
20 statement, but I am. Because I don't see how you can tear out  
21 50 feet of road to put these cement culverts in and call it a  
22 patch without paving.  
23 BERT RAMOS: No, that -- it -- we -- it isn't. It is  
24 pavement that goes back in there, but it's a patch. We don't --  
25 they don't mobe out four rollers. They don't mobe out --  
26 KENNETH ROCHESTER: I'm not asking for four rollers. You  
27 have one roller on the r- -- on the 2 1/2 miles out there --  
28 or -- or the -- the repave of the first road going towards --  
29 oh, what's the name of that one off of --  
30 COMMISSIONER BAKKER: K. C. and 26th.  
31 KENNETH ROCHESTER: Hilltop?  
32 BERT RAMOS: No, sir.  
33 CHAIRMAN MILLS: Right.  
34 BERT RAMOS: No, sir.  
35 CHAIRMAN MILLS: So -- so basically what I would say is --  
36 KENNETH ROCHESTER: You had --  
37 CHAIRMAN MILLS: -- until --  
38 KENNETH ROCHESTER: -- one roller on that one. One paver.  
39 BERT RAMOS: We have one --  
40 KENNETH ROCHESTER: You had --

1 BERT RAMOS: -- one paver. We've got a paving machine.  
2 Now, there's three rollers that follow that.  
3 KENNETH ROCHESTER: There was only one --  
4 BERT RAMOS: That's --  
5 KENNETH ROCHESTER: -- roller out there that I saw.  
6 COMMISSIONER ALLAN: And -- and they were about done.  
7 That's a finish roller, K. C. And that's --  
8 CHAIRMAN MILLS: Either way.  
9 COMMISSIONER ALLAN: -- the very last roller on the job.  
10 BERT RAMOS: I -- I just want it to be very clear while  
11 we're all sitting here today that -- that when we show up out  
12 there, how these projects go and the process.  
13 Like I say, when -- if we go back out to Muleshoe and start  
14 repaving and we can put that into a project, that's not a  
15 problem.  
16 CHAIRMAN MILLS: Right.  
17 BERT RAMOS: If -- but to mobilize equipment out there to  
18 do a tenth of a mile of road, the mobilization costs more than  
19 the --  
20 COMMISSIONER CLARK: Than it does to pave --  
21 CHAIRMAN MILLS: Pave the --  
22 COMMISSIONER CLARK: -- the road.  
23 CHAIRMAN MILLS: -- the road.  
24 KENNETH ROCHESTER: And I'm saying that you got to pave  
25 that little section and -- to put the culverts in.  
26 And you're -- you're going to have more than --  
27 CHAIRMAN MILLS: Yeah.  
28 KENNETH ROCHESTER: You're going --  
29 COMMISSIONER CLARK: Well, they can --  
30 KENNETH ROCHESTER: -- to have --  
31 COMMISSIONER CLARK: -- bring --  
32 KENNETH ROCHESTER: -- a paver and a roller out there.  
33 COMMISSIONER CLARK: They can bring the asphalt out in a  
34 truck to take care of the culverts.  
35 They need to bring a paving machine in to pave your road.  
36 KENNETH ROCHESTER: Well, they're going to have to bring a  
37 paving machine to pave over the culverts. Tho- -- that -- that  
38 pa- -- pave over those culverts you're talking about from that  
39 wall to that wall, minimum.  
40 COMMISSIONER BAKKER: So next budget --

1 KENNETH ROCHESTER: These -- this is a --  
2 COMMISSIONER BAKKER: -- cycle --  
3 KENNETH ROCHESTER: This is a big project.  
4 COMMISSIONER BAKKER: So next -- next budget cycle, let's  
5 put it in there and see where it goes during the budget process.  
6 COMMISSIONER CLARK: And if you bring a paving machine for  
7 the culverts, then --  
8 BERT RAMOS: If there's a paver there and we have money in  
9 the budget, I'm not afraid to see where we can go with that.  
10 COMMISSIONER CLARK: Okay.  
11 BERT RAMOS: But -- but if not, --  
12 CHAIRMAN MILLS: Well --  
13 BERT RAMOS: -- which, like I say, we -- we do not -- they  
14 don't bring pavers out to do small patches like that.  
15 COMMISSIONER CLARK: And if they do, then -- then do the  
16 road if we have the money.  
17 BERT RAMOS: Not a problem.  
18 COMMISSIONER BAKKER: Okay.  
19 COMMISSIONER CLARK: Okay.  
20 KENNETH ROCHESTER: Thank you.  
21 COMMISSIONER BAKKER: Thank you.  
22 CHAIRMAN MILLS: Thank you.  
23 COMMISSIONER CLARK: Thanks, K. C. And thanks for being on  
24 the planning commission.  
25 KENNETH ROCHESTER: You bet.  
26 COMMISSIONER BAKKER: Good luck.  
27

28 **22) Discussion and possible action regarding the awarding of the**  
29 **bid for the Eisenhood paving project, and all other matters**  
30 **properly related thereto.**  
31

32 CHAIRMAN MILLS: Okay. Moving to Item Number 22.  
33 Discussion and possible action regarding and awarding of  
34 the bid for the Eisenhood paving project, and all other matters  
35 properly related thereto.  
36 BERT RAMOS: Okay. So you guys don't have any backup on  
37 this one -- Bert Ramos, for the record -- because we just opened  
38 the bids. And this was one of the projects that you guys wanted  
39 us to get through.  
40 So Hunewill came in at -- one minute. I'm pulling it up

1 here. I do apologize -- \$230,310. And Q&D Construction came in  
2 at \$330,520.

3 So literally a third cheaper is Hunewill. And I can't say  
4 enough about how much they do for the community on these kind of  
5 -- these kind of projects. That's huge savings. So it's -- it's  
6 a wonderful thing.

7 The other thing I'd like to say is I'd like to thank Day  
8 Engineering and Marty Ugalde because that guy goes out of his  
9 way and above and beyond all the time to make sure we get these  
10 jobs out and do it right so when the auditors come in and look  
11 things over and for our budget, it -- it's -- just can't say  
12 enough about them.

13 So I really appreciate that. And I'd --

14 COMMISSIONER ALLAN: So --

15 COMMISSIONER BAKKER: Thank you, Marty.

16 BERT RAMOS: -- award this to Hunewill.

17 COMMISSIONER ALLAN: Bert? Can you tell me how much you're  
18 paving on that?

19 BERT RAMOS: The -- exactly what is there.

20 COMMISSIONER ALLAN: Okay. So you are going to --

21 BERT RAMOS: Yes. Replacing what is --

22 COMMISSIONER ALLAN: The --

23 BERT RAMOS: -- currently --

24 COMMISSIONER ALLAN: -- existing.

25 BERT RAMOS: -- there.

26 COMMISSIONER ALLAN: Okay.

27 BERT RAMOS: And -- and the -- we've -- we've contacted the  
28 railroad. They will send somebody out. And we can pave the  
29 section in the tracks as well.

30 COMMISSIONER ALLAN: Okay.

31 COMMISSIONER CLARK: We're going to change --

32 BERT RAMOS: So --

33 COMMISSIONER CLARK: -- in -- in the tracks?

34 BERT RAMOS: Yep. The --

35 COMMISSIONER CLARK: Because the railroad did it down there  
36 on North Second where --

37 BERT RAMOS: And I'm working with them right now to -- to  
38 replace that so we can --

39 COMMISSIONER CLARK: They already did.

40 BERT RAMOS: Well, they --

1 COMMISSIONER CLARK: (Indiscernible.)  
2 BERT RAMOS: -- did it with -- they did it with hot mix  
3 or -- not hot mix -- with cold mix. And it's kind of a -- kind  
4 of a rough, jumbled- --  
5 COMMISSIONER CLARK: No, no, no.  
6 BERT RAMOS: -- -up deal.  
7 COMMISSIONER CLARK: North Second where it comes into  
8 Front.  
9 BERT RAMOS: Uh-huh.  
10 COMMISSIONER CLARK: The railroad was there. It's concrete  
11 in between the tracks.  
12 BERT RAMOS: Oh, yes. Yes. We will not be paving --  
13 COMMISSIONER CLARK: In between.  
14 BERT RAMOS: -- between.  
15 COMMISSIONER CLARK: Right.  
16 BERT RAMOS: Between the tracks, but we'd be paving on  
17 either side of the tracks.  
18 COMMISSIONER CLARK: Right. Right. Right. That's --  
19 COMMISSIONER ALLAN: It's kind of like --  
20 COMMISSIONER CLARK: -- railroad --  
21 COMMISSIONER ALLAN: -- the apron --  
22 COMMISSIONER CLARK: -- property.  
23 COMMISSIONER ALLAN: -- up to it.  
24 COMMISSIONER CLARK: And they're responsible for the tracks  
25 and then a little bit either side.  
26 BERT RAMOS: Correct.  
27 COMMISSIONER CLARK: Right.  
28 BERT RAMOS: Yep.  
29 COMMISSIONER CLARK: Okay. Because they use --  
30 BERT RAMOS: So --  
31 COMMISSIONER CLARK: -- concrete.  
32 BERT RAMOS: -- so on the either side of the tracks, --  
33 COMMISSIONER CLARK: Right.  
34 BERT RAMOS: -- we will be repaving out there because  
35 that's where --  
36 COMMISSIONER CLARK: Okay.  
37 BERT RAMOS: -- the worst potholing is.  
38 COMMISSIONER CLARK: Okay.  
39 BERT RAMOS: And they're --  
40 COMMISSIONER ALLAN: So --

1 BERT RAMOS: -- they're all for it.  
2 COMMISSIONER ALLAN: When is this going to happen?  
3 BERT RAMOS: We're going to be rolling as soon as you guys  
4 can give us a green light. We're going to make phone calls when  
5 we walk out the door.  
6 COMMISSIONER ALLAN: Okay. I'm just --  
7 CHAIRMAN MILLS: You got something for us?  
8 MARTY UGALDE: Yeah. Marty Ugalde with Day Engineering.  
9 Thank you.  
10 To -- to clarify one thing that was brought up. It's  
11 2800 feet approximately from the other side of the tracks to the  
12 end of the pavement that's there.  
13 And the -- the guy that I spoke with with the railroad, that  
14 Bert's been coordinating with, indicated that they wanted to do  
15 some improvement on the track section, the concrete section you  
16 were talking about.  
17 COMMISSIONER CLARK: Right.  
18 MARTY UGALDE: But they're going to be doing all that  
19 themselves --  
20 COMMISSIONER CLARK: Okay.  
21 MARTY UGALDE: -- and coordinating with the train schedule  
22 and everything. So that was part of it.  
23 COMMISSIONER BAKKER: So I will make --  
24 MARTY UGALDE: I just wanted to add that.  
25 COMMISSIONER ALLAN: -- a motion, then, that we approve --  
26 that we award the bid for the Eisenhower paving project to  
27 Hunewill Construction in the amount not to exceed \$230,310.  
28 COMMISSIONER BAKKER: Second.  
29 BERT RAMOS: Perfect.  
30 COMMISSIONER CLARK: Sec- --  
31 BERT RAMOS: Thank you very much.  
32 CHAIRMAN MILLS: Okay. Judie made a motion. And Sean  
33 seconded.  
34 Do we have any public comment?  
35 (No comment.)  
36 CHAIRMAN MILLS: All in favor?  
37 COMMISSIONER BAKKER: Aye.  
38 COMMISSIONER CLARK: Aye.  
39 CHAIRMAN MILLS: Aye.  
40 COMMISSIONER ALLAN: Aye.



1 COMMISSIONER CLARK: Can we take a --  
2 COMMISSIONER WAITS: Aye.  
3 COMMISSIONER CLARK: -- break for --  
4 CHAIRMAN MILLS: Thanks.  
5 COMMISSIONER CLARK: -- a couple minutes, Doug?  
6 MARTY UGALDE: Thank you.  
7 CHAIRMAN MILLS: Yeah. Let's take a break.  
8 MARTY UGALDE: Thank you very much.  
9 COMMISSIONER BAKKER: Patsy? Austin?  
10 CHAIRMAN MILLS: Thank you, guys.

11  
12 (Break taken between 11:22 a.m. and 11:30 a.m.)

13  
14 CHAIRMAN MILLS: -- meeting back to order. If our -- if  
15 our sheriff will let us start again.

16 UNIDENTIFIED PARTICIPANT: You're starting.

17 COMMISSIONER ALLAN: Mr. Unger?

18 KEN BROWN: Yeah.

19  
20

21 **COMMISSIONERS**

22

23 **23) Update from Ken Brown regarding Western Counties Alliance and**  
24 **public lands, and all other matters properly related.**

25

26 CHAIRMAN MILLS: Okay. We're on Item Number 23.

27 Update from Ken B- -- Ken Brown regarding Western Counties  
28 Alliance and public lands, and all other matters properly related  
29 thereto.

