

1 The Honorable Board of Lander County Commissioners met in regular session in the Courtroom of the
2 Austin Courthouse at 122 Main St, Austin, Nevada, on August 23, 2018 at 10:00 a.m.

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6 **PRESENT: DOUG MILLS, CHAIRMAN**
7 **SEAN BAKKER, VICE CHAIRMAN (Via Teleconference)**
8 **ART CLARK III, COMMISSIONER**
9 **PATSY WAITS, COMMISSIONER**
10 **KEITH WESTENGARD, COUNTY MANAGER (Via Teleconference)**
11 **SADIE SULLIVAN, COUNTY CLERK**
12 **EMILY HENDRIX, DEPUTY CLERK (Via Teleconference)**
13 **THEODORE HERRERA, DISTRICT ATTORNEY (Via Teleconference)**
14

15
16 **ABSENT: JUDIE ALLAN, COMMISSIONER**
17

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

22 Chairman Mills called the meeting to order.

23
24 Commissioner Clark led the Pledge of Allegiance.

25
26 Chairman Mills called for A Moment of Silence.
27

28 **COMMISSIONER REPORTS**

29
30 Chairman Mills attended a Hospital Board meeting on August 22nd. Nancy Lockridge was nominated and
31 will be awarded the 2018 Rural Trustee of Excellence Award. It is quite an honor. There was discussion of
32 investments and current yields. Hospital Board meetings are changing to the first Wednesday of every month.
33 New construction at the hospital is underway and going well. A surplus sale was held and made about
34 \$3,600. Athena was chosen as the Health Records Company. It will be going live in April of 2019.
35

36 Commissioner Waits attended the Austin Airport Advisory Board meeting on August 13th. They are still
37 short one board member and an alternate. Tom Anderson, from Kingston, may be interested in serving on the
38 board. They are still advertising. She attended the Kingston Town Board meeting on August 16th. There is a
39 concern over problems with ATVs on major holidays and people driving too fast. More patrols may be
40 needed. They voted to go with a new roof on the community house with a bid amount of \$34,257.00. On
41 August 21st Patsy attended a Convention & Tourism Board meeting. The audit is completed. Also, the
42 Chukar Tournament and Human-Powered Speed Challenge are coming up.
43

44 45 **STAFF REPORTS**

46
47 Keith Westengard: The September 13, 2018 meeting will be canceled due to various scheduling conflicts for
48 people that would need to be in attendance. The next scheduled commission meeting will be September 27,
49 2018. The Kingston land sale is in a 30 day escrow and that's moving along nicely. The Sheep Creek fire is
50 at 85% control and planning for 100% by Monday. It started on private land and he is working with the
51 incident command team out of Las Vegas and it's been very successful. He had a town board meeting
52 yesterday that went pretty well. An update was given on the two firefighters that were burned. Bart Negro
53 has 2nd - 3rd degree burns to 33% of his upper body and Damon Spring has 2nd - 3rd degree burns to 14% of
54 his upper body. Currently they are at the University of Utah burn ward. It will be a long recovery process for

55 them both. Information on sending cards is available through the Administration office and a Go Fund Me
56 account has been setup for Damon Spring.

57 **PUBLIC COMMENT**

58
59 No public comment.

60
61
62 **CONSENT AGENDA**

63
64 Commissioner Waits pulls Consent Agenda Item #1 - Agenda Notice; Item #6 – July 26, 2018 Meeting
65 Minutes; Item #5 - an extra listing of the July 12th meeting minutes; Motion - Commissioner Waits;
66 Second - Commissioner Clark; Voted and Carried.

67 **APPROVED**

68
69 Commissioner Waits: Consent Agenda Item #1 - the duplicate listing of July 12, 2018 minutes needs to be
70 corrected and Item #8 for the Liquor License wasn't agendized properly;
71 Ron Unger: He would like to be able to issue a temporary license. The background work has been done and
72 it was put on the agenda.

73 Ted Herrera: It needs to be pulled off but Ron, as Sheriff, can issue a temporary license.

74 Sadie Sullivan: It would be a month before the next meeting and the parties did their part.

75 Commissioner Clark: Why wasn't this item posted correctly?

76 Keith Westengard: It was a miscommunication.

77 Commissioner Waits motioned to approve Consent Agenda Item #1 with corrections; .

78 Second – Commissioner Bakker; Voted and carried.

79 **APPROVED**

80
81 Commissioner Waits: A special meeting may take place to approve the liquor license in a timely manner.
82

83 **PUBLIC COMMENT:**

84
85 Shannon Thiss questioned what other item was taken off.

