

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 September 27, 2018, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.

6
7 **PRESENT: PATSY WAITS, COMMISSIONER**
8 **SEAN BAKKER, COMMISSIONER**
9 **ART CLARK III, COMMISSIONER**
10 **DOUG MILLS, COMMISSIONER**
11 **JUDIE ALLAN, COMMISSIONER**
12 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**
13 **SADIE SULLIVAN, COUNTY CLERK**
14 **THEODORE HERRERA, DISTRICT ATTORNEY**
15

16
17 (Let the record reflect the presence of a quorum of five
18 commissioners. Let the record reflect the presence of Austin
19 via teleconference.)
20

21 CHAIRMAN MILLS: -- call to order this Lander County
22 Commission meeting, Town Board of Battle Mountain and Austin,
23 Board of County Highway Commissioners, September 27, 2018.

24 Please join us in the Pledge of Allegiance.

25 Patsy, will you lead us.

26 COMMISSIONER WAITS: Thank you. Please join me in the
27 salute to our flag.
28

29 (Pledge of Allegiance)
30

31 CHAIRMAN MILLS: Okay. We'd like a moment of silence,
32 please.
33

34 (Moment of silence)
35

36 UNIDENTIFIED PARTICIPANT: Because I have --
37

38 (Moment of silence)
39

40 UNIDENTIFIED PARTICIPANT: (Indiscernible.) You know what

1 I'm saying? (Indiscernible.)

2
3 CHAIRMAN MILLS: Okay. Thank you.

4 Lander County Commissioners may break for lunch from 12:00
5 p.m. to 1:15 p.m. Any agenda item may be taken out of order,
6 may be combined for consideration by the public body, and items
7 may be pulled or removed from the agenda at any time.
8
9

10 **COMMISSIONER REPORTS**

11
12 CHAIRMAN MILLS: Commissioner reports on meetings,
13 conferences, and seminars attended.

14 Judie?

15 COMMISSIONER ALLAN: I have nothing to report.

16 CHAIRMAN MILLS: Okay. Here we go.

17 So the hospital board did a hospital retreat. We've been
18 threatening to do one for four years and we finally got it done.
19 And it was really good.

20 There was -- we had a -- we had several speakers come and
21 talk to us. One was Gerald Ackerman. One was Joan Hall. And
22 then we had a -- a guy named Kim Crandall come and facilitate
23 our planning session for us. And it all turned out really well.

24 One of the things that we kind of st- -- a couple of things
25 we kind of stressed.

26 One is that as a critical access hospital in order to
27 receive the federal assistance that we receive, we are supposed
28 to be admitting 8 percent of our patients to the hospital unless
29 for some reason we can justify why we're not doing that. But
30 we're not getting very close to that 8 percent. So that leaves
31 us some -- some room for improvement, things we need to do at
32 the hospital to -- to work on.

33 One of the other things we talked about -- and I think -- I
34 believe it's on the agenda today -- is for the hospital to
35 facilitate a community paramedicine program. So we're -- we're
36 looking into doing that also. So that's -- that'll be another
37 neat program that the hospital will be involved in.

38 Our planning was good. We set some good goals for the --
39 the coming year. I was kind of hoping to do a five-year plan,
40 but we got -- we got one year done. And we've got some neat

1 things on -- on the horizon for the hospital.

2 And I think that's all I've got.

3 Sean?

4 COMMISSIONER BAKKER: I don't have anything to report at
5 this time.

6 Patsy?

7 COMMISSIONER WAITS: Thank you.

8 On August 24th, I did have our NACO meeting in Carson City.
9 There's a couple things I wanted to share with you on that.

10 First of all, a reminder that our annual conference is
11 November 13th to 15th. And the registration for early
12 registration, I believe, is over with tomorrow. So if you
13 haven't registered, you need to do that.

14 A couple things on our meeting that I did want to share.
15 One is a presentation that we had from Mike Wilden. He's the
16 chief of staff of -- of Governor Sandoval. And it was regarding
17 the proposed increase for the 2019 increase to Medicaid
18 assessments for all the different counties.

19 And Nevada chose to go with the Medicaid enhancement. Not
20 all the states did. But with that, we dropped our uninsured
21 down to, like, 14 percent, which is really, really good. For
22 some of the states that did not go with the Medicaid
23 enhancement, it's tremendously higher. But that does affect us
24 personally in the county. So Cindy's on top of that, and we'll
25 talk more about what's going on on that part.