30 Hey, Ken.

31 COMMISSIONER BAKKER: Ken.

32 KEN BROWN: Thank you, Mr. Chairman, Commissioners. Ken  
33 Brown, Western Counties Alliance.

34 MITESHELL LANHAM: Patsy, are you still --

35 KEN BROWN: Happy to be --

36 MITESHELL LANHAM: -- on the line?

37 KEN BROWN: -- here.

38 COMMISSIONER BAKKER: Oh. Hold on.

39 KEN BROWN: Good to see everybody.

40 COMMISSIONER BAKKER: We're just starting. Sorry.

1 KEN BROWN: Thanks for time.  
2 And even -- we've even got some better news than usual this  
3 time which is very good. And you've heard some of the news from  
4 your treasurer's office.  
5 And we'll start with the agenda that was sent out. We'll  
6 just follow along with those items and -- and have a good  
7 discussion as needed.  
8 First one, payment in lieu of taxes. The good news there is,  
9 of course, it was reauthorized.  
10 And I believe yesterday, possibly, that you received your  
11 PILT payment for 2018, \$1,024,407, as the treasurer reported.  
12 That's approximately \$20,606 over last year. So we can get the  
13 increase and that's good.  
14 I think the continued educational process, if you will,  
15 Commissioners, that WCA does and other groups relating to the  
16 valuable expensive services that counties provide on public land  
17 is critical.  
18 And -- and that's -- that's a part of the good news.  
19 The part of the not-so-good news is there are those in  
20 congressional society that continue to indicate that PILT is a  
21 western welfare program. And you've heard that before.  
22 But I think that's a process that -- thought is -- is not  
23 thought of as -- as it -- extreme as it has been in -- in past  
24 years. And we hope that's a -- will continue because PILT is a  
25 valuable program as you know.  
26 I think PILT is a -- a secure program because of just some of  
27 the things I've said. Providing services on public land. And I  
28 get asked occasionally, well, what if we don't pay PILT? Well,  
29 feds prepare for providing public land services. I says, counties  
30 can take care of their people, but they can't take care of the  
31 influx from the outside without financial help.  
32 And that's -- that's the way it is. Of course, you -- well,  
33 you know, people look at it in a -- in a positive way, if you have  
34 those discussions. And, you know, it makes sense to them. And I  
35 think that's helping to keep PILT to be a -- a more secure --  
36 secure program.  
37 Now, one of the other items that -- just mention about. What  
38 needs to be done and is not getting done is changing the PILT  
39 formula.  
40 Now, when WCA was organized, there was three goals. Number

1 one was getting PILT fully funded, which meant counties would get  
2 38 percent more PILT revenue than they were currently re- --  
3 receiving. And number two was to change the Secure Rural Schools  
4 funding program.

5 Because big timber states was getting far more than  
6 50 percent of the revenue.

7 And so -- but the other part is look at this year's  
8 per-acre number, \$2.71 for A counties, 38 cents for B counties.  
9 Boy, what an inequity.

10 And, therefore, the PILT formula needs to be changed. But  
11 it's really on a pretty deaf ear. And that's unfortunate.

12 I think there's going to have to be possibly more firm  
13 approach from B counties, possibly.

14 I've -- I've said to congressional staffers -- I says, look  
15 at the difference in road maintenance on public land, A counties  
16 versus B counties.

17 It isn't any different the cost per mile, but B counties have  
18 more miles of road.

19 Therefore, on lesser revenue for maintenance, you know, how  
20 do you -- how do you keep up with the maintenance process?

21 Well, that's probably a valid point they'll say, but why  
22 can't we get together and -- and change this formula, say, okay,  
23 if the amount per acre is at 90 cents an acre, a dollar an acre,  
24 whatever it is. Let's just get it across the board in a fair and  
25 equitable basis.

26 That's all we need to do.

27 Well, it would cost more money. Well, B counties are losing  
28 money.

29 They appreciate what they get in PILT, but they're losing  
30 money because of the cost.

31 Simple.

32 So anyway, that's a little bit about the formula. We'd like  
33 to see that happen. But I don't anticipate seeing it happen in my  
34 days, unfortunately.

35 COMMISSIONER CLARK: Well, just don't make any changes that  
36 we get less. That's all I care about.

37 KEN BROWN: Yeah. That's true.

38 Okay. Let's move on to Secure Rural Schools.

39 That's the good news, as you know, the reauthorization for  
40 2018 and 2019 payments.

1           You -- Lander County received \$110,396.50 for 2018.  
2           That's down, unfortunately. And, as you know, that's how the  
3 P- -- the SRS formula works. You get revenue this amount this  
4 year. Next year you'll get at least 5 percent less. And that's  
5 just the way the makeup of the -- of the Secure Rural Schools  
6 formula is.

7           One of the reasons that Secure Rural Schools is not a secure  
8 program is there are nine states in America that don't participate  
9 in the program.

10          And I'm -- you know, I've -- I think I emailed a copy of  
11 those. But I'm -- I was surprised when I looked at that. I  
12 thought Massachusetts, Connecticut -- criminy, I would -- I would  
13 think they'd have had forest land in their state, but they don't.

14          CHAIRMAN MILLS: Hm.

15          KEN BROWN: Yeah. And that's the reason that those nine  
16 states that don't participate is because of no forest land. Now  
17 if you need me to email another copy of that out, I think I have  
18 a copy with me.

19          I could have a copy run in Keith's office and leave it for  
20 you to look at those nine states. Kind of interesting. Kansas, I  
21 believe, is one -- one of them.

22          But, anyway, maybe if I --

23          Okay.

24          The nine states: Connecticut, Delaware, Hawaii, Iowa,  
25 Kansas, Maryland, Massachusetts, New Jersey, and Rhode Island.

26          So they could care less whether Secure Rural Schools gets  
27 reauthorized. Bottom line.

28          Okay.

29          I have spent more time, probably, on SRS, trying to get it  
30 reauthorized because, as you know, all you got in 2017 was your  
31 contract money -- your 1908 contract money between the feds and  
32 the states.

33          And so was -- obviou- -- less than \$50,000. I don't remember  
34 just exactly what it was.

35          But, anyway, we're happy that tho- -- that it got  
36 reauthorized.

37          I get asked the question again: What if we don't pay? Or  
38 what if we don't reauthorize SRS?

39          Well, Congress, allow the forest land to have the natural  
40 resources produced.

1           And the contract -- the 1908 contract would -- there'd be  
2 sufficient money.

3           You wouldn't have to have the SRS program. Well, you know  
4 how that goes.

5           So anyway, that's where we're at with the SRS program.

6           But -- but the two-year reauthorization was a -- was a good  
7 effort. And I complimented many congressional offices for doing  
8 that.

9           Geothermal continues to be a good, solid program, obviously a  
10 clean source of energy.

11          Lander County, one of the leading counties with this program.  
12 In the last three years, you've had good increases, as you know,  
13 with that revenue. And we'll get new numbers in either October or  
14 November for a new chart, as soon as we can get -- put that  
15 together, we all get it emailed out to you.

16          But those numbers come from the Department of Energy.

17          Now, there was some question about, you know, maybe being a  
18 little bit of a discrepancy between the chart number and what  
19 you actually receive. And sometimes that happens because, when  
20 they get through with arithmetic, why, you don't know just  
21 exactly how the actual number is -- is going to be.

22          But, anyway -- and the -- I understand -- I think we  
23 mentioned this last time. The research facility being located in  
24 Churchill County. Is that correct?

25          CHAIRMAN MILLS: I don't know about that.

26          KEN BROWN: That the geothermal research.

27          COMMISSIONER ALLAN: I remember hearing something about it.

28          KEN BROWN: I believe -- I believe Churchill County's where  
29 that's going to be located. So that's --

30          CHAIRMAN MILLS: Okay.

31          KEN BROWN: -- not too far away from Lander County. Of  
32 course, Churchill County is a big participator with the  
33 geothermal program.

34          Okay. Number 4, national monuments. Good news from the two  
35 in Utah. The Grand Staircase and the Bear's Ears, proposing to  
36 reduce those two by about 50 percent. That'd be good news.  
37 1.9 million acres in Grand Staircase. 1.35 million in the Bear's  
38 Ears.

39          Well, gee, that's an exorbitant amount of acreage. It  
40 doesn't take that much to have a national monument. So the good

1 news there'll be if -- if -- if that concept gets approved, be  
2 about 1 point -- a little over 1 1/2 million acres go back to  
3 multiple use.

4 So that -- that's good news. I provided testimony favoring  
5 the reduction.

6 Number 5, the sage grouse. Still in a holding pattern. The  
7 lawsuit filed by Western Energy Alliance was a big item in -- in  
8 putting that on hold because they questioned whether the Fish and  
9 Wildlife Service could justify the numbers that they were using,  
10 plus the exorbitant habitat areas. And they couldn't.

11 And so we're still a part of that coalition with the Western  
12 Energy Alliance. Then we just hope that the thing goes away, but  
13 who knows.

14 But we'll try and pursue that angle.

15 Number 6, the wild horse/burro program. Well, the last board  
16 meeting was to be in Salt Lake. It got canceled because somebody  
17 said, well, you -- you was a day late in getting the notice out.  
18 So they used that as a -- an excuse to cancel the -- the board  
19 meeting. I always attend those meetings and give testimony.

20 But I don't know. In Lander County and other counties that  
21 have an -- excess numbers, I just don't see much of a -- a net  
22 gain in reducing excess numbers. Do you?

23 Seems like in this hand sometimes you do. And the  
24 reproduction. And go on and on. And then the injunctions that  
25 gets filed against a good process to re- -- reduce numbers. And  
26 you know the -- the whole story.

27 But, anyway, we will stay abreast at the -- at that issue,  
28 continue to attend board meetings and provide testimony.

29 Down in other issues, there was two pieces of legislation for  
30 R.S. 2477.

31 HR 3270 in the House and the companion bill in the Senate,  
32 S468 have been introduced, still in committee and have gone  
33 nowhere. If R.S. 2477 could be resolved legislatively, it would  
34 be a nice thing.

35 But it doesn't appear to happen. There -- there are two  
36 pieces of legislation still sitting, not even out of committee.  
37 So another western issue.

38 So there's where we're at.

39 The 1872 mining law and the clear water -- Clean Water Act.  
40 We watch that monthly to make sure that there -- there's no

1 legislation --  
2 MITESHELL LANHAM: (Indiscernible.)  
3 KEN BROWN: -- in trying to amend both of those  
4 departments.  
5 And we hope that that continues. Because taking away rights  
6 from states on Clean Water Act would be a disaster because they've  
7 done it, as you know, a good job relating to water issues.  
8 So last but not least, Commissioners, I just want to thank  
9 you for renewing your FY 2019 membership fee for Western Counties  
10 Alliance. I deeply appreciate that. And I'll continue to  
11 represent issues in your favor.  
12 COMMISSIONER BAKKER: Thank you, Ken.  
13 CHAIRMAN MILLS: Thank you.  
14 COMMISSIONER ALLAN: Thank you, Ken.  
15 DISTRICT ATTORNEY HERRERA: Ken, I --  
16 COMMISSIONER CLARK: Thank you, Ken.  
17 DISTRICT ATTORNEY HERRERA: -- have a quick question. And  
18 I don't -- and I apologize if you mentioned this when -- when  
19 you were talking about PILT.  
20 Is there a class act -- class action suit that started in --  
21 in Utah on -- on underpayment of PILT money to certain counties  
22 and states in Utah and Nevada?  
23 KEN BROWN: Yes. But it's inactive at the moment.  
24 DISTRICT ATTORNEY HERRERA: It's inactive?  
25 So at some point in time is it going reengage?  
26 KEN BROWN: Uh-huh. Yes.  
27 DISTRICT ATTORNEY HERRERA: And --  
28 KEN BROWN: It's sitting.  
29 DISTRICT ATTORNEY HERRERA: Would you recommend that we  
30 join that?  
31 KEN BROWN: Well, I think that would be a good thing.  
32 Uh-huh.  
33 DISTRICT ATTORNEY HERRERA: Okay.  
34 KEN BROWN: Yes.  
35 COMMISSIONER CLARK: Keith?  
36 FRANK WHITMAN: Austin here on one question.  
37 COMMISSIONER BAKKER: Go ahead, Frank.  
38 FRANK WHITMAN: Ken, you kind of faded out when you were  
39 talking about geothermal. Do you have any numbers there? Can  
40 you repeat any -- what Lander was going to get this year and

1 last year?  
2 KEN BROWN: I can't quite hear --  
3 COMMISSIONER BAKKER: He -- he's asking -- Ken, he's asking  
4 if any of the -- you want to know how much money, revenue the  
5 county's gotten from geothermal; right, Frank?  
6 FRANK WHITMAN: That's correct. Royalties.  
7 COMMISSIONER BAKKER: Okay.  
8 FRANK WHITMAN: I said, I understand the BLM is deciding or  
9 considering deciding to hold up.  
10 KEN BROWN: We don't know for 2018. I'm just looking  
11 for -- I'm sure I've got a -- a copy of that chart.  
12 FRANK WHITMAN: Right. Ken, you can email that to me if  
13 you'd like.  
14 KEN BROWN: If I -- Frank, I could email you a copy of this  
15 if you'd like.  
16 FRANK WHITMAN: That'd be great. Thank you.  
17 KEN BROWN: Yeah. Geothermal in 2015 for Lander County,  
18 \$194,372; --  
19 FRANK WHITMAN: Okay.  
20 KEN BROWN: -- 2016, \$254,601; 2017, \$303,731.  
21 FRANK WHITMAN: Okay. And I noticed I --  
22 KEN BROWN: So nice increases, as I mentioned --  
23 FRANK WHITMAN: Great.  
24 KEN BROWN: -- for Lander County in those past three years.  
25 FRANK WHITMAN: Okay. I -- that's the information --  
26 KEN BROWN: But, Frank, --  
27 FRANK WHITMAN: -- I --  
28 KEN BROWN: -- I'll -- I'll whistle you a copy of that  
29 chart over to you.  
30 FRANK WHITMAN: Okay. Very good. Thank you very much.  
31 KEN BROWN: Thank you.  
32 COMMISSIONER BAKKER: Thank you.  
33 KEN BROWN: Okay, Commissioners, I've bent your ear long  
34 enough. But thanks again for your participation. And -- and  
35 any time I can be of a -- assistance.  
36 Oh, I just want to commend Lander County for your effort  
37 and the progress you're making with R.S. 2477.  
38 COMMISSIONER CLARK: Okay. On --  
39 KEN BROWN: You're -- you're on course. You're cleared for  
40 takeoff in -- in what you're doing.