86 Chairman Mills stated that Item #6 came off as we didn't have the July 26th meeting minutes yet.

87
88
89 **COMMISSIONERS**

90
91 ***(1) Discussion and possible action regarding the Austin Property Realignment Project presented**
92 **by Summit Engineering and to get a timeline on completion of the project or, give instruction**
93 **to the County Manager to obtain requests for proposals for a new engineer to complete the**
94 **project, and all other matters properly related thereto. 10:28 a.m.**
95

96 Commissioner Mills along with Tom Gallagher from Summit Engineering met with Mr. Bob Hughes on
97 Tuesday, in Salt Lake City. Mr. Hughes likes Mr. Gallagher and respects his opinions. He will go with
98 whatever recommendations Mr. Gallagher makes that are reasonable and is onboard 100%. It appears that
99 the roadblock is no longer there and we can move forward to complete the project, along with cooperation
100 from the property owners in Austin.

101
102 Larry Grube with Summit Engineering: Larry explains the process they have been going through so far and
103 the issues with Mr. Hughes that have delayed things. The threats of lawsuits have been concerning. They are
104 hoping to complete the project by April of 2019 before property taxes are due.

105 Doug Mills: Larry would like to meet with the property owners individually to explain their property lines
106 and help them know what it will look like when completed. The property owners will have to sign the
107 completed parcel maps. These maps will help with selling property and being able to get bank loans. It's a
108 very necessary process that must be completed.

109 Larry provides more detail about what the processes are. The county planner will send letters for people to
110 state their concerns and set up meetings.

111 Commissioner Waits voiced some thoughts about the whole process. She is requesting quarterly updates if
112 not more. Larry had reassurances and additional cautions about what is still ahead.

113 **PUBLIC COMMENT**

114

115 Cynthia Maestretti: Cynthia read a letter from Charlie Vaughn to County Manager Keith Westengard
116 regarding the need to have a contract inspector and enforce the contract to get the survey work completed.

117 Philip Williams: He is questioning why something couldn't have been worked out with Mr. Hughes two
118 years ago and the process could have been two years ahead now.

119 Chairman Mills: Tom Gallagher has been talking and meeting with Mr. Hughes over the past two years
120 trying to work things out.

121 Commissioner Clark: Mr. Hughes hired an attorney and that has held things up.

122 Larry Grube: Tom met with Mr. Hughes three years ago and Mr. Hughes was having issues with water bills,
123 cell towers, and feeling he was being deprived of royalties. It became clear that a cooling off period was
124 needed.

125 Chairman Mills: In order for the maps to be completed Mr. Hughes would have to sign off on them and he
126 would not, so that has held things up. It appears he has since realized that those issues are separate from the
127 maps and that the property lines need to be resolved. He appears to have rapport with and respect for Tom
128 Gallagher.

129 Louis Lani: Mr. Lani spoke on his dealings over the years with Mr. Hughes.

130 Larry Grube: Larry clarified more things and mentioned that the surveyor, Eric Snider, who had been at the
131 meeting in 2017 had left the company, came back for a while and had quit again about five months ago. So
132 they've been dealing with that issue along with the others things.

133 Richard Maestretti: He had questions for Larry on moving forward on joint properties if the parties consent
134 and Larry agreed that is what would happen.

135 Gail Utter: She wondered how much progress had been made since the previous meeting in 2017. Larry
136 stated that they had moved farther up on Reese Street.

137 Grace Kemp: Grace was wondering if the phases were being recorded as they are completed and Larry said
138 they are recorded as each map is completed, but only if the property taxes are paid.

139 Chairman Mills encourages people to be helpful and do what they can to make this process move forward
140 smoothly. He asks if there is any action to be taken at this time and Commissioner Waits replied that she
141 didn't think so at this time.

142

143

144 ***(2) Discussion and possible action regarding a rebuild or remodel of the County owned building**
145 **located at 67 Main Street, Austin, Nevada, and all other matters properly related thereto.**

146 11:26 a.m.