26 Every other year we have our legislative year, of course.
27 And NACO submits five bills for BDRs. And I'd like to share
28 with you the concepts of those BDRs and what they decided to
29 bring forth this year.

30 One is an expansion of the use of the 911 surcharge to
31 cover audits of the 911 fee collection system to enable counties
32 with populations under a hundred thousand to appoint members to
33 our small districts and our GID boards. And this is where we
34 have vacancies and ongoing and people aren't stepping up, and
35 they're saying they're terming out. So we're -- we're trying to
36 enable the counties to be able to handle that part.

37 The third is to enable county commissioners to authorize a
38 two-thirds vote for the diesel fuel tax up to 5 cents to pay for
39 the different county road maintenance.

40 To enable counties to create a 501(c)(3) for the limited

1 purpose of accepting donations for and providing support to
2 victims in the event of a mass casualty event or any other type
3 of emergency.

4 And an update to the primary election system in Nevada so
5 that the primary is filed -- the candidates that file from only
6 one party that the top two vote getters will automatically go to
7 the general election.

8 The other one was an update on federal legislation and
9 proposals regarding what they call small cell technology. And
10 as the telecom companies modernize their cell network to the new
11 5G technology that we're all hearing about, local jurisdictions
12 will need to address permitting and regulatory issues for this
13 new infrastructure.

14 Actually, the federal government has some different
15 policies that they're looking at that would preempt the counties
16 from making those decisions. So NACO is on top of that so that
17 we can actually have a say-so. And they're representing us
18 there.

19 The other one was on the EMS, which is already on the --
20 the agenda for today.

21 On September 6th, I did have the Justice and Public Safety
22 conference call.

23 And the -- September 4th, the Austin Chamber of Commerce,
24 they did have their annual wine walk, which was very well
25 received.

26 And then on 9/10, the airport board meeting was canceled.
27 And I actually came up here and we went on the fire tour.

28 On 9/18 I attended the Eleventh District Court bench and
29 bar luncheon. And the judge informed us of the new e-filing
30 that they have for attorneys to make it so much easier. And
31 they did a lot of discussion on how to improve the service for
32 the attorneys and such.

33 And then on 9/21 we had our annual meeting for the Austin
34 Chamber of Commerce. And our speaker was actually from Round
35 Mountain Gold in the community service area. And she spoke
36 about their commitment to \$445 million projects.

37 Thank you. That's all I have.

38 COMMISSIONER CLARK: I had a state lands advisory committee
39 meeting that lasted longer than usual. In fact, we had to
40 cancel the tours. And I could talk about a bunch of different

1 topics, but there were just a couple that I think that need to
2 be spoken to.

3 We go around the table and we talk about the different
4 counties and -- and what is the current topic of the counties.
5 We got to Washoe County, and it was announced that within two
6 years Washoe area down to Carson City will have a minimum of one
7 million new residents.

8 Nye County is still fighting over losing PILT money because
9 Fallon and the -- and the test -- the test site want to
10 incorporate more of Nye County land in their training. And they
11 lose their PILT money when they take away acreage. So that's
12 still a concern.

13 Let me see.

14 When we talked about water, everyone agreed -- generally --
15 a general consensus, even out of Clark County -- that we don't
16 have water. In the beginning of the water year, Lake Mead was
17 down enough to trigger some kind of intervention, but none of
18 the states attached to that watershed wanted to do anything for
19 political --
20

21 (Cell phone ringing.)
22

23 COMMISSIONER CLARK: -- reasons. So they were waiting for
24 the federal authorities to kick in their -- their restrictions,
25 but that hasn't happened yet. They don't know where they're
26 going to get the water for the one million people in the West
27 and however many hundreds of thousands come into Clark County.

28 At the PLUAC meeting and in informal conversation, there
29 was discussion about a fire -- ex- -- extending the volunteer
30 fire company to outlying regions similar to what they do in Pine
31 Valley. I think it's in Eureka. So I think that's on the
32 agenda today. We'll talk more about that.