1 And I just encourage you to keep that up.  
2 Now, Utah has filed its lawsuit. They're doing it in bulk  
3 county form now.  
4 They filed their lawsuits. But there's been umpteen filings  
5 in the courts questioning this and that. And it just -- it just  
6 is holding things up.  
7 But when we can get your county and others outside of Utah to  
8 -- to move on with R.S. 2477. Because it's going to get tougher  
9 to deal with as the future presents itself.  
10 Because there are those, as you know, in society on a federal  
11 level and then the extreme level, they want those accesses, the  
12 ones that are open, they want them closed, as you know.  
13 COMMISSIONER CLARK: Yeah.  
14 KEN BROWN: And county -- county governing bodies have got  
15 to really stay at the plate to -- to provide the jurisdiction  
16 you do with relating to this item.  
17 So thumbs up.  
18 CHAIRMAN MILLS: Thank you.  
19 COMMISSIONER CLARK: I'd like to --  
20 COMMISSIONER BAKKER: Thanks, Ken.  
21 COMMISSIONER ALLAN: Thank you, Ken.  
22 COMMISSIONER CLARK: Thanks, Ken. I'd like to get a -- an  
23 item for the next meeting on the North Fork Road. Like to find  
24 out who owns it, send them letters, tell them that the law  
25 states that they can't close that road off. See if we get a  
26 response.  
27 I mean, I -- that -- that North Fork Road, Mr. Hank Filipini,  
28 when he was the kid, drove cattle up there. So it's precedented.  
29 It's been an active road forever.  
30 And somebody came 20 years ago and bought some property in  
31 the checkerboard and just put a -- put a -- a gate up there. And  
32 you can't get up in there. And you can't come down because they  
33 built a berm on the other end so that that road has been open as  
34 long as it has. And not only that but it creates a fire hazard  
35 too if we have a fire and crews can't get through there.  
36 KEN BROWN: Doesn't matter, change of ownership of the  
37 land.  
38 When that access has been legally established, like in  
39 Nevada, a five-year continuous use establishes that. So that goes  
40 on with the land, not with the different --

1 COMMISSIONER CLARK: Right.  
2 KEN BROWN: -- owners.  
3 COMMISSIONER CLARK: Right. So...  
4 CHAIRMAN MILLS: Okay.  
5 COMMISSIONER BAKKER: Thanks, Ken.  
6 KEN BROWN: Okay.  
7 CHAIRMAN MILLS: Thanks, Ken.  
8 KEN BROWN: Thanks a lot. Have a good day.  
9 COMMISSIONER CLARK: You're welcome, Ken.

10

11 **24) Discussion and possible action to approve/disapprove the Rock**  
12 **Creek Dam Project and, if approved, the hiring of a**  
13 **consultant for the project, and all other matters properly**  
14 **related thereto.**

15

16 CHAIRMAN MILLS: Go to Item 24. Discussion and possible  
17 action to approve/disapprove the Rock Creek Dam Project and, if  
18 approved, the hiring of a consultant for the project, and all  
19 other matters properly related thereto.

20 KEITH WESTENGARD: So --

21 COMMISSIONER BAKKER: (Indiscernible.)

22 KEITH WESTENGARD: -- we'd like to get some direction on  
23 this. I know it's been discussed in -- in previous meetings.  
24 And that's what -- where we need to be is -- is what -- what  
25 does the commission want to do as a commission?

26 And if we're going to be move forward, with some direction  
27 and looking at firms, whatever we need to do on this. We move  
28 forward or take it off the table, I guess, is what I'm --

29 CHAIRMAN MILLS: Yeah.

30 KEITH WESTENGARD: -- looking for.

31 CHAIRMAN MILLS: Well, I think a reservoir project in our  
32 county would be a huge benefit. So I'm all for it.

33 COMMISSIONER ALLAN: I think before we talk about  
34 consultants, et cetera, is -- is maybe looking at a feasibility  
35 study with -- with the climate the way things are now, you know.  
36 Some -- some study into, you know, the size of this reservoir,  
37 how long's it going to take to fill? Is it practical?

38 I would -- I would definitely support doing that first before  
39 we make any hard-and-fast decisions on whether to go forward with  
40 Rock Creek or not.

1 KEITH WESTENGARD: So the -- a feasibility study, of  
2 course, is going to cost money. So that would have -- entail  
3 hiring someone to -- to do the study. And --  
4 COMMISSIONER ALLAN: Well, we do have -- what? -- 500,000  
5 that we budgeted for Rock Creek?  
6 Is that what we --  
7 COMMISSIONER BAKKER: Uh-huh.  
8 CHAIRMAN MILLS: I think we --  
9 COMMISSIONER ALLAN: Okay.  
10 CHAIRMAN MILLS: -- cut -- I think we cut it back to --  
11 COMMISSIONER BAKKER: So --  
12 CHAIRMAN MILLS: -- 500,000.  
13 KEITH WESTENGARD: Yeah.  
14 COMMISSIONER ALLAN: So we do have some money in the  
15 budget. And, you know --  
16 CHAIRMAN MILLS: But --  
17 COMMISSIONER BAKKER: You need a consultant to do --  
18 CHAIRMAN MILLS: Rock Creek --  
19 COMMISSIONER BAKKER: -- the study.  
20 CHAIRMAN MILLS: Rock --  
21 COMMISSIONER ALLAN: Well, we --  
22 CHAIRMAN MILLS: -- Creek's not a new project. So that  
23 probably has all been done before.  
24 COMMISSIONER BAKKER: It's in the --  
25 COMMISSIONER ALLAN: Yeah.  
26 COMMISSIONER BAKKER: -- basement.  
27 COMMISSIONER ALLAN: But when you talk about how, you know,  
28 climate change in the last 30 years, and there's -- there's a  
29 big difference between what could've -- time frame to fill  
30 that -- that reservoir 30 years ago versus what now.  
31 Is it feasible? Is it practical? Is it --  
32 CHAIRMAN MILLS: (Indiscernible.)  
33 COMMISSIONER ALLAN: -- is it going to work?  
34 And whether you want to call it a consultant -- I know  
35 there's -- there's firms out there that are qualified to do this,  
36 that they will be getting with -- you know, I don't know --  
37 meteorologists and hydrologists and everything else to -- to do a  
38 study to find out for sure if it's practical.  
39 COMMISSIONER BAKKER: I would say advertise for a  
40 consultant to do a study.

1 COMMISSIONER ALLAN: And -- and something, whatever,  
2 whoever, you know. Like I said, consultant, a engineer firm --  
3 what? Anyway, but that's engi- -- you know, advertise for a  
4 feasibility study to be done on Rock Creek.

5 KEITH WESTENGARD: Okay. That's --

6 COMMISSIONER ALLAN: And -- and, you know, it -- it might  
7 also give us, you know, a little bit better idea of the cost  
8 involved. Is it financially practical?

9 COMMISSIONER CLARK: Didn't you have a different plan that  
10 wasn't going to cost us anything, Sean?

11 COMMISSIONER BAKKER: Well, if she wants a feasibility  
12 study, we can do that. I'm good with that.

13 Now, there are other plans, which I've -- talking to Newmont.  
14 Because Newmont actually owns the property on the other side of  
15 the valley now. And in 1985 a rancher actually owned it. But  
16 today Newmont owns it. And I've talked to Newmont, which we're  
17 going to need to sit down --

18 MITESHELL LANHAM: Commissioners, can I interrupt for a  
19 moment?

20 Patsy's still on the line, and she's on mute.

21 COMMISSIONER WAITS: Okay. I got it now. Thank you.

22 COMMISSIONER CLARK: Okay.

23 Anyway, Newmont owns the property on the other side of the  
24 mountain. And it would be -- we could sit down with them and talk  
25 about propertywise. And, I mean, I'm talking more the concern of  
26 the tribal concerns that they had back in 1985.

27 If we go to the other side of the mountain and we use  
28 Newmont property, that concern goes away is what I'm issuing  
29 there, is what I mean by that.

30 But also a feasibility study to see if it's feasible. If it  
31 --

32 SHERIFF RON UNGER: Barrick also owns the Willow Creek  
33 Reservoir, which feeds Rock Creek. So I'm sure Barrick would  
34 have a lot of your feasibility. They could tell you how much  
35 water is released out there, how much water's been in there. So  
36 Barrick owns that. So there'd be a good --

37 COMMISSIONER BAKKER: And they do --

38 CHAIRMAN MILLS: That's a good --

39 COMMISSIONER BAKKER: -- a study once a month on the water  
40 flow.

1 COMMISSIONER CLARK: Yeah, they're --  
2 CHAIRMAN MILLS: That's a --  
3 SHERIFF RON UNGER: You're in (indiscernible) --  
4 CHAIRMAN MILLS: -- good resource.  
5 SHERIFF RON UNGER: -- (indiscernible) now.  
6 COMMISSIONER BAKKER: So, --  
7 COMMISSIONER CLARK: They're out --  
8 COMMISSIONER BAKKER: -- I --  
9 COMMISSIONER CLARK: -- there --  
10 COMMISSIONER BAKKER: -- mean, there's resources without  
11 spending money. Because Art doesn't want to spend any money.  
12 COMMISSIONER CLARK: I don't want to spend any money.  
13 COMMISSIONER ALLAN: I don't want to spend money, but we  
14 are going to have to, you know, some.  
15 COMMISSIONER BAKKER: So, I mean, there are avenues --  
16 COMMISSIONER ALLAN: Eventually.  
17 COMMISSIONER BAKKER: -- where we can go out to get a  
18 consultant where they can gather all the information from  
19 Barrick and Newmont, negotiate, and bring things back to us  
20 and -- to go from there.  
21 So do I need a motion for that?  
22 COMMISSIONER CLARK: I mean, we -- we spent millions and  
23 millions of dollars on this years ago and we got nothing except  
24 attorney bills that -- that ate up the money.  
25 I'm not willing to spend any -- any money on this unless we  
26 know for sure that we have the water and that we have cooperation  
27 between all the agencies involved including the tribe.  
28 I mean, this is going to be a big effort. It's going to be  
29 in three different counties, isn't it? Elko, Lander, and Eureka?  
30 COMMISSIONER BAKKER: No.  
31 DISTRICT ATTORNEY HERRERA: No.  
32 COMMISSIONER CLARK: No?  
33 COMMISSIONER BAKKER: Just --  
34 COMMISSIONER CLARK: Just --  
35 COMMISSIONER BAKKER: -- Lander.  
36 COMMISSIONER CLARK: -- just Lander?  
37 SHERIFF RON UNGER: It'll go in --  
38 COMMISSIONER BAKKER: Uh-huh.  
39 SHERIFF RON UNGER: -- Lander.  
40 COMMISSIONER ALLAN: I --

1 COMMISSIONER CLARK: Not --  
2 COMMISSIONER ALLAN: -- think --  
3 COMMISSIONER CLARK: -- Elko.  
4 COMMISSIONER ALLAN: -- I think that's a really good point,  
5 Art. And I agree with you. And that's part of what a  
6 feasibility study encompasses --  
7 COMMISSIONER CLARK: And I don't --  
8 COMMISSIONER ALLAN: -- is --  
9 COMMISSIONER CLARK: -- want to spend any money if we don't  
10 have to. Sean's got a way to go around that.  
11 COMMISSIONER BAKKER: Well, it's pretty much the same way,  
12 except I'll be doing the leg work instead of hiring a  
13 consultant. And we -- so I'm fine with that.  
14 COMMISSIONER ALLAN: Well, I mean, --  
15 COMMISSIONER BAKKER: That's --  
16 COMMISSIONER ALLAN: -- there's -- there's still --  
17 there's -- there still -- you can -- you can do the -- the  
18 one-on-one interaction with -- with different agencies. But  
19 you're still going to need to -- to have professionals, the --  
20 the engineers to --  
21 COMMISSIONER BAKKER: And to find --  
22 COMMISSIONER ALLAN: -- give you the --  
23 COMMISSIONER BAKKER: -- your cost.  
24 COMMISSIONER ALLAN: -- studies of whether or not -- you  
25 know, we've been in a drought. We had -- last year was a good  
26 year. This year, you know, not so bad, --  
27 CHAIRMAN MILLS: I don't --  
28 COMMISSIONER ALLAN: -- but we're going back into --  
29 CHAIRMAN MILLS: I don't know how you're going to --  
30 COMMISSIONER ALLAN: -- a drought.  
31 CHAIRMAN MILLS: -- guarantee the thing's going to -- last  
32 year it would have filled up three times.  
33 COMMISSIONER ALLAN: Well, and that's -- that's --  
34 CHAIRMAN MILLS: So --  
35 COMMISSIONER ALLAN: -- it is the practically of it -- I  
36 know you can't forecast --  
37 CHAIRMAN MILLS: Yeah.  
38 COMMISSIONER ALLAN: -- the weather for the next ten years.  
39 But you have to have some kind of study on whether or not this  
40 is going to be a practical use of our money because it's a lot

1 of money.