147

148 Anna Penola: She got with Tom Gallagher with Summit Engineering a couple of years ago to do a survey
149 of the building to see if it was structurally sound enough for a new roof. Then she was asked not to pursue it
150 until a 501C3 was completed.

151 Dee Helming: She wanted to make it clear that this is a county building and that it should be maintained as
152 such. As occupants of the building they have made some improvements with donations and the leaking roof
153 is ruining things that they have done.

154 Chairman Mills: It is a county building and the 501C3 is a whole separate issue not related to the need to fix
155 the roof.

156 Commissioner Waits: She thought they'd already clarified that it is a county owned building and that
157 something else needed to be done. For the record this is the Youth Center at 67 Main Street. She
158 directed Anna Penola to look into this further and to tell the board what action needs to be taken. It may need
159 to go out to bid depending on the amount.

160 Commissioner Waits made a motion to move forward with evaluating the building and getting a dollar
161 amount for the project.

162 Second - Commissioner Clark. Voted and carried.

163 **APPROVED**

164

165 **PUBLIC COMMENT**

166

167 No public comment.

168

169 A break was taken until 11:52 a.m.

170

171 ***(3) Discussion and possible action regarding an update from Ormat Industries regarding Phase 3**
172 **of the company's project and discuss road maintenance concerns of Grass Valley Road, and**
173 **all other matters properly related thereto. 11:52 a.m.**

174

175 Wade Posten, Ormat Project Construction manager: Update-on schedule to wrap up the majority of the
176 construction in October. Commissioner Waits voiced her concerns over possible lack of phone calls being
177 returned by Ormat. A right-of-way was given in good faith in hopes that it would increase the amount of
178 communication. Another concern is the lack of interfacing with the Austin community.

179 Bert Ramos: He doesn't have a problem with calls not being returned and they do have a good working
180 relationship. The issues are with moving forward on the paving needs. The 5 miles that have been paved
181 are deteriorating from heavy loads and 7-8 miles more need to be paved. Ormat needs to put money towards
182 the paving. We need to know so it can be budgeted for.

183 Commissioner Bakker motions to direct Keith Westengard to send a letter to Ormat regarding the paving
184 situation and start some negotiations.

185 Second – Patsy; Voted and carried.

186 **APPROVED**

187

188 **PUBLIC COMMENT**

189

190 Frank Whitman: What is the long-term plan for Grass Valley Road? Rumors are floating around on possibly
191 other plants and things like that.

192 Louis Lani: Commented on needing a good base on the road.

193

194

195 ***(10) Discussion and possible action to ratify the approved Change Order 1 from Michael Clay**
196 **Corp. for the Battle Mountain Hanger Project for the Taxi Lane Surface Addition in an**
197 **amount not to exceed \$44,857.50, and all other matters properly related thereto. 12:05 p.m.**

198

199 Keith Westengard: We had a change order come in that was time sensitive. He spoke with Cindy Benson in
200 Finance and she said the funds could be found to do it. It is above the budget by about \$40,000 but it's
201 needed for the approaches to the hangars for the aircraft. He would like ratification for this item.

202 Commissioner Waits motioned to approve Change Order 1 from Michael Clay Corporation for the Battle
203 Mountain Hangar Project for the Taxi Lane Surface Addition in an amount not to exceed \$44,857.50.

204 Second – Commissioner Clark; Voted and carried.

205 **APPROVED**

206

207 **PUBLIC COMMENT**

208

209 No public comment.

210

211

212 ***(4) Discussion and possible action to approve/disapprove a Temporary Right-of-Way Occupancy**
213 **Permit Application on Front Street, Broad Street and Altenberg Street, Friday September 14,**
214 **2018 at 12:30 pm for a World Human Powered Speed Challenge Bike Parade, and all other**
215 **matters properly related thereto. 12:06 p.m.**

216

217 Paula Toimera: We weren't sure if people from back east were going to be able to come as they couldn't
218 find hotel rooms. They did end up finding rooms so we need this approved for the Bike Parade. All hotel
219 rooms in Battle Mountain are sold out for 10 days. People from 11 different countries are attending this year.
220 The record is 13 or 14. The attendance is growing and this will be the largest attendance in quite a long time.