33 That's all I have.

34 CHAIRMAN MILLS: Okay. Thank you.
35
36

37 STAFF REPORTS

38

39 CHAIRMAN MILLS: Staff reports on meetings, conferences,
40 and seminars attended.

1 KEITH WESTENGARD: All right.
2 Our new ambulance, our first new ambulance, will be here in
3 about two weeks. It'll be ready to go, put online within about 30
4 days from the time we receive it here in the county.
5 I received a proclamation from the state fire marshal
6 declaring November -- or I'm sorry -- October 8th through the
7 10th -- I got my dates all screwed up. Just a second.
8 First week of October will be National Fire Prevention
9 Week. So if you guys would like to see that, I'll get that to
10 you.
11 I'd like to report that the Public Works went up to the Sheep
12 Creek Fire incident and got the fire truck out of the accident
13 site. We need to have our insurance company look at it, and then
14 I'll get it back to you with some estimates for repair on that.
15 There's a wild horse and burro meeting coming up October the
16 8th, 9th, and 10th in Salt Lake City if anybody's interested in
17 going.
18 And then the big topic, the R.S. 2477 road- -- roads, there's
19 a meeting on October 29th in Carson City. That seems to be a -- a
20 big, big topic right now.
21 We have some more work we need to do on our R.S. 2477 roads.
22 We had a meeting day before yesterday to decide the path we're
23 going to take in order to declare those roads R.S. 2477.
24 We've got the first step out of the way, when this commission
25 approved the -- the road map that we put forth to you.
26 COMMISSIONER CLARK: Just --
27 KEITH WESTENGARD: So now --
28 COMMISSIONER CLARK: -- a --
29 KEITH WESTENGARD: -- we have --
30 COMMISSIONER CLARK: -- a comment on that.
31 KEITH WESTENGARD: Yeah.
32 COMMISSIONER CLARK: At the state lands, I found out that
33 we're way ahead of almost every county, except Nye County, with
34 our 2477 roads, thanks to Kyle.
35 DISTRICT ATTORNEY HERRERA: And Churchill. And Churchill.
36 KEITH WESTENGARD: And Churchill.
37 COMMISSIONER CLARK: And -- and Churchill.
38 KEITH WESTENGARD: And I think that's it.
39 Oh, one more thing.
40 Air- -- airport hangars. Battle Mountain, they're projected

1 to be done within the next 30 days.

2 And then our fuel systems are the same. Jet A in Austin as
3 well as the self-serve in Battle Mountain.

4 We should have those done by the end of October, up and
5 running.

6 That's it.

7 CHAIRMAN MILLS: Okay.

8 Thank you.
9
10

11 **PUBLIC COMMENT**

12
13 CHAIRMAN MILLS: We'll move on to public comment for
14 nonagendized items only.

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

23 Do we have any public comment?

24 (No comment.)
25
26

27 **CONSENT AGENDA**

28
29 CHAIRMAN MILLS: Okay. We'll move on to consent agenda.

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

38 One, approval of September 27, 2018, agenda notice; two,
39 approval of Jul- -- July 26th, 2018, meeting minutes; three
40 approval of August 9, 2018, meeting minutes; four, approval of

1 August 23, 2018, meeting minutes, five, approval of August 30,
2 2018, special meeting minutes; and six, approval of payment of
3 bills; and seven, approval of payroll change requests.

4 COMMISSIONER WAITS: Mr. Chairman, I do need to pull out
5 number 1, the agenda notice, and number 5. We have haven't
6 received the minutes for August 30th yet.

7 CHAIRMAN MILLS: Okay.

8 COMMISSIONER BAKKER: Okay.

9 With that, I'll make a motion to approve the July 26, 2018,
10 meeting minutes; August 9, 2018, meeting minutes; August 23, 2018,
11 meeting minutes; payment of the bills, and payroll change
12 requests.

13 COMMISSIONER WAITS: I'll second the motion.

14 CHAIRMAN MILLS: Okay. Sean made a motion. Patsy
15 seconded.

16 Do we have any public comment?

17 COUNTY CLERK SULLIVAN: I have a comment.

18 Sadie Sullivan, Lander County clerk.

19 Did you guys receive -- we emailed in -- on the special -- in
20 the box? It's only two pages. Did you guys receive yours? And
21 maybe -- Patsy, looking familiar?

22 COMMISSIONER WAITS: When were they sent?

23 EMILY HENDRIX: (Indiscernible) a couple weeks ago?

24 COUNTY CLERK SULLIVAN: Yeah. It's been a couple weeks
25 ago. It was -- it was very basic. It's the liquor license for
26 the Owl Club in Austin. And so it was done within the first
27 couple of days after doing it.