2 COMMISSIONER BAKKER: I'm going to take a stab at this  
3 motion that hopefully it's going to help everyone.

4 I'm going to make a motion to approve going forward with  
5 the Rock Creek Dam Project and putting out for bid for a  
6 consultant for the project with the -- to go to find a  
7 feasibility study. And before any money is spent or any money  
8 allocated out, it'll come back before this board to discuss.

9 COMMISSIONER CLARK: Okay.

10 COMMISSIONER ALLAN: That's convoluted.

11 CHAIRMAN MILLS: So basically get a bid for -- get a bid  
12 for a feasibility --

13 COMMISSIONER BAKKER: See if we can even find --

14 CHAIRMAN MILLS: -- study for a --

15 COMMISSIONER BAKKER: -- a consultant --

16 CHAIRMAN MILLS: -- (indiscernible).

17 COMMISSIONER BAKKER: -- that wants to come out and --

18 COMMISSIONER ALLAN: Yeah. Yeah. If there's somebody out  
19 there that can actually --

20 COMMISSIONER BAKKER: And in -- in the --

21 COMMISSIONER ALLAN: -- do it.

22 COMMISSIONER BAKKER: -- meantime, Keith, we need to speak  
23 with the other entities involved such as Newmont, Barrick.  
24 Because I know they have all the information. We went on a tour  
25 out there. And they were out there doing water flow checks,  
26 which will tell us most of the information we need.

27 We've already being negotiating with the tribe. But like I  
28 said, moving it to the other side of the mountain on private  
29 property takes that pretty much out of the picture, but we'll  
30 still keep them involved so they know what's going on.

31 Kind of move forward from there.

32 COMMISSIONER CLARK: Yeah. It'll only become an issue for  
33 the tribe if the water backs up to -- to Rock Creek Road where  
34 we were.

35 COMMISSIONER BAKKER: Right.

36 COMMISSIONER CLARK: And I don't know how many miles that  
37 is. I'm thinking probably five miles from --

38 COMMISSIONER BAKKER: It's four --

39 CHAIRMAN MILLS: I believe it's --

40 COMMISSIONER BAKKER: -- miles from the new site on the

1 other side of the mountain back to their sacred site.  
2 COMMISSIONER CLARK: Their sacred grounds? Four --  
3 COMMISSIONER BAKKER: Yeah.  
4 COMMISSIONER CLARK: -- miles?  
5 COMMISSIONER BAKKER: Uh-huh.  
6 COMMISSIONER CLARK: And, now, will this help us with the  
7 Pershing County issue?  
8 DISTRICT ATTORNEY HERRERA: If we had a reservoir?  
9 COMMISSIONER CLARK: Yeah.  
10 DISTRICT ATTORNEY HERRERA: Absolutely.  
11 COMMISSIONER CLARK: Okay.  
12 COMMISSIONER BAKKER: This helps all water right users in  
13 Lander --  
14 COMMISSIONER CLARK: Okay.  
15 COMMISSIONER BAKKER: -- County --  
16 CHAIRMAN MILLS: Right.  
17 COMMISSIONER CLARK: Okay.  
18 COMMISSIONER BAKKER: -- that are part of the Humboldt  
19 decree.  
20 CHAIRMAN MILLS: Okay. Sean's made a motion. Do we have a  
21 second?  
22 Okay. I'll second it.  
23 Okay. Sean made a motion. I seconded it.  
24 Do we have any public comment?  
25 (No comment.)  
26 CHAIRMAN MILLS: I'd love some public comment. Building a  
27 reservoir at Rock Creek's kind of a big deal. It'd be great to  
28 get some input.  
29 KATHY ANCHO: I have a comment. Like Art, I'm for the pro-  
30 -- oh.  
31 COMMISSIONER ALLAN: Please come up, --  
32 COMMISSIONER CLARK: You've got to --  
33 COMMISSIONER ALLAN: -- Kathy.  
34 COMMISSIONER CLARK: -- come up.  
35 KATHY ANCHO: Kathy Ancho, just from a public.  
36 Just -- I had been around when the project started  
37 originally way back. And like Art said, the millions of  
38 dollars. We had gone so far forward when we got stopped in our  
39 tracks.  
40 And I think as far as a feasibility, before a lot of money



1 is spent, that everybody's in -- in the party before we go any  
2 -- any further. Because it -- that's -- we went so far to where  
3 they were going to get ready to dam up. And we got shut down  
4 last time. And it was disheartening to the community and  
5 everybody involved.

6 So that's my only concern is that we don't get so far and  
7 then get shut right back down again. And not a ton of money is  
8 spent on it.

9 COMMISSIONER CLARK: Yeah, --

10 KATHY ANCHO: And then we get --

11 COMMISSIONER CLARK: -- I don't want to get in --

12 KATHY ANCHO: -- turned -- and then we get rolled back  
13 again with egg on our face of -- and a letdown to the community.  
14 Because the community really was excited about that, this  
15 project then and would be again. They are. Because if you  
16 speak to a lot of the older generation, they believe that it's  
17 already going forward and that all -- you know, everything's on  
18 its way forward. And I hate to see everybody to be disappointed  
19 again.

20 COMMISSIONER BAKKER: Well, and that's the -- the aspect of  
21 negotiating with Newmont on private property. Kind of  
22 eliminates the aspect of being shut down by the tribe or  
23 anything else because it is on private property.

24 COMMISSIONER CLARK: That's a --

25 COMMISSIONER BAKKER: And --

26 COMMISSIONER CLARK: That's a big difference from a long --

27 COMMISSIONER BAKKER: In '85 --

28 COMMISSIONER CLARK: -- time ago.

29 COMMISSIONER BAKKER: -- the same --

30 KATHY ANCHO: Yeah.

31 COMMISSIONER BAKKER: -- rancher that owned that --

32 KATHY ANCHO: Yeah.

33 COMMISSIONER BAKKER: -- property shut the county down too  
34 back in 1985. And then now Newmont owns that. TS --

35 KATHY ANCHO: Uh-huh.

36 COMMISSIONER BAKKER: -- TS owns that.

37 KATHY ANCHO: Okay.

38 COMMISSIONER BAKKER: Newmont.

39 KATHY ANCHO: Yeah.

40 COMMISSIONER BAKKER: But, anyway, so that rancher's gone

1 now that protested it in '85. And now it's on private property.  
2 KATHY ANCHO: Okay. And like you were --  
3 COMMISSIONER ALLAN: I thought --  
4 KATHY ANCHO: -- saying and I couldn't hear. I didn't mean  
5 to interrupt you. I'm sorry. How far was the --  
6 COMMISSIONER BAKKER: It's four miles.  
7 COMMISSIONER CLARK: Four miles.  
8 KATHY ANCHO: Four. Four miles.  
9 COMMISSIONER BAKKER: Yeah.  
10 KATHY ANCHO: Okay.  
11 COMMISSIONER BAKKER: So -- but --  
12 COMMISSIONER ALLAN: And I --  
13 COMMISSIONER BAKKER: -- there's a lot to look at, I mean,  
14 obviously.  
15 KATHY ANCHO: Oh.  
16 COMMISSIONER ALLAN: I think Kathy's got a really good  
17 point, that basically, you know, make sure everybody's on board.  
18 And -- and maybe we should -- should invite everybody to the  
19 party, you know. Come in and have -- have another item on the  
20 agenda with -- with all the players involved to discuss it so  
21 that it's -- it's very clear to the public and to the board and  
22 everybody involved that, okay, here -- here's what we want to  
23 do. Yes, I'm in agreement and -- and whatnot. And then -- and  
24 then go out for -- for a feasibility.  
25 COMMISSIONER BAKKER: And after talking with Newmont, part  
26 of that -- part of one of the -- probably going to be one of the  
27 biggest players out there today, what we decide to do moving  
28 forward, they're going to want a letter requesting their  
29 participation in this project in the land.  
30 So it all kind of hinged on where we go out here in a minute  
31 on moving forward or not.  
32 COMMISSIONER ALLAN: Well, and -- and by the same token is,  
33 yes, you know, we can request their participation. But we'd  
34 also like to get a response back saying, you know, hey, yeah.  
35 We're -- we're on board.  
36 COMMISSIONER BAKKER: Right. They didn't want --  
37 COMMISSIONER ALLAN: So --  
38 COMMISSIONER BAKKER: -- to fly out all their land realty  
39 specialists from Colorado and stuff and then sit here and then  
40 we tell them --

1 CHAIRMAN MILLS: Right.

2 COMMISSIONER BAKKER: -- no. So they -- it was just kind  
3 of hinged on what -- what we decide to do today on what  
4 Newmont's participation will be with us.

5 COMMISSIONER ALLAN: Well, so in light of that, I think,  
6 you know, I'll -- I'll make a second motion to --

7 DISTRICT ATTORNEY HERRERA: No, you --

8 CHAIRMAN MILLS: We have --

9 DISTRICT ATTORNEY HERRERA: We -- you have to -- you  
10 have --

11 COMMISSIONER ALLAN: Okay.

12 DISTRICT ATTORNEY HERRERA: You have to --

13 COMMISSIONER ALLAN: Okay.

14 DISTRICT ATTORNEY HERRERA: -- deal with the first motion  
15 because it was seconded.

16 CHAIRMAN MILLS: Okay. Thank you.

17 COMMISSIONER ALLAN: So then I'll --

18 COMMISSIONER BAKKER: Thanks, --

19 COMMISSIONER ALLAN: -- comment.

20 COMMISSIONER BAKKER: -- Kathy.

21 COMMISSIONER ALLAN: Thank you, Kathy.

22 So then I guess just as a comment to that, then, maybe  
23 changing the motion to basically bring this back on another agenda  
24 item when we can have interested parties come before the -- the  
25 commission and draft --

26 CHAIRMAN MILLS: I -- I don't know if you want to do that  
27 kind of get-together in a commission meeting. That probably  
28 should be separate from a commission meeting. But we should get  
29 them all together. I agree with that.

30 COMMISSIONER ALLAN: I want everything transparent here.  
31 I -- I mean, I have no idea what -- what you guys are  
32 negotiating. I don't know what the plan is.

33 COMMISSIONER BAKKER: There's no -- there's no details.  
34 There's no negotiation --

35 COMMISSIONER ALLAN: Well, that's --

36 COMMISSIONER BAKKER: -- until they --

37 COMMISSIONER ALLAN: -- that's --

38 COMMISSIONER BAKKER: -- they get the -- unless the  
39 county --

40 COMMISSIONER ALLAN: -- where I'm at.

1 COMMISSIONER BAKKER: -- wants to do this, then they'll  
2 turn around and say, okay, we'll work with you.  
3 COMMISSIONER ALLAN: And that's where I'm at is -- is the  
4 better understanding, a better idea of -- of, you know.  
5 COMMISSIONER BAKKER: What we're -- we -- I agree. I  
6 want --  
7 COMMISSIONER ALLAN: And so --  
8 COMMISSIONER BAKKER: -- one too. But, I mean, we -- we  
9 got to get to that point here.  
10 COMMISSIONER ALLAN: Okay. So that's, I guess, what I'm  
11 trying to get at is then in that case then instead of going with  
12 a consultant at this point is we need to say, yes, we're moving  
13 forward and the direction is to get the parties on the same  
14 page.  
15 COMMISSIONER BAKKER: Well, and we can just advertise for a  
16 consultant, see if there's anyone that's even interested in  
17 working with us. And that's what my motion was, though.  
18 CHAIRMAN MILLS: Don't we need a consultant to do the  
19 feasibility --  
20 COMMISSIONER CLARK: Okay.  
21 CHAIRMAN MILLS: -- study?  
22 COMMISSIONER ALLAN: Well, no. I -- I'm -- we need --  
23 COMMISSIONER CLARK: I need to hear --  
24 COMMISSIONER ALLAN: -- everybody on --  
25 COMMISSIONER CLARK: -- the motion --  
26 COMMISSIONER ALLAN: -- the same --  
27 COMMISSIONER CLARK: -- again.  
28 COMMISSIONER BAKKER: I don't know if I can repeat that,  
29 Art.  
30 COMMISSIONER CLARK: Well, --  
31 KEITH WESTENGARD: We can ask Emily --  
32 COMMISSIONER CLARK: -- you've got --  
33 KEITH WESTENGARD: -- to read it.  
34 COMMISSIONER CLARK: -- a motion. Judie's got a motion  
35 that's been --  
36 COMMISSIONER BAKKER: No, there's only one --  
37 COMMISSIONER ALLAN: No.  
38 COMMISSIONER BAKKER: -- motion on --  
39 COMMISSIONER CLARK: -- modified.  
40 COMMISSIONER BAKKER: -- the floor.