221 Commissioner Waits motioned to approve the Temporary Right-of-Way Occupancy Permit.

222 Second – Commissioner Clark; Chair to sign; Voted and carried;

223 **APPROVED**

224

225 **PUBLIC COMMENT**

226

227 No public comment.

228

229

230 ***(5) Discussion and possible action regarding the Austin Volunteer Fire Department and review**
231 **their Policies and Procedures, perform the ratification of the Fire Chief position vote, discuss**
232 **and view attendance sheets, training sheets, physical fitness guides and PERS, and all other**
233 **matters properly related thereto. 12:10 p.m.**

234

235 Commissioner Waits began with some questions for Roger James, Fire Chief for the Austin Volunteer Fire
236 Department. She wanted to know if the Bylaws have been updated and he replied that they hadn't been
237 updated. She would like to see something about active members being covered under Workers
238 Compensation. Battle Mountain has some rules that could be looked at to go by. She also asked about what
239 activity requirements people might be required to do to be on PERS and various people spoke on that. Kim
240 Schacht with the EMS also spoke on this item. Commissioner Clark voiced his concerns about people having
241 enough training and the 3 issues we've had in Lander County in about 6 weeks. Roger mentioned that having
242 Internet in the firehouse would help with training. Keith was directed to look into the Internet issue for the
243 firehouse.

244 Commissioner Waits made a motion that they ratify the Austin Fire Chief position for Roger James.

245 Second – Commissioner Clark; Voted and carried.

246 **APPROVED**

247

248 **PUBLIC COMMENT**

249

250 No public comment.

251

252

253 ***(6) Discussion and possible action regarding the Town of Kingston Fire Company and review**
254 **their Policies and Procedures, perform the ratification of the Fire Chief position vote, discuss**
255 **and view attendance sheets, training sheets, physical fitness guides and PERS, and all other**
256 **matters properly related thereto. 12:21 p.m.**

257

258 Commissioner Clark made special mention of them having the best backup work that he has seen since he's
259 been on the commission board. Commissioner Waits also commended the attention to detail.

260 Shannon Thiss: Shannon spoke as a representative for the Kingston Fire Chief who had to be at work. They
261 have the same issues that Roger mentioned having in the previous item, with people working at the mines
262 and scheduling issues. It's a challenge to complete training when everyone works. PERS is an incentive for
263 new, younger people to come on.

264 Commissioner Waits wanted to know when people are considered "active" to be put on PERS. They would
265 like to see things similar or the same as the others. Shannon will get with her fire chief and Roger to talk
266 things out. Commissioner Waits would also like to have some input from the Battle Mountain Fire Chief.

267 Ron Unger feels like they're on the right track and that they know what they need better than anyone else
268 might. In Battle Mountain they receive PERS when they are off probation. They must have their paperwork,
269 physical, and training before they can respond to fires.

270 Cindy Benson (by phone): Cindy spoke on what is done as far as finance purposes go. Whenever someone is
271 inducted she requests that minutes of the meeting are provided so that they know whenever somebody has
272 been put into the system. She would also like meeting minutes to know when they have completed their
273 probation and are ready to be put on PERS. The reply was that they don't normally have an agenda and
274 minutes unless they are putting someone on so that shouldn't be a problem.

275 Commissioner Waits motions to ratify Kingston Fire Chief Chance Ellis.

276 Second – Commissioner Clark; Voted and carried.

277 **APPROVED**

278

279 **PUBLIC COMMENT**

280
281 No public comment.

282
283
284 ***(7) Discussion and possible action to create a temporary permit for RV's to be used as temporary**
285 **housing for the town of Austin during periods of high construction, and all other matters**
286 **properly related thereto. 12:32 p.m.**

287
288 Chairman Mills: We are making this a Discussion Only item as there are some legal issues that make it
289 impossible to take any action on this today.

290 Anna Penola: This item came up because of the influx of construction workers with ongoing construction
291 projects. The hotels, Bed & Breakfasts, and RV parks are full and people have a hard time getting variances
292 so they are putting RV's everywhere. She would like something to be done to regulate this problem during
293 times of high construction. She is having a hard time enforcing the ordinance when people are needing a
294 place to stay in the Austin area and everything is full. She is looking to the commission to come up with
295 something to fix the problem.