28 COMMISSIONER WAITS: I didn't --

29 COUNTY CLERK SULLIVAN: Did you guys --

30 COMMISSIONER WAITS: -- receive --

31 COUNTY CLERK SULLIVAN: -- receive them?

32 COMMISSIONER WAITS: -- mine.

33 COUNTY CLERK SULLIVAN: Okay. I'll double-check.

34 CHAIRMAN MILLS: Why -- why don't you put it on the next
35 agenda, and we'll --

36 COUNTY CLERK SULLIVAN: Yeah.

37 CHAIRMAN MILLS: -- approve it then.

38 COUNTY CLERK SULLIVAN: Thank you.

39 COMMISSIONER BAKKER: Thanks, --

40 COMMISSIONER WAITS: Golly.

1 COMMISSIONER BAKKER: -- Sadie.
2 COMMISSIONER WAITS: That would bring us right up to date
3 too.
4 COUNTY CLERK SULLIVAN: Correct.
5 COMMISSIONER WAITS: Wow.
6 COUNTY CLERK SULLIVAN: I know. Darn it.
7 CHAIRMAN MILLS: Okay. Do we have any other public
8 comment?
9 (No comment.)
10 CHAIRMAN MILLS: All in favor?
11 COMMISSIONER BAKKER: Aye.
12 CHAIRMAN MILLS: Aye.
13 COMMISSIONER CLARK: Aye.
14 COMMISSIONER ALLAN: Aye.
15 COMMISSIONER WAITS: Aye.
16 COMMISSIONER BAKKER: Okay.
17 CHAIRMAN MILLS: Okay.
18 So the agenda notice.
19 COMMISSIONER WAITS: Okay. On the agenda notice, we do
20 need to take off one, two, and three. So --
21 DISTRICT ATTORNEY HERRERA: And 16.
22 COMMISSIONER WAITS: And which one?
23 DISTRICT ATTORNEY HERRERA: Sixteen.
24 COMMISSIONER WAITS: Sixteen?
25 COMMISSIONER BAKKER: Yep.
26 COMMISSIONER WAITS: One, two, three, and sixteen?
27 So I make a motion that we approve the amended agenda with
28 those four out.
29 COMMISSIONER BAKKER: Second.
30 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
31 seconded.
32 Do we have any public comment?
33 (No comment.)
34 CHAIRMAN MILLS: All in favor?
35 COMMISSIONER BAKKER: Aye.
36 CHAIRMAN MILLS: Aye.
37 COMMISSIONER ALLAN: Aye.
38 COMMISSIONER WAITS: Aye.
39 COMMISSIONER CLARK: Aye.
40 CHAIRMAN MILLS: Okay.

1 Just so you know, there are several items on the agenda that
2 will taken out of order today because of requests that have been
3 made and because of timing of people's schedules.

4
5
6 COMMISSIONERS
7

- 8 6) Discussion and possible action to approve/disapprove the
9 recommendation of the planning commission for the following
10 zone change request for William and Heather Kohlmeyer from
11 eastern 716.27 feet of APN Number 010-280-04 and 010-280-06
12 from Farm and Ranch District (A-3) to One-acre Agricultural
13 District (A-1) with a minimum lot size of 2.5 acres, leaving
14 the westerly 610 feet of each parcel zoned as A-3 to create a
15 buffer zone to existing farm and ranch operations, and all
16 other matters properly related thereto.
17

18 CHAIRMAN MILLS: The first one we're going to do is going
19 to be Item Number 6.

20 Discussion and possible action to approve/disapprove the
21 recommendation of the planning commission for the following zone
22 change request for William and Heather Kohlmeyer for the eastern
23 716.27 feet of APN Number 010-280-04 and 010-280-06 from Farm
24 and Ranch District, A-3, to One-acre Agricultural District, A-1,
25 with a minimum lot size of 2.5 acres, leaving the westerly 612
26 -- 610 feet of each parcel zoned as A-3 to create a buffer zone
27 to existing farm and ranch op -- farm and ranch operations, and
28 all other matters properly related thereto.