1 COMMISSIONER ALLAN: There's only one --  
2 COMMISSIONER BAKKER: There's only one motion on the floor.  
3 COMMISSIONER ALLAN: Only one. I'm just --  
4 COMMISSIONER BAKKER: All right. Let's --  
5 COMMISSIONER CLARK: Well, let's hear --  
6 COMMISSIONER BAKKER: -- vote on that, Doug.  
7 COMMISSIONER CLARK: Let's hear the motion.  
8 KEITH WESTENGARD: Emily, can --  
9 DISTRICT ATTORNEY HERRERA: Emily, can you read that back?  
10 EMILY HENDRIX: Yeah. Just a second.  
11 COMMISSIONER BAKKER: Holy cow.  
12 EMILY HENDRIX: Okay.  
13 So you motioned to approve going forward with the Rock Creek  
14 Dam Project and to advertise for a consultant for a feasibility  
15 study.  
16 COMMISSIONER CLARK: Has it --  
17 COMMISSIONER BAKKER: Okay. Let's vote.  
18 COMMISSIONER CLARK: -- been seconded?  
19 CHAIRMAN MILLS: I seconded --  
20 COMMISSIONER BAKKER: Doug --  
21 CHAIRMAN MILLS: -- it.  
22 COMMISSIONER BAKKER: -- seconded it.  
23 COMMISSIONER CLARK: All right. Okay.  
24 CHAIRMAN MILLS: Okay.  
25 All in -- well, any more public comment before we -- because  
26 I'll -- you know.  
27 COMMISSIONER WAITS: Could you repeat the motion for me?  
28 COMMISSIONER BAKKER: Patsy.  
29 Hey, Patsy, I made the motion to advertise for a consultant  
30 and --  
31 CHAIRMAN MILLS: Approve -- approve the project and  
32 advertise for a consultant.  
33 COMMISSIONER BAKKER: To approve the project to go out for  
34 advertisement for a consultant --  
35 DISTRICT ATTORNEY HERRERA: We'll --  
36 COMMISSIONER ALLAN: For a --  
37 DISTRICT ATTORNEY HERRERA: -- do a --  
38 COMMISSIONER ALLAN: -- feasibility --  
39 DISTRICT ATTORNEY HERRERA: -- feasibility --  
40 COMMISSIONER ALLAN: -- study.

1 COMMISSIONER BAKKER: For -- and to --  
2 CHAIRMAN MILLS: Feasibility study.  
3 COMMISSIONER BAKKER: -- see if we can get a feasibility  
4 study.  
5 COMMISSIONER CLARK: Right.  
6 COMMISSIONER WAITS: Thank you.  
7 COMMISSIONER BAKKER: Okay.  
8 CHAIRMAN MILLS: Okay.  
9 COMMISSIONER BAKKER: All in favor?  
10 CHAIRMAN MILLS: All in favor?  
11 COMMISSIONER BAKKER: Aye.  
12 CHAIRMAN MILLS: Aye.  
13 COMMISSIONER CLARK: Aye.  
14 COMMISSIONER WAITS: Aye.  
15 COMMISSIONER ALLAN: Aye.  
16 CHAIRMAN MILLS: Okay. Thank you.

17

18 25) Discussion and possible action to receive direction from the  
19 Lander County Commissioners on whether and/or how to proceed  
20 with the outdoor sports complex after taking an update from  
21 the executive director on costs to build, location of  
22 project, and any other information available on the building  
23 of this project, and all other matters properly related  
24 thereto.

25

26 CHAIRMAN MILLS: Moving on to Item Number 25.  
27 Discussion and possible action to receive direction from  
28 Lander County Commissioners on whether and/or how to proceed with  
29 the outdoor sports complex after t- -- after taking an update from  
30 the executive director on costs to build, location of project, and  
31 any other information available on the building of this project,  
32 and all other matters properly related thereto.

33 KEITH WESTENGARD: So in your books for the backup, I  
34 included the copy that we spoke of in the last meeting to -- to  
35 potentially put a -- a sports complex.

36 I don't really have any costs at this time because I -- I  
37 don't know exactly what you -- what the commission wants to do.

38 So that's what's -- what this is.

39 At the last meeting there seemed to be a lot of interest and  
40 -- and -- to go forward with it. So we -- I got the property

1 lines or the property in there that -- that I'm proposing for this  
2 project.

3 Once -- once we get to the -- once -- once you say to move  
4 forward and I can look at actually how many -- how many ball  
5 fields you want. Do you want soccer fields? Do you want tennis  
6 courts? Get some particulars. And then can I look at some --  
7 some pricing and look at hiring some -- a consultant possibly  
8 to -- to draw it all out, an architect or whatever we need to draw  
9 it all out and to -- to actually make a -- a full-on presentation.

10 COMMISSIONER BAKKER: Now does it -- this consist of two  
11 fields, four fields? What are we looking at?

12 CHAIRMAN MILLS: That's what --

13 KEITH WESTENGARD: That -- that's --

14 CHAIRMAN MILLS: -- he's asking.

15 KEITH WESTENGARD: -- what I'm asking you. My -- my  
16 original drawing showed five or my original --

17 COMMISSIONER BAKKER: Because you want to do a sports  
18 complex kind of like Winnemucca; right?

19 KEITH WESTENGARD: Yeah. Along those lines or -- or  
20 however you want to do it. But that's -- that's the idea is we  
21 have night -- we'll have ball fields. We have tennis courts.  
22 We have --

23 COMMISSIONER ALLAN: Soccer.

24 KEITH WESTENGARD: -- soccer.

25 COMMISSIONER CLARK: Wrestling room. And arena.

26 KEITH WESTENGARD: Wrestling room, arena.

27 COMMISSIONER ALLAN: Oh, boy. That just --

28 KEITH WESTENGARD: A --

29 COMMISSIONER ALLAN: -- opens up --

30 KEITH WESTENGARD: -- e- --

31 COMMISSIONER ALLAN: -- another --

32 KEITH WESTENGARD: -- equest- --

33 COMMISSIONER ALLAN: -- can of --

34 KEITH WESTENGARD: -- equestrian --

35 COMMISSIONER ALLAN: -- worms.

36 KEITH WESTENGARD: -- trails, whatever you want.

37 COMMISSIONER BAKKER: Let's just -- well, I mean, besides  
38 the consultant on the Rock Creek dam. But I think you're going  
39 to need to go for -- out for advertisement to get an architect  
40 on board or a consultant or however -- whatever you want to call

1 it.

2 KEITH WESTENGARD: All right.

3 COMMISSIONER BAKKER: But you're going to have to do an

4 RFQ -- request for bid -- or for proposals.

5 KEITH WESTENGARD: That -- that's what I'm after.

6 COMMISSIONER BAKKER: And then to move forward with it and

7 then bring that back. Because they'll come back with the design

8 and hopefully a cost.

9 KEITH WESTENGARD: That's -- that's exactly right.

10 COMMISSIONER BAKKER: Okay. So --

11 And then -- then you'll decide to freely move forward

12 whether or not because of the cost or to scrap it.

13 CHAIRMAN MILLS: As we --

14 COMMISSIONER BAKKER: So you need --

15 CHAIRMAN MILLS: -- as we --

16 COMMISSIONER BAKKER: -- direction to move forward with

17 that process.

18 CHAIRMAN MILLS: As we go into that, do we want to put a --

19 a dollar limit on the project?

20 COMMISSIONER BAKKER: They'll bring back --

21 COMMISSIONER ALLAN: We don't have --

22 COMMISSIONER BAKKER: -- the cost.

23 COMMISSIONER ALLAN: -- an idea anyway.

24 KEITH WESTENGARD: Yeah.

25 COMMISSIONER BAKKER: Like --

26 COMMISSIONER ALLAN: So that's --

27 COMMISSIONER BAKKER: -- the Rock Creek.

28 CHAIRMAN MILLS: So let's --

29 COMMISSIONER BAKKER: You know, they'll --

30 COMMISSIONER ALLAN: We got to -- we got --

31 COMMISSIONER BAKKER: -- they'll --

32 COMMISSIONER ALLAN: -- to have an --

33 CHAIRMAN MILLS: Even if we --

34 COMMISSIONER BAKKER: -- bring it back --

35 COMMISSIONER ALLAN: -- idea --

36 COMMISSIONER BAKKER: -- to you to approve.

37 COMMISSIONER ALLAN: -- before --

38 CHAIRMAN MILLS: When we present it --

39 COMMISSIONER ALLAN: -- we put a limit.

40 CHAIRMAN MILLS: -- to the architect instead of having it



1 open-ended, we -- we say we want to do a project. And it's --  
2 we want you to design something that's not going to exceed so  
3 many dollars as we move forward.

4 KEITH WESTENGARD: Well, I -- I think the way I would  
5 approach it, and this is just my opinion, is that we -- we -- we  
6 would have to sit down with someone.

7 And we would say, we have All-Stars here every five years.  
8 We have regular ball fields here. Little League. We have the  
9 high school teams. We have soccer -- people that like -- or teams  
10 that -- like for soccer, things like that.

11 And then they could say, okay, you've got so many ball games.  
12 You need so many fields for this. They're three times a week.  
13 They're five times a week. They're this time of year. So there's  
14 going to be some background that'll need to go into it. And then  
15 I would -- I would expect the architect or consultant to come up  
16 with a plan that fits our needs, that even would look into the  
17 future, 15 or 20 years.

18 Because this would be no -- no maintenance. That's the way I  
19 envision it -- or low maintenance.

20 COMMISSIONER BAKKER: Everything -- yeah -- has --

21 KEITH WESTENGARD: Low --

22 COMMISSIONER BAKKER: -- maintenance.

23 KEITH WESTENGARD: -- low -- low maintenance. Well, I'm  
24 talking about landscaping, --

25 COMMISSIONER ALLAN: Grass.

26 KEITH WESTENGARD: -- grass, watering, maintenance of -- of  
27 the lot -- of that.

28 So very low maintenance, very low cost as far as water would  
29 go, maintaining the fields, and so forth.

30 COMMISSIONER CLARK: So we'd actually be saving water, a  
31 lot of --

32 KEITH WESTENGARD: If --

33 COMMISSIONER CLARK: -- water in the --

34 KEITH WESTENGARD: Yeah.

35 COMMISSIONER CLARK: -- summertime.

36 KEITH WESTENGARD: Oh, yeah. A lots. Could be a lot of  
37 water.

38 COMMISSIONER BAKKER: (Indiscernible.) Girls All-Stars.  
39 Apparently our ball fields aren't compatible for girls  
40 All-Stars? Is that true, Bert?

1 I don't know either. Anyway --  
2 BERT RAMOS: First I've heard of it.  
3 COMMISSIONER BAKKER: Okay.  
4 BERT RAMOS: I don't know.  
5 COMMISSIONER BAKKER: That's why we host boys All-Stars.  
6 But we can't host girls because there is a difference?  
7 KEITH WESTENGARD: There -- there -- there is a difference.  
8 And I don't know the particulars as far as how -- how --  
9 COMMISSIONER BAKKER: So --  
10 KEITH WESTENGARD: -- far the --  
11 COMMISSIONER BAKKER: -- in --  
12 KEITH WESTENGARD: -- bases are --  
13 COMMISSIONER BAKKER: -- designing this --  
14 KEITH WESTENGARD: -- that --  
15 COMMISSIONER BAKKER: -- we need to make sure we  
16 encompass --  
17 KEITH WESTENGARD: Pitching within --  
18 COMMISSIONER BAKKER: -- girls All-Stars, --  
19 KEITH WESTENGARD: -- (indiscernible).  
20 COMMISSIONER BAKKER: -- boys All-Stars.  
21 COMMISSIONER CLARK: We've got the high school softball  
22 field. That's the right dimensions for softball.  
23 COMMISSIONER BAKKER: So you want to just keep that in mind  
24 as we move forward.  
25 KEITH WESTENGARD: Okay.  
26 COMMISSIONER CLARK: Yeah.  
27 CHAIRMAN MILLS: So, Bert, --  
28 COMMISSIONER CLARK: There's this --  
29 CHAIRMAN MILLS: -- on that, if -- if we put this sports  
30 complex out there, are we going to be able to connect that in  
31 with the purple pipe project so we can water it?  
32 COMMISSIONER CLARK: Yeah.  
33 BERT RAMOS: Bert Ramos, for the record.  
34 I'm hoping that you guys with all artificial turf. And --  
35 COMMISSIONER BAKKER: Oh.  
36 BERT RAMOS: -- the only water that we would need would be  
37 to cool the fields down for just comfort, not so much as steady  
38 watering. So it'll eliminate water.  
39 COMMISSIONER ALLAN: Do they --  
40 CHAIRMAN MILLS: Good point.