296 Ted Herrera (by phone): First of all the ordinances would have to be amended prior to doing any kind of
297 temporary permits. He has read most of the letters that have objected to this item and most them had to do
298 with the Kingston area, Battle Mountain, and trailer parks. This item is in regard to RV's, not trailer parks.
299 We cannot legally do anything until the Zoning/Special Use ordinances are amended. Anna needs to know
300 what direction the commission wants her to take. Should she pursue a temporary fix or start citing the ones
301 that are breaking the current ordinance?

302 Multiple people expressed their thoughts and concerns on this issue. The Commission will be looking at this
303 and will work to come up with solutions to address the issues and how to enforce the ordinances currently in
304 place or to amend them.

305 Paula Tomera read the ordinances and it does state that it's a misdemeanor for violation of the room tax code.
306 It is not fair to the business owners and is taking business away from those following the rules. She would
307 like this to be taken into consideration when discussing the issue and to include the Convention & Tourism
308 Board in the discussion.

309 Additional people spoke on various aspects of the situation.

310
311 **PUBLIC COMMENT**

312
313 No additional public comment.

314
315
316 ***(8) Discussion and possible action to approve/disapprove the Liquor License to Desmond Skeath**
317 **and Desrae Skeath for the Owl Club in Austin, Nevada, and all other matters properly related**
318 **thereto. 1:04 p.m.**

319
320 TABLED

321
322
323 ***(9) Discussion and possible action regarding the proposal and reading by Title of Ordinance No.**
324 **2018-05 amending Title 5 Chapter 020 of the Lander County Code to include various**
325 **marijuana facilities to be fingerprinted for local business licenses and other related matters,**
326 **specifically section 5.20.030(G) adding number 13 -- marijuana retail cultivation, medical**
327 **cultivation, retail production, and medical production, and all other matters properly related**
328 **thereto. 1:05 p.m.**

329
330 Commissioner Waits asked if they are adding the fingerprinting requirement as it wasn't included in the
331 original wording. District Attorney Herrera stated that this is a small change to the ordinance already passed,
332 to facilitate doing fingerprinting as part of background checks.

333 Commissioner Waits motioned to approve and read in the Title of Ordinance No. 2018-05 with the Chair to
334 sign.

335 Second – Commissioner Bakker; Voted and carried.

336 **APPROVED**

337 **PUBLIC COMMENT**

338

339 No public comment.

340

341

342 ***(11) Update from Lander County EMS South, and all other matters properly related thereto.**
343 1:08 p.m.

344

345 Kim Schacht: So far it's been a pretty busy year for fires. They are working on getting training done and
346 getting people familiar with things and be working together. They have had some scholarships awarded
347 for some of the EMS to go to conferences in Nashville and Elko.

348 Commissioner Mills talked about getting Jet A fuel at the airport and hoping to get the Air Ambulance to
349 work in southern Lander County more if they have access to fuel, other than what they can carry. Having
350 the access to fuel is an important part of getting the Air Ambulance access down there.

351 Kim Schacht: Having an ambulance in Kingston now has really helped with response times. We are putting
352 on some new drivers. There is always the need for that.

353

354 **PUBLIC COMMENT**

355

356 No public comment.

357

358

359 ***(12) Correspondence/reports/potential upcoming agenda items. 1:12 p.m.**

360

361 Commissioner Waits: We need to put the Skeath liquor license on a special agenda and Wednesday, August
362 29th looks good. It could be done by teleconference. So 9:00 a.m., August 29th, Special Session for the Skeath
363 liquor license approval/disapproval.

364 Commissioner Clark apologized for the inconvenience of it not being agendized properly.

365 Commissioner Mills: Summit needs to be on the agenda.

366 Discussion on what the scheduling needed to be for the single meeting to be held in September. Kyla Bright
367 stated that it should be held after the Planning Commission meeting occurred to address whatever comes out
368 of that meeting.

369

370 **PUBLIC COMMENT**

371

372 Commissioner Waits mentioned the Austin Wine Walk to be held on September 8th.

373 Kim Schacht: Austin Movie in the Park;

374

375 **ADJOURNMENT**

376 There being no further business before the Board at this time, Commissioner Waits moved to adjourn the
377 Meeting of August 23, 2018. The motion was seconded by Commissioner Clark. Voted and carried by the
378 consensus of the Board.

379 **ADJOURNED**

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ATTEST:


LANDER COUNTY CLERK



CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY COMMISSIONERS