29 WILLIAM KOHLMAYER: My name's Bill Kohlmeyer.

30 CHAIRMAN MILLS: Okay.

31 So you've already been through the planning commission on
32 this? They've approved --

33 WILLIAM KOHLMAYER: Yes.

34 CHAIRMAN MILLS: -- approved it? It's all --

35 WILLIAM KOHLMAYER: Yes, sir.

36 CHAIRMAN MILLS: -- approved according to them?

37 WILLIAM KOHLMAYER: Yep.

38 CHAIRMAN MILLS: Okay.

39 KEITH WESTENGARD: And it fits into the -- to the master
40 plan.

1 COMMISSIONER CLARK: What was that, Keith?
2 KEITH WESTENGARD: It fits into the master plan.
3 CHAIRMAN MILLS: Okay.
4 Do you guys have any questions?
5 Patsy?
6 COMMISSIONER WAITS: I'll make a motion --
7 CHAIRMAN MILLS: Oh.
8 COMMISSIONER WAITS: -- that the commission uphold the
9 recommendation of the Lander County planning commission and
10 approve this zone change request for the APN 010-280-04 and
11 010-280-06.
12 COMMISSIONER BAKKER: Second.
13 CHAIRMAN MILLS: Okay. Patsy 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 CHAIRMAN MILLS: Aye.
20 COMMISSIONER ALLAN: Aye.
21 COMMISSIONER WAITS: Aye.
22 COMMISSIONER CLARK: Aye.
23 COMMISSIONER WAITS: Thank you.
24 CHAIRMAN MILLS: Okay.
25 COMMISSIONER BAKKER: Thank you.
26 WILLIAM KOHLMAYER: All right.
27 CHAIRMAN MILLS: Thank you very much. Appreciate it.
28 I told you --
29 COMMISSIONER WAITS: At least --
30 CHAIRMAN MILLS: -- it'd be painless.
31 COMMISSIONER WAITS: It was painless, we hope.
32 Yeah.
33
34 4) Discussion only regarding concerned citizens against A-2
35 zoning for the cultivation of marijuana, and all other
36 matters properly related thereto.
37
38 CHAIRMAN MILLS: Okay. We're going to move to Item Number
39 4.
40 Discussion only regarding concerned citizens against A-2

1 zoning for the cultivation of marijuana, and all other -- all
2 other matters properly related thereto.

3 Okay. Do we have somebody that's representing this group,
4 concerned citizens against 2-A zoning -- or A-2 zoning?

5 SHIRLEY SHEPHERD: My name is Shirley Shepherd. And we've
6 lived on 1985 Thomas Jefferson for 33 years.

7 And I'm here today to vote my -- to voice my objection to a
8 marijuana grow facility to be placed at the top of our road in A-2
9 zoning. I'm also representing the signatures that are on the
10 petition that was attached to our agenda item.

11 COMMISSIONER WAITS: The 39?

12 SHIRLEY SHEPHERD: Okay.

13 I -- I want to make it clear that we never came forward and
14 protested marijuana in our county when they first started talking
15 about it. We figured the people voted it in and probably going to
16 get it.

17 What we were not prepared for was our commissioners to change
18 our zoning codes to fit it in our backyard.

19 NRS Statute 453A.350 states the facility should be located in
20 a commercial or industrial zone or overlay. Which we understand
21 the overlay was used to change this, but I feel like it was more a
22 spot-zoning, which is granting to a particular parcel of land a
23 classification concerning its use that differs from the
24 classification of other land in the immediate area.

25 We purchased A-2 zoning because it fit our needs for having
26 livestock and an arena. And we purchased it because A-2 zoning
27 stipulates commercial use is limited to livestock, sales yards,
28 dairies, and kennels when at least 500 feet from any district
29 subject to issuance of a special-use --

30
31 (Cell phone ringing.)

32
33 SHIRLEY SHEPHERD: -- permit.

34 So we felt we were protected against having a commercial
35 business in our neighborhood.

36 I'm o- -- I'm opposed to the new ordinance allowing it to be
37 grown in our district and feel that the procedure to get it
38 changed was done without proper notification of all those it was
39 going to effect.

40 An issue this important that is going to affect so many

1 should have been done with a public hearing where we all knew what
2 was going on. And I don't believe that the hearing at a
3 commissioners' meeting is the right place to do that for the
4 community.

5 Under County Code of Ordinances 17.14.020, it states the
6 planning commission should also hold a public meeting -- public
7 hearing describing the conditions of the special-use permit, the
8 lot, parcel, or properties and other pertinent information.

9 And I -- that could have been done, but I don't remember
10 hearing about a public hearing for the planning commission when
11 they were going to -- when they saw this was on their agenda.