1 COMMISSIONER ALLAN: Do they do that at the football field?  
2 BERT RAMOS: No. But that was one of the design flaws. If  
3 you go to, like, a bigger -- a bigger community that they do  
4 encompass water that they kick on -- because if you shoot the  
5 actual green football field, it'll be hotter than the black  
6 track.  
7 COMMISSIONER ALLAN: Oh, I know. And that was one thing I  
8 mentioned to Keith when we were talking about it is it's very,  
9 very -- that artificial turf is very hot.  
10 BERT RAMOS: Yes. So is -- so is what they do in some of  
11 these other sports complexes is they actually have a water  
12 system that they may kick on for ten minutes or something just  
13 to knock the temperature of the field down before a practice or  
14 a game or something. But it's not a continuous water, mowing.  
15 COMMISSIONER ALLAN: Yeah.  
16 COMMISSIONER WAITS: Mr. Chair?  
17 CHAIRMAN MILLS: Yes.  
18 COMMISSIONER WAITS: Yes. May I also ask perhaps  
19 simultaneously that we look to see if there's any grants out  
20 there for this type of a arena that we could look at. I know  
21 that there are organizations and conservation funds that have  
22 been available. We -- they did a fourth field in Jackpot, and  
23 they've done a couple in Carlin. They did their ball field,  
24 their equestrian center. I know there -- there are some out  
25 there. Perhaps we can be looking at that at the same time to  
26 see what might be available?  
27 COMMISSIONER CLARK: Grants?  
28 CHAIRMAN MILLS: Okay.  
29 COMMISSIONER BAKKER: Okay.  
30 CHAIRMAN MILLS: Yeah.  
31 COMMISSIONER CLARK: Isn't that dependent on need?  
32 COMMISSIONER WAITS: Not --  
33 CHAIRMAN MILLS: In most.  
34 COMMISSIONER WAITS: -- necessarily. Clark County gets  
35 them all the time.  
36 COMMISSIONER BAKKER: But with --  
37 COMMISSIONER CLARK: I don't think Clark County has  
38 \$160 million in the bank.  
39 COMMISSIONER BAKKER: Well, it's worth taking a look at.  
40 CHAIRMAN MILLS: Yeah, it's worth looking --

1 COMMISSIONER BAKKER: Keith.  
2 CHAIRMAN MILLS: -- into.  
3 COMMISSIONER ALLAN: Yeah. Never hurts.  
4 I'm going to make a motion that we direct our executive  
5 director to advertise and investigate into getting a design -- a  
6 firm for design with costs to build the Lander County outdoor  
7 sports complex.  
8 Do we need anything more on that?  
9 KEITH WESTENGARD: That covers it. Thank you.  
10 COMMISSIONER BAKKER: Second.  
11 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
12 seconded.  
13 Do we have any public comment?  
14 (No comment.)  
15 CHAIRMAN MILLS: All in favor?  
16 COMMISSIONER BAKKER: Aye.  
17 CHAIRMAN MILLS: Aye.  
18 COMMISSIONER ALLAN: Aye.  
19 COMMISSIONER CLARK: Aye.  
20 COMMISSIONER WAITS: Aye.

21  
22  
23 **FINANCE**

24  
25 **26) Discussion and possible action to approve/disapprove**  
26 **Resolution 2018-05 augmenting the FY 2017-2018 budget, and**  
27 **all other matters properly related thereto.**  
28

29 CHAIRMAN MILLS: Okay. Twenty-six. Discussion and  
30 possible action to approve/disapprove Resolution 2018-05  
31 augmenting the fiscal year 2017-2018 budget, and all other  
32 matters properly related thereto.

33 CINDY BENSON: Hello.

34 CHAIRMAN MILLS: Hey, Cindy.

35 COMMISSIONER BAKKER: Hi, Cindy.

36 COMMISSIONER CLARK: Hi, Cindy.

37 CINDY BENSON: Cindy Benson, for the record.

38 Okay. So --

39 Let me get to here.

40 Okay. So do you -- do I need to read the whole thing?

1 Probably?

2 Okay. So this is resolution --

3 DISTRICT ATTORNEY HERRERA: No, no, no. You -- you don't

4 have to read it.

5 CINDY BENSON: Oh, I don't have to read it?

6 DISTRICT ATTORNEY HERRERA: If they -- they have to read it

7 if they're going to approve it.

8 CINDY BENSON: Oh, okay.

9 DISTRICT ATTORNEY HERRERA: But --

10 CINDY BENSON: Perfect.

11 DISTRICT ATTORNEY HERRERA: -- I mean, if you want to read

12 it, I'm not telling you --

13 CINDY BENSON: No. That's okay.

14 CHAIRMAN MILLS: Yeah. Don't -- we have to read it in

15 anyway, just -- we're okay.

16 CINDY BENSON: Okay.

17 CHAIRMAN MILLS: So this is -- we're augmenting 2017-2018

18 budget?

19 COMMISSIONER ALLAN: All right.

20 CHAIRMAN MILLS: Okay.

21 COMMISSIONER ALLAN: So I'll make a motion to approve

22 Resolution Number 2018-05 of the Board of Lander County

23 Commissioners, a re- -- resolution to augment the fiscal year

24 2017-2018 budget of the General Fund, 001; the Indigent Fund,

25 003; and the Culture & Recreational Fund, 052.

26 Whereas certain funds of the approved budget require

27 changes based on requests from department heads or elected

28 officials which changes are specifically described in detail

29 below.

30 Whereas certain areas of the approved budget require changes

31 to reflect budgetary -- or budgeting according to generally

32 accepted accounting principles with changes -- which changes are

33 specifically described in detail below.

34 And whereas in the General Fund, 001, Lander County Board of

35 Commissioners desires to fund an additional 72,744 to Department

36 009 -- building maintenance for salaries and wages, 48,444;

37 insurance 7,640; Medicare, \$1,030; FICA, \$380; and PERS, 15,250 --

38 a thousand to Department 021, District Attorney, for salaries and

39 wages. The available resources for this augmentation came from a

40 higher than anticipated fund balance.

1 And whereas in the Indigent Fund, 003, Lander County Board of  
2 Commissioners desires to fund an additional 4,180 to Department  
3 040, health nurse, for salary and wages. The available resources  
4 for this augmentation came from a higher than anticipated fund  
5 balance.

6 And whereas in the Cultural & Recreation Fund 052, Lander  
7 County Board of Commissioners desire to fund an additional \$30,000  
8 to Department 055, Battle Mountain pool, for PERS. The available  
9 resources for this augmentation came from a higher than  
10 anticipated fund balance.

11 Past and adopted this four -- 28th day of June 2018.

12 COMMISSIONER BAKKER: Second.

13 CHAIRMAN MILLS: Okay. Judie made a motion. Sean  
14 seconded.

15 Do we have any public comment?

16 (No comment.)

17 CHAIRMAN MILLS: All in favor?

18 COMMISSIONER BAKKER: Aye.

19 COMMISSIONER ALLAN: Aye.

20 CHAIRMAN MILLS: Aye.

21 COMMISSIONER CLARK: Aye.

22 COMMISSIONER WAITS: Aye.

23 COMMISSIONER BAKKER: Thank you, Cindy.

24 CINDY BENSON: Uh-huh.

25 CHAIRMAN MILLS: Now --

26 COMMISSIONER BAKKER: Well, I guess you're still on here.

27 CHAIRMAN MILLS: Yeah.

28 CINDY BENSON: Yeah.

29  
30 **28) Update on budget review, contracts, financial update, and all**  
31 **other matters properly related thereto.**  
32

33 CHAIRMAN MILLS: Item 28. Update on budget review,  
34 contracts, financial update, and all other matters properly  
35 related thereto.

36 CINDY BENSON: Okay.

37 So first, I have a write off in the amount of \$96 from the  
38 Lander County Landfill.

39 We have used up all of our resources to try to co- -- recover  
40 this money. And it just is -- we need to write it off.

1 Second, the fire department. Ron over here, he has ordered a  
2 water truck for the -- for the fire department from the Nevada  
3 state purchasing.

4 The truck right now is sitting in Phoenix, Arizona. They're  
5 not through with it. They're -- they're waiting on the tank.

6 This truck was ordered clear back in February, was supposed  
7 to be done and delivered to Battle Mountain by June 30th.

8 It's not going to make it.

9 So I've come before you guys to ask -- because I've -- I've  
10 contacted our auditors, and they said --

11 COMMISSIONER BAKKER: We've got --

12 CINDY BENSON: -- that beca- -- it's more of a policy for  
13 Lander County for it to be here by June 30th. And that also  
14 falls within the GASBI standards.

15 So anyway, basically I've come to ask, to see if there is any  
16 way that the commission, whether -- if I have to come before you,  
17 if I have to make this a des- -- a -- for -- oh, (indiscernible).  
18 I'm -- I'm --

19 COMMISSIONER BAKKER: Cindy, you've got to roll it  
20 over from July 1. I get what --

21 CINDY BENSON: Sorry.

22 COMMISSIONER BAKKER: -- you're saying.

23 CINDY BENSON: Yeah. So anyway, what I'm asking is, is  
24 there any way that the commission can approve for this vehicle  
25 to arrive after July 1 and still come out of this year's budget?

26 COMMISSIONER BAKKER: Right.

27 CHAIRMAN MILLS: I think we should just forgot the whole  
28 thing.

29 COMMISSIONER BAKKER: I -- I don't --

30 CINDY BENSON: And I slaughtered --

31 COMMISSIONER BAKKER: -- think -- it shouldn't --

32 CINDY BENSON: -- that.

33 COMMISSIONER BAKKER: -- be a problem, Cindy. I mean,  
34 if -- I think put it on the ne- -- an agenda, which will be  
35 after July 1, I know, to ratify what we're talking about here.

36 KEITH WESTENGARD: Is this the automatic or the manual?

37 COMMISSIONER BAKKER: Apparently it's a manual. Because  
38 it's supposed to be an automatic, but Ron doesn't -- he, you  
39 know --

40 CHAIRMAN MILLS: He's -- he -- he's getting mad now.

1 COMMISSIONER BAKKER: I would say --  
2 KEITH WESTENGARD: Okay.  
3 COMMISSIONER BAKKER: -- do -- do what you got to do to  
4 make sure it's --  
5 CHAIRMAN MILLS: Yeah.  
6 COMMISSIONER BAKKER: -- covered. And then we'll just  
7 ratify it.  
8 KEITH WESTENGARD: Okay.  
9 CHAIRMAN MILLS: Yeah.  
10 CINDY BENSON: When it gets here?  
11 COMMISSIONER BAKKER: Yep.  
12 CHAIRMAN MILLS: Yep.  
13 We'll -- we'll --  
14 CINDY BENSON: Okay.  
15 CHAIRMAN MILLS: -- we'll do whatever we have to --  
16 COMMISSIONER BAKKER: Unless there's a --  
17 CHAIRMAN MILLS: -- do.  
18 COMMISSIONER BAKKER: -- objections.  
19 CHAIRMAN MILLS: We'll -- we'll approve whatever we have --  
20 COMMISSIONER BAKKER: Art?  
21 CHAIRMAN MILLS: -- to approve. We -- we'll get the truck  
22 and --  
23 COMMISSIONER BAKKER: You good?  
24 CHAIRMAN MILLS: -- we'll make it work.  
25 COMMISSIONER BAKKER: Patsy, does that sound okay?  
26 COMMISSIONER WAITS: I'm okay with that.  
27 COMMISSIONER BAKKER: Okay. Yeah.  
28 KEITH WESTENGARD: Yeah.  
29 COMMISSIONER BAKKER: So do what you have to do --  
30 CINDY BENSON: Okay.  
31 COMMISSIONER BAKKER: -- and then we'll ratify it.  
32 CHAIRMAN MILLS: Yep.  
33 CINDY BENSON: Okay. Thank you.  
34 And then lastly, I just wanted to let you know that the  
35 2017-18 annual fiscal report has been advertised and sent to the  
36 Department of Taxation.  
37 COMMISSIONER BAKKER: Good job.  
38 CINDY BENSON: And that's all I have.  
39 Oh, and also that I have received my March through May  
40 reconciliations from the Treasurer's Department.



1 COMMISSIONER BAKKER: You're kidding me.  
2 CHAIRMAN MILLS: Oh, okay. Good.  
3 CINDY BENSON: Yeah.  
4 COMMISSIONER ALLAN: Good job.  
5 CINDY BENSON: And I -- I believe -- oh, he left.  
6 KEITH WESTENGARD: We need to -- the treasurer has  
7 requested we open up -- open back up Number 11. They were  
8 sending out the delinquent tax accounts. There was -- there was  
9 a little increase.  
10 CHAIRMAN MILLS: Oh.  
11 KEITH WESTENGARD: So the numbers need to be adjusted.  
12 He -- I only caught part of it. I guess he's left.  
13 He's supposed to be getting the -- the final numbers right  
14 now. But it went from the 42,868.44 to -- all I caught and all I  
15 could hear him say was 53,000 something. So he's going to get the  
16 exact numbers.  
17 COMMISSIONER ALLAN: Well, actually, there's a 63,000  
18 listed. So --  
19 KEITH WESTENGARD: It's number A.  
20 On number --  
21 COMMISSIONER ALLAN: Yeah.  
22 KEITH WESTENGARD: -- 11a.  
23 It's -- so --  
24 CHAIRMAN MILLS: All right. We'll just wait for him --  
25 KEITH WESTENGARD: Yeah.  
26 CHAIRMAN MILLS: -- to get back.  
27 KEITH WESTENGARD: See what we have.