12 At the May 10th, 2018, commissioners' meeting, it made it
13 clear to me that some of the commissioners were even uncertain of
14 the fact that it was a public hearing.

15 Commissioner Herrera assured them it was. And then also at
16 that meeting there was a discussion of the mileage, which was
17 brought up that it's going to now be one mile from town and not
18 more than ten, which immediately put it in our backyard.

19 And Commissioner Bakker said it was -- it will be close to
20 town, but not in town.

21 And Mr. Herrera replied, yeah, because of the smell and
22 everything else.

23 So we feel like they didn't want the smell here, but it was
24 okay out by us. We're not -- we're not that remote.

25 The -- the County Ordinance 2018-02 to include the 8.46.010
26 Marijuana. It authorizes the county commissioners the ability to
27 regulate business zoning and land use, but to ensure public
28 health, safety, and welfare of the inhabitants of the
29 unincorporated areas of the county.

30 And Paragraph 6 states the purpose of this chapter is to
31 license and regulate cultivation facilities within the
32 incorporated areas of the county to protect public interest over
33 those of the marijuana business.

34 And this would be our interest, our quality of life, and the
35 devaluation of our properties that we have worked on for years.

36 A big concern is not knowing how this will impact us. You
37 can say whatever you want about all the strict codes and stuff,
38 but are they going to be enforced? Do you have the people to
39 enforce them?

40 Okay.

1 And -- and some of our concerns, fire protections, they're
2 classified under the internal building code as an F-1 occupancy,
3 which is factory, industrial, moderate hazard. And that's fire
4 concerns.

5 We don't have any fire protection out there. I mean, you
6 know, if we had a firehouse out there in Hill Top or something,
7 it would be a little bit more safe, but we don't.

8 And -- and the plumbing. Some grow rooms are required to
9 have floor drains to remove spilled water and nutrient solutions.
10 And if they don't have black -- backflow preventers, then the
11 domestic water wells can be contaminated.

12 And we understand that the people that wanted to put it up
13 on our road, they can't -- they found out they can't use the
14 existing well, and they would have to transport this water in.
15 This is a traffic issue on the same road that we walk on, ride
16 our horses on, and have our children play on. And our road is a
17 dead-end road.

18 Electrical lease facilities have a huge electrical demand.
19 Overloading wiring can cause fires. High intensity grow lamps --
20 grow lamps can reach a surface temperature of 500 degrees. So
21 that's another fire hazard.

22 And we all know marijuana is still illegal under federal law.
23 And most banks won't handle marijuana-related money so it -- it
24 forces a cash business. And this is a security risk, which puts
25 the higher security risk in our neighborhood.

26 And these are all issues. I know it can be addressed by the
27 pro-growers. And they're going to assure me that they've all been
28 worked out. And that's fine. But I just don't feel that in any
29 situation do these concerns belong in a residential area.

30 A commercial and industrial, perfect. Okay.

31 And -- and I just feel that maybe the approval of the
32 marijuana growing and -- I -- I just -- I think that maybe they
33 approved the marijuana and then the growing of it before they had
34 a safe place to put it. And that's why you have the result.

35 And I -- I just don't think that's fair for us.

36 So we're here today with the hopes that you stand by your
37 appointed planning commission board that listened to our concerns
38 and agreed that it should not be put in A-2.

39 Most of them have jobs so they're not here to support it
40 today. But -- but we did fill the planning commission meeting

1 room for two meetings. Okay.
2 So, anyway, that's how I feel.
3 And I just -- I hope that -- that you understand that we
4 stated our -- our same concerns with the planning commission and
5 they -- they understood how we felt. And we hope that -- we hope
6 we don't have to go to another meeting.
7 Thank you.
8 COMMISSIONER ALLAN: Thank you, Rita.
9 CHAIRMAN MILLS: Okay.
10 COMMISSIONER ALLAN: Very well said.
11 CHAIRMAN MILLS: Does any- --
12 COMMISSIONER ALLAN: Or, I mean, Sh- --
13 COMMISSIONER CLARK: You --
14 COMMISSIONER ALLAN: -- Shirley. Thank you. That was very
15 well said.
16 CHAIRMAN MILLS: Does anyone else have something else that
17 they'd like to present?
18 COMMISSIONER BAKKER: Before they do that, do you want
19 to --
20 CHAIRMAN MILLS: Can you come forward?
21 COMMISSIONER BAKKER: -- tell them --
22 MARIAN PORTER: How many years did we -- Duane and --
23 CHAIRMAN MILLS: If you'll --
24 MARIAN PORTER: -- I were --
25 COMMISSIONER ALLAN: Mary, --
26 CHAIRMAN MILLS: Can you come forward and --
27 COMMISSIONER CLARK: You have to --
28 CHAIRMAN MILLS: -- state --
29 COMMISSIONER CLARK: -- come up.
30 CHAIRMAN MILLS: -- your name, --
31 COMMISSIONER ALLAN: -- can you --
32 CHAIRMAN MILLS: -- please?
33 COMMISSIONER ALLAN: -- please --
34 MARIAN PORTER: Excuse me. Duane and I were out there for
35 many years. And we -- we had --
36 CHAIRMAN MILLS: We need you --
37 MARIAN PORTER: -- a business.
38 CHAIRMAN MILLS: -- we need you to state your name for the
39 record.
40 MARIAN PORTER: Marian Porter. We have Porter and Mines

1 New Mining. They're with Stretch Peterson out there with the
2 exploration, Sam Sandoval.

3 We were all refused commercial or any type of business
4 license out there.

5 And now, we're -- and we stayed out there because of that.
6 We made sure our business wasn't run out there.

7 All of the people out there that had businesses were refused
8 that.

9 Now, after all these years we're coming in here to find out
10 you're going to okay one? Isn't that biased? It -- it -- it
11 really doesn't seem fair.

12 The other thing is, how would you like it if it was in your
13 backyard? Try it. It is -- it isn't usable.

14 I mean, you can't say it's all right for one person to have a
15 business and the other ones not.

16 CHAIRMAN MILLS: Okay.

17 MARIAN PORTER: It's plain as day.

18 It's up to you to look at it and say, how many years did you
19 refuse commercial out there? And then all of a sudden now this is
20 all right.

21 Thank you.

22 CHAIRMAN MILLS: Thank you.

23 COMMISSIONER ALLAN: Thank you, --

24 COMMISSIONER WAITS: Thank you.

25 COMMISSIONER ALLAN: -- Mary.

26 CHAIRMAN MILLS: Does anyone else have anything?

27 COMMISSIONER WAITS: I do have a comment --

28 CHAIRMAN MILLS: Okay.

29 COMMISSIONER WAITS: -- for the record because I sincerely
30 appreciate the -- the research that you have done on it and the
31 information and -- and I -- I want to assure you we don't take
32 it lightly.

33 However, the reason that we had to do the overlay I will let
34 our counselor explain to you. And the comment was made, perhaps
35 it should have done the location first before the commissioners.
36 But, actually, it had to come before us to know if we were going
37 to allow anything in the county. So we didn't really do it
38 backwards. But we do understand how it got caught in the middle.

39 So I would like Ted to explain on why we had to do the
40 overlay and the --

1 DISTRICT ATTORNEY HERRERA: Okay.

2 COMMISSIONER WAITS: -- information.

3 DISTRICT ATTORNEY HERRERA: When -- when I started doing
4 this, I was in contact with the Department of Taxation who --
5 who runs this on the state level.

6 And one of the things that I was informed that the
7 administration department and -- and the county commissioners,
8 they didn't necessarily want it right downtown. And that's why
9 the one-mile to ten-mile buffer zone.

10 Now, we're not changing the characteristic of any zoning.
11 What we're doing is when three parcels are picked and approved by
12 the planning commission and/or the county commissioners, an
13 overlay -- commercial overlay would be put on those three parcels.
14 So the only three parcels that would be affected would be the
15 three overlay parcels. And we put A-2, A-3, and to put the
16 overlay on. And that was the recommendation of the Department of
17 Taxation.

18 If we -- because we are making it harder than the state law.
19 Under the state laws, they could have gone into any of these empty
20 warehouses downtown and -- and put it up. And we didn't want
21 that.

22 We did not contemplate, we did not anticipate, and we -- we
23 strongly recommended to all applicants that they do not put it
24 near a residential area. Did not want that. We did not
25 contemplate that.

26 And in my opinion the planning commission did their job.
27 They turned it down in a residential area.

28 Now the -- the applicant at first was going to appeal it to
29 this board. And I believe that's why the concerned citizens
30 wanted to come and make sure that the county commissioners
31 followed the recommendation of the planning commission and say,
32 no, we don't want it near a residential area.