28  
29  
30 **CORRESPONDENCE**

31  
32 **29) Correspondence, reports, potential upcoming agenda items.**

33  
34 CHAIRMAN MILLS: In the meantime, let's do correspondence.  
35 We'll do correspondence, reports, potential upcoming agenda  
36 items.

37  
38 (The following correspondence was received:

39 1. United States Department of the Interior, Bureau of  
40 Land Management, Mount Lewis Field Office, regarding Final

1 Argenta, Copper Canyon, and North Buffalo Rangeland Health  
2 Assessment and Evaluation Report.

3 2. State of Nevada, Department of Conservation and  
4 Natural Resources, regarding Thomas Hoffman Trucking Spill  
5 Report Number 180402-02.)  
6

7 COMMISSIONER CLARK: Just the one on North Fork Road.

8 KEITH WESTENGARD: I got that one right here.

9 Yep.

10 COMMISSIONER ALLAN: And I would like to have it on the  
11 agenda to discuss the livestock events board -- the rodeo board.

12 COMMISSIONER BAKKER: That's with the -- what -- with --

13 CHAIRMAN MILLS: Figure out what they're doing.

14 COMMISSIONER BAKKER: Oh, okay.

15 CHAIRMAN MILLS: All right.

16 COMMISSIONER ALLAN: Well, actually I'd like to see it on  
17 the agenda to dissolve the board and move forward with that.

18 COMMISSIONER BAKKER: And are they -- aren't they -- are  
19 they moving forward to the 501(c)(3) or something? Or --

20 COMMISSIONER ALLAN: Well, and I think that's something  
21 that needs to be discussed, you know, on -- under an agenda item  
22 is to dissolve, you know -- as a commission to discuss whether  
23 we want to dissolve the board, you know, whether the rodeo club  
24 wants to do it, you know. They can form a 501(c)(3) all they  
25 want and do whatever they want. But how we're going to work  
26 with that.

27 So the agenda item itself would be to discuss whether or  
28 not to dissolve or continue with the livestock board.

29 KEITH WESTENGARD: Okay.

30 COMMISSIONER BAKKER: Okay.

31 KEITH WESTENGARD: Anything else?

32 COMMISSIONER BAKKER: Gene?

33 COMMISSIONER WAITS: Mr. Chair?

34 COMMISSIONER BAKKER: Oh, yep.

35 CHAIRMAN MILLS: Go ahead.

36 COMMISSIONER WAITS: Yeah. Just for the record, I just  
37 wanted to say first of all my apologies for not being on the  
38 call timely.

39 But, as you know, I'm at the NACO office. And our Deputy  
40 Secretary of the Interior David Bernhardt addressed us today.

1 The PILT check, full funding for Nevada, was deposited  
2 yesterday.

3 And he spoke to just a -- a few of us individually. We had a  
4 one on one.

5 And I just wanted to mention it was a true light of  
6 encouragement in the arena of the federal bureaucracy. I'm  
7 anxious to pass it all on to you. And it was an exciting meeting.

8 Thank you.

9 COMMISSIONER BAKKER: Thank you.

10 CHAIRMAN MILLS: Okay. Thanks, Patsy.

11  
12  
13 **TREASURER**

- 14  
15 11) **Discussion for possible action to approve/disapprove payment**  
16 **for delinquent water/sewer accounts for 2017-2018 and**  
17 **reconcile on June 28, 2018: a) to pay accounts according to**  
18 **LCC Section 13.04.050(7)(E) Battle Mountain in an amount not**  
19 **to exceed \$42,868.44; b) to pay accounts according to LCC**  
20 **Section 13.08.050 Lander county Combined Sewer and Water**  
21 **District #2 in an amount not to exceed \$7,724.04; and all**  
22 **other matters properly related thereto.**

23  
24 CHAIRMAN MILLS: Okay. Let's go back to Item 11.

25 So this was discussion and possible action to  
26 approve/disapprove payment for delinquent water and sewer accounts  
27 for 2017-18 and reconcile on June 28, 2018.

28 I understand there's a change in one of our numbers.

29 GENE ETCHEVERRY: Yes. Chairman Mills, members of the  
30 commission. Gene Etcheverry, Lander County treasurer.

31 And we did the reconciliation that I referred to during the  
32 agenda item. And I -- you knew there had to be some other than  
33 good news that was coming your way. And here it is.

34 Instead of that number going down, as we would expect, it  
35 went up substantially. The total amount liened as of today is  
36 \$53,208.05 for the Battle Mountain water and sewer system.

37 COMMISSIONER ALLAN: Should have went down 80 bucks because  
38 I just went and paid my bill. So...

39 KEITH WESTENGARD: Was it delinquent?

40 COMMISSIONER BAKKER: No, it wasn't delinquent.

1 GENE ETCHEVERRY: Not a delinquent account, Commissioner  
2 Bakker.

3 COMMISSIONER ALLAN: So because we have an amount stated on  
4 here, on the agenda, it was specific, would we have to  
5 reagendaize this to reflect the current amount? Or the correct  
6 amount?

7 COMMISSIONER BAKKER: I wouldn't --

8 COMMISSIONER ALLAN: We have given notice that -- that the  
9 amount was \$42,868.44, which it's not.

10 KEITH WESTENGARD: Mr. DA?

11 DISTRICT ATTORNEY HERRERA: Are you asking me?

12 KEITH WESTENGARD: I'm asking -- she's asking you.

13 COMMISSIONER ALLAN: Well, either that or I'm stating a  
14 fact.

15 DISTRICT ATTORNEY HERRERA: Well, the -- the difference --  
16 I'm not going to respond to one of them.

17 COMMISSIONER ALLAN: It's not agendaized properly so  
18 therefore we have to reagendaize it and bring it back.

19 DISTRICT ATTORNEY HERRERA: That's -- that's true.

20 CHAIRMAN MILLS: Okay. We'll do it that way.

21 COMMISSIONER BAKKER: Cool.

22 GENE ETCHEVERRY: Sounds --

23 COMMISSIONER BAKKER: Good --

24 GENE ETCHEVERRY: -- good.

25 COMMISSIONER BAKKER: -- job.

26 GENE ETCHEVERRY: Thank you.

27 CHAIRMAN MILLS: Okay. Thanks, Gene.

28 COMMISSIONER BAKKER: Okay. Thanks, Gene.

29 CHAIRMAN MILLS: Did that. Did that. We are on public  
30 comment.

31 COMMISSIONER BAKKER: For nonagendaized items.

32 CHAIRMAN MILLS: See if this one --

33 DISTRICT ATTORNEY HERRERA: I didn't know if --

34 CHAIRMAN MILLS: -- works today.

35 DISTRICT ATTORNEY HERRERA: -- she was asking me.

36  
37  
38  
39  
40

1     **PUBLIC COMMENT**

2  
3           CHAIRMAN MILLS: Public comment for nonagendized items  
4 only.

5           Persons are invited to submit comment in writing and/or  
6 attend and make comments on nonagenda item at the board meeting,  
7 if any, and discussion of those comments at the discretion of  
8 the board. All public comment may be limited to three minutes  
9 per person, again at the discretion of the board. Reasonable  
10 restrictions may be placed in public comment --

11  
12           (Cell phone ringing.)

13  
14           CHAIRMAN MILLS: -- based upon time, place, and manner, but  
15 public comment based upon viewpoint may not be restricted.

16           Do we have any --

17           COMMISSIONER BAKKER: Hoy.

18           CHAIRMAN MILLS: -- public comment?

19  
20           (Cell phone ringing.)

21  
22           COMMISSIONER BAKKER: What's up?

23           COMMISSIONER ALLAN: This is scary.

24           BERT RAMOS: Bert Ramos, for the record.

25  
26           (Cell phone ringing.)

27  
28           BERT RAMOS: So I do have public comment because I didn't  
29 have a public works update. But I couldn't cover that in any  
30 way because it probably needs to be an agenda item. But I want  
31 to update the whole board while I have you guys here on what's  
32 going on with the golf course well.

33           So we've drilled the well. We've done our pump test.  
34 We've done our drawdown test. We've done everything that we can  
35 do on that.

36           As far as the arsenic, it's outstanding. We -- it's --  
37 it's a great well if we wanted to put it to the -- to the  
38 system.

39           There's bad news. We're only getting about 450 gallons a  
40 minute out of it.

1 CHAIRMAN MILLS: Wow.

2 BERT RAMOS: So the -- the options we have here are --  
3 because we had the other well failing is -- and the initial  
4 project started with us trying to get the golf course off the  
5 municipal system.

6 We can tie our current Well Number 9 into this well and  
7 feed the golf course and take it off the system.

8 Or we can go forward and make this a municipal well, which  
9 would be considerably more expensive when we build a chlorine  
10 house and we start injecting into the system and start pumping to  
11 our system, which isn't a substantial amount of water.

12 We also have enough money left over there -- because we  
13 only drilled the well to 200 -- a little over 240 feet. So we  
14 didn't go to full development, which left over a considerable  
15 amount of money.

16 We could drill another well or continue -- we have three  
17 wells we could drill out there, new wells at the golf course.  
18 These are 100-plus year wells with the stainless steel casing, and  
19 they're -- and they're drilled to municipal standard.

20 Now the development and -- and that is -- when you put the  
21 chlorine house, that's when it gets expensive. The expense in  
22 making it municipal or irrigation in the drilling process is not  
23 that much different.

24 So with this commission's thoughts, since we -- it's not an  
25 action item. And I didn't know this until, like I say, we just  
26 finished the pump test this Monday, was the 72-hour pump test  
27 finished.

28 Personally, I would like to see it go to the golf course. It  
29 takes, you know, 400,000 gallons a day off of our -- off of our  
30 system. And then maybe we come back and revisit this.

31 We -- we'd get a big credit from -- from our well drillers.  
32 Or if you guys have a well, another well somewhere that you guys  
33 would like replaced, say, at the airport or anywhere else, right  
34 now would be the time to do it because we have the casing and  
35 the -- and the driller on-site. And -- and they're willing to  
36 work with us to go anywhere else that we would like them in the  
37 county if we'd like to go anywhere else. If not, no big deal.  
38 And we can call this a project other than tying that into the  
39 system and completing the -- the golf course off the system.

40 So I know you guys can't make a motion, but I would like some

1 thoughts and -- and maybe even a little bit of -- of direction  
2 here.

3 COMMISSIONER ALLAN: I think that should have been an  
4 agenda item, though.

5 BERT RAMOS: It should have been.

6 COMMISSIONER ALLAN: Because we really can't even -- I  
7 mean, we can have discussion to an extent.

8 BERT RAMOS: And -- and I wouldn't bring it up even in  
9 public comment. I'd bring it back as a -- as an agenda item.  
10 The -- the problem is I don't want our well drillers --

11 COMMISSIONER BAKKER: Sitting there for --

12 BERT RAMOS: -- holding --

13 COMMISSIONER BAKKER: -- two weeks.

14 BERT RAMOS: Yes. Sitting here -- well, for -- yeah --

15 COMMISSIONER BAKKER: Three weeks.

16 BERT RAMOS: -- next -- three weeks.

17 COMMISSIONER BAKKER: Charging us.

18 BERT RAMOS: Three weeks. They aren't charging us, but --

19 COMMISSIONER BAKKER: Okay.

20 BERT RAMOS: -- their -- but their equipment's sitting here  
21 for three weeks when they can mobilize out to somewhere else.  
22 So it's --

23 COMMISSIONER CLARK: Well, if get -- if you just had the  
24 test on Monday, there's no way you could have an agenda item.