33 And that -- that appeal to -- it's my understanding that
34 appeal is not taking place now.

35 So there are no A-2 parcels of land that is up for
36 consideration.

37 Right now, there are -- one has been approved by the planning
38 commission with no appeal. That's an A-3 zone by Allen Road.

39 One has been approved -- a -- a second one has been approved
40 by the planning commission over there that may be appealed to --

1 to ask the county commissioners to put a setback.

2 The reason it's done originally by a special-use permit is
3 that allows the planning commission and/or the county
4 commissioners to set any -- any type of conditions they want on
5 it, such as a setback from the nearest landowner, whatever
6 condition they want. So that's why it's originally set as a
7 special-use permit.

8 But right now A-2 is off the board as far as consideration
9 for these three parcels. They're -- all three of them are over on
10 A-3. And what will happen if they're approved, the overlay --
11 commercial overlay goes over that one piece of property.

12 And it'll say in the ordinance that -- that we have three
13 overlays in -- in -- in Lander County that allow this to happen.

14 So I agree with the concerned citizens. It was not -- in
15 that it was not contemplated to be put in a residential area.

16 COMMISSIONER CLARK: Yes.

17 DISTRICT ATTORNEY HERRERA: I 100 percent agree with that.
18 And it shouldn't be. And the planning commission did their job.

19 Thi- --this is all good. The process is working. The one we
20 put in place is working for the benefit of Lander County. If too
21 many residences or people that live in a residential area have a
22 problem with it, they went to the planning commission. The
23 planning commission said, no, not here.

24 The only issue is location right now. And I can understand.
25 And it's a process.

26 So it's working in my opinion.

27 I'm -- I'm sorry that the concerned citizens felt let down in
28 any way by the county. That wasn't -- that wasn't what we wanted
29 to do. It wasn't what we tried to do. And the process is
30 working.

31 Thank you.

32 CHAIRMAN MILLS: Okay. Hopefully that's added some
33 clarification of the issue.

34 With that being said, is there -- is there any other public
35 comment? Any- -- anybody else have something they'd like to say?

36 If you'll come forward, please.

37 LEONARD SHEPHERD: I just -- my name's Lennie Shepherd.

38 I just have one question -- is: Why isn't it put in
39 industrial or commercial?

40 That's -- that's -- that's what the state said that it

1 recommends.
2 DISTRICT ATTORNEY HERRERA: Or overlay.
3 LEONARD SHEPHERD: Well, overlay. That's probably after
4 the commercial or the industrial; right?
5 DISTRICT ATTORNEY HERRERA: No. The Department of
6 Taxation -- we followed their recommendation. When we decided
7 -- not "we." When it was decided they didn't want it downtown,
8 Lennie, that's most of our industrial and commercial areas.
9 LEONARD SHEPHERD: Okay. Then what's wrong with where they
10 --
11 You know, the county put the commercial zoning in for the
12 industrial out where all the chemical plants are. What -- I mean
13 --
14 DISTRICT ATTORNEY HERRERA: It -- it's -- it's, like I
15 said, Lennie, the -- it wasn't intended to be put near a
16 residential --
17 LEONARD SHEPHERD: Okay?
18 DISTRICT ATTORNEY HERRERA: -- area. It really wasn't.
19 LEONARD SHEPHERD: All right.
20 DISTRICT ATTORNEY HERRERA: And -- and the process is
21 working. The planning commission did a good job.
22 LEONARD SHEPHERD: All right.
23 DISTRICT ATTORNEY HERRERA: They turned it down.
24 LEONARD SHEPHERD: Yeah. I'm -- I'm not -- I'm not saying
25 that they didn't.
26 All -- all I'm just wondering is why isn't there some more
27 industrial and commercial for them to put it in --
28 DISTRICT ATTORNEY HERRERA: I --
29 LEONARD SHEPHERD: -- instead of doing the overlay?
30 That's -- that's all I'm saying.
31 DISTRICT ATTORNEY HERRERA: Because they didn't want it
32 downtown.
33 LEONARD SHEPHERD: Okay. But that's all --
34 CHAIRMAN MILLS: Because our --
35 LEONARD SHEPHERD: -- commercial out there, industrial.
36 CHAIRMAN MILLS: Our commercial, industrial areas are very
37 limited. We are trying to expand some area for them to have
38 more opportunity to find land to use.
39 LEONARD SHEPHERD