25 BERT RAMOS: No. And that's -- that's where -- that's  
26 where it kind of made it a little bit --

27 COMMISSIONER CLARK: A little bit of an emergency here.

28 BERT RAMOS: Yeah. So I'm -- I'm just bringing it, like I  
29 say, just gen- -- if -- if I got your guys' thoughts, I'm not  
30 afraid to -- and -- and --

31 COMMISSIONER BAKKER: We can (indiscernible).

32 BERT RAMOS: In my position, I can make the decision. I  
33 just don't feel that it'd be a proper one without some --

34 COMMISSIONER BAKKER: Give him --

35 BERT RAMOS: -- thoughts --

36 COMMISSIONER BAKKER: -- the thoughts of --

37 BERT RAMOS: -- of you guys.

38 COMMISSIONER BAKKER: -- the board.

39 BERT RAMOS: Uh-huh.

40 COMMISSIONER CLARK: No, I'll back --

1 CHAIRMAN MILLS: So just for --  
2 COMMISSIONER CLARK: -- your decision, Bert. I always  
3 have.  
4 CHAIRMAN MILLS: Just --  
5 BERT RAMOS: Thanks, Art.  
6 CHAIRMAN MILLS: -- from my opinion, I -- I like the idea  
7 of getting the golf course off the city system.  
8 COMMISSIONER WAITS: But you can't do any discussion in  
9 public comment.  
10 CHAIRMAN MILLS: Well, this --  
11 COMMISSIONER BAKKER: Yeah, we can't --  
12 CHAIRMAN MILLS: It -- it says --  
13 COMMISSIONER ALLAN: You can actually do some discussion.  
14 You can't --  
15 COMMISSIONER WAITS: Nope.  
16 COMMISSIONER ALLAN: -- make any decisions.  
17 COMMISSIONER WAITS: No.  
18 COMMISSIONER ALLAN: No, actually --  
19 COMMISSIONER WAITS: No.  
20 COMMISSIONER ALLAN: -- I have --  
21 COMMISSIONER WAITS: No discussion.  
22 DISTRICT ATTORNEY HERRERA: You can't --  
23 COMMISSIONER WAITS: No.  
24 DISTRICT ATTORNEY HERRERA: -- deliberate.  
25 COMMISSIONER ALLAN: We're not deliberating.  
26 DISTRICT ATTORNEY HERRERA: You can't discuss it.  
27 COMMISSIONER CLARK: We are deliberating.  
28 BERT RAMOS: So I guess maybe after this --  
29 CHAIRMAN MILLS: Discussion is that the discr- -- discussion  
30 is at the discretion of --  
31 KEITH WESTENGARD: How about Bert and I --  
32 CHAIRMAN MILLS: -- the board.  
33 KEITH WESTENGARD: -- how about Bert and I will go talk  
34 about it.  
35 COMMISSIONER CLARK: Yeah. And make --  
36 KEITH WESTENGARD: And we'll --  
37 COMMISSIONER CLARK: -- a decision.  
38 KEITH WESTENGARD: And decide and get your ratify  
39 something.  
40 BERT RAMOS: I'll be back in my office for anybody that



1 would like to stop by.  
2 CHAIRMAN MILLS: We'll do it that way.  
3 KEITH WESTENGARD: Not on the record, Bert.  
4 BERT RAMOS: Yes. No.  
5 COMMISSIONER CLARK: You know, Bert --  
6 BERT RAMOS: I say that -- I say that jokingly. And like I  
7 say, with -- in -- in my -- in my position, I can make the -- I  
8 can make the call without it coming to the board. I just don't  
9 feel that that's proper. And I didn't have time to put it on  
10 the agenda. And because this is a -- this is a big decision --  
11 COMMISSIONER BAKKER: This is a big --  
12 BERT RAMOS: -- and a lot --  
13 COMMISSIONER BAKKER: -- decision.  
14 BERT RAMOS: -- of money.  
15 CHAIRMAN MILLS: Right.  
16 COMMISSIONER BAKKER: This is supposed to be our water  
17 supply for a while.  
18 BERT RAMOS: Well, and it could be, you know, I mean, like  
19 I say, it takes enough off of the system putting it to the golf  
20 course that -- that it can -- it's huge. I mean, that's a --  
21 that's a tremendous number of homes. I should have done the  
22 math on that. So --  
23 COMMISSIONER BAKKER: You're cut off from public comment  
24 ever again.  
25 BERT RAMOS: Thank you, guys, for letting me comment.  
26 CHAIRMAN MILLS: Now.  
27 COMMISSIONER BAKKER: Oh, boy. Okay.  
28 CHAIRMAN MILLS: Do we have -- do we have any other public  
29 comment?  
30 BERT RAMOS: I'll (indiscernible).  
31 KEITH WESTENGARD: We'll make a --  
32 EMILY HENDRIX: Lunchtime.  
33 KEITH WESTENGARD: -- decision and have them --  
34 COMMISSIONER BAKKER: Yep.  
35 KEITH WESTENGARD: -- ratify.  
36 COMMISSIONER ALLAN: Yeah.  
37  
38  
39  
40

1 **ADJOURNMENT**

2  
3 CHAIRMAN MILLS: I'll make a motion to adjourn.

4 COMMISSIONER CLARK: Yay.

5 COMMISSIONER ALLAN: Second.

6 CHAIRMAN MILLS: All in favor?

7 COMMISSIONER BAKKER: Aye.

8 CHAIRMAN MILLS: Aye.

9 COMMISSIONER CLARK: Aye.

10 CHAIRMAN MILLS: Thank you, all.

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

21  
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23  
24  
25  
26 **ATTEST: \_\_\_\_\_**  
27 **LANDER COUNTY CLERK**

28  
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36  
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38  
39 *Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of*  
40 *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 28TH DAY OF JUNE, 2018, 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

25  
26 \_\_\_\_\_  
27 TIFFANY ELKINGTON, CCR #930  
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<p>ABBY BURKHART: [3] 31/27 32/22 34/6                  BERT RAMOS: [94] 84/18 84/24 84/40 85/5 85/7 85/9 88/2 88/4 88/7 89/31 90/7 90/9 90/11 90/14 90/28 90/38 91/1 91/3 91/5 91/7 91/9 91/11 91/22 91/31 91/33 91/38 91/40 92/3 92/9 92/16 93/7 93/10 93/12 93/16 93/35 94/15 94/18 94/20 94/22 94/24 94/26 94/31 94/33 94/36 94/39 95/1 95/5 95/8 95/11 95/13 95/15 95/25 95/27 95/29 95/31 95/33 95/36 95/38 95/40 96/2 96/28 96/30 122/1 122/3 122/32 122/35 123/1 123/9 133/23 133/26 134/1 135/4 135/7 135/11 135/13 135/15 135/17 135/19 135/24 135/27 135/31 135/34 135/36 135/38 136/4 136/27 136/39 137/3 137/5 137/11 137/13 137/17 137/24 137/29                  CAYLA MILLSAP: [37] 57/37 57/40 58/20 58/22 58/24 58/27 58/31 58/33 58/37 59/1 59/4 60/3 60/9 60/17 60/19 60/21 60/32 61/27 61/29 61/33 61/35 61/37 61/40 62/2 62/7 62/10 62/13 62/15 62/29 62/31 62/34 62/36 63/1 63/3 63/6 63/8 63/35                  CHAIRMAN MILLS: [473]                  CINDY BENSON: [22] 124/32 124/36 125/4 125/7 125/9 125/12 125/15 126/23 126/27 126/35 127/11 127/20 127/22 127/29 127/31 128/9 128/13 128/29 128/32 128/37 129/2 129/4                  COMMISSIONER ALLAN: [338]                  COMMISSIONER BAKKER: [366]                  COMMISSIONER CLARK: [347]                  COMMISSIONER WAITS: [55] 29/19 29/22 29/24 29/30 30/35 32/8 34/3 34/8 39/25 47/26 50/8 51/4 52/1 52/6 52/31 53/10 53/17 53/25 54/19 54/21 54/25 54/27 55/5 55/7 55/9 55/11 56/29 63/32 66/15 66/19 72/38 74/37 75/36 76/30 77/17 97/1 108/20 117/26 118/5 118/13 123/15 123/17 123/31 123/33 124/19 126/21 128/25 130/32 130/35 136/7 136/14 136/16 136/18 136/20 136/22                  DAVID MOORE: [1] 73/38                  DIANE ARVIZO: [11] 34/33 34/40 35/3 35/5 38/14 38/17 38/27 39/27 39/29 39/31 39/33                  DISTRICT ATTORNEY HERRERA: [141]                  DONNA SOSSA: [11] 70/39 71/2 71/4 71/7 71/11 71/19 71/31 72/1 72/6 72/8 72/12                  EMILY HENDRIX: [3] 117/9 117/11 137/31                  FRANK WHITMAN: [14] 29/27 29/29 103/35 103/37 104/5 104/7 104/11 104/15 104/18 104/20 104/22 104/24 104/26 104/29                  GENE ETCHEVERRY: [33] 40/36 41/40 42/2 42/4 42/9 42/11 42/13 42/16 43/32 43/37 44/12 45/8 45/11 45/14 45/19 45/21 45/23 45/25 46/8 47/29 47/35 48/3 48/17 48/19 48/26 49/20 50/22 51/5 131/28 131/40 132/21 132/23 132/25                  JEANNE FALZONE: [5] 3/14 3/16 3/18 7/12 7/16                  KATHY ANCHO: [14] 112/28 112/34 113/9 113/11 113/29 113/31 113/34 113/36 113/38 114/1 114/3 114/7 114/9 114/14                  KEITH WESTENGARD: [163]                  KEN BROWN: [35] 39/40 97/17 97/31 97/34 97/36 97/38 97/40 99/36 100/14 101/25 101/27 101/30 103/2 103/22 103/25 103/27 103/30 103/33 104/1 104/9 104/13 104/16 104/19 104/21 104/23 104/25 104/27 104/30 104/32 104/38 105/13 105/35 106/1 106/5 106/7                  KENNETH ROCHESTER: [109] 78/9 78/40 79/2 79/11 79/13 79/16 79/18 79/20 79/22 79/24 79/27 79/29 79/34 79/36 80/4 80/13 80/15 80/19 80/28 80/30 80/32 80/34 80/37 80/40 81/2 81/20 81/25 81/31 82/5 82/7 82/9 82/11 82/14 82/19 82/23 82/25 82/29 82/31 82/36 82/39 83/1 83/6 83/8 83/10 83/12 83/15 83/17 83/19 83/22 84/8 84/16 84/23 85/11 85/14 85/16 85/28 85/30 85/33 85/35 85/37 85/39 86/1 86/6 86/8 86/11 86/13 86/16 86/21 86/23 86/31 86/34 86/36 87/16 87/18 87/24 87/30 88/13 88/17 88/19 88/21 88/26 88/28 88/31 89/5</p>	<p>89/8 89/11 89/19 89/21 89/23 90/30 90/35 91/16 91/18 91/25 91/30 91/35 91/37 91/39 92/2 92/4 92/23 92/27 92/29 92/31 92/35 92/40 93/2 93/19 93/24                  MARTY UGALDE: [6] 96/7 96/17 96/20 96/23 97/5 97/7                  MITESHELL LANHAM: [4] 97/33 97/35 103/1 108/17                  NEVAEH SERNA: [4] 5/22 7/27 7/32 7/37                  REGINA: [6] 5/37 6/1 6/3 7/10 7/25 7/38                  SHERIFF RON UNGER: [61] 13/28 13/31 14/10 14/12 14/15 14/22 14/30 14/34 15/19 15/33 15/35 15/37 15/39 16/1 16/6 25/22 32/23 32/28 32/34 32/36 33/1 34/4 51/34 51/37 52/2 52/5 52/7 52/23 53/18 54/15 54/20 54/22 55/4 55/6 55/8 55/10 55/16 55/19 55/23 55/30 55/33 55/36 55/39 56/1 56/4 56/11 56/13 56/15 56/20 56/24 56/27 58/4 63/5 67/12 67/14 67/16 108/31 109/2 109/4 109/36 109/38                  SONDR TORGERSON: [39] 8/28 8/31 8/33 9/1 9/3 9/5 9/13 9/17 9/21 9/23 9/25 9/27 9/32 9/34 9/39 10/1 10/3 10/6 10/16 10/18 10/20 10/32 11/6 11/8 11/10 11/20 11/22 11/24 11/39 12/2 12/6 12/10 12/17 12/19 12/21 12/23 13/9 13/11 13/13                  TONY: [22] 5/21 5/25 5/28 5/30 5/32 5/34 5/39 6/4 6/19 6/21 6/23 6/36 7/2 7/6 7/15 7/17 7/23 7/26 7/28 7/36 8/5 8/8                  UNIDENTIFIED PARTICIPANT: [6] 4/25 8/13 33/28 58/23 82/3 97/15                  WORTH NELSON: [85] 16/40 17/22 17/24 17/26 17/30 17/32 17/34 17/36 18/16 18/18 18/35 18/40 19/3 19/9 19/13 19/15 19/19 19/22 19/28 20/3 20/5 20/7 20/9 20/11 20/14 20/21 20/23 20/25 20/27 20/32 20/36 20/38 21/1 21/14 21/18 21/20 21/23 21/26 21/28 21/30 21/32 21/35 21/38 21/40 22/2 22/6 22/9 22/13 22/15 22/17 22/21 22/24 22/26 22/30 22/35 22/37 23/2 23/4 23/16 23/25 23/27 23/31 23/34 24/1 24/3 24/5 24/7 24/15 24/23 24/28 24/32 24/34 24/36 24/38 25/14 25/18 26/2 26/9 26/11 26/13 26/29 26/33 26/35 26/38 27/2</p> <hr/> <p>\$</p> <p>\$1,024,407 [2] 41/17 98/11                  \$1,030 [1] 125/37                  \$10,000 [2] 9/35 12/16                  \$110,396.50 [1] 100/1                  \$160 [1] 123/38                  \$160 million [1] 123/38                  \$194,372 [1] 104/18                  \$2 [1] 9/25                  \$2.71 [1] 99/8                  \$20,606 [1] 98/12                  \$22,655 [1] 39/1                  \$230,310 [2] 94/1 96/27                  \$25,000 [1] 84/34                  \$254,601 [1] 104/20                  \$3,101.55 [3] 50/15 50/21 50/33                  \$30,000 [1] 126/7                  \$303,731 [1] 104/20                  \$330,520 [1] 94/2                  \$380 [1] 125/37                  \$42,723,396.24 [1] 41/4                  \$42,868.44 [5] 49/7 49/17 49/35 131/19 132/9                  \$50,000 [1] 100/33                  \$53,208.05 [1] 131/36                  \$7,724.04 [4] 49/9 49/19 49/37 131/21                  \$82,512.53 [1] 41/11                  \$9 [1] 9/38                  \$9 million [1] 9/38                  \$96 [1] 126/37</p> <hr/> <p>'16 [2] 50/28 50/28                  '16/'17 [1] 50/28</p>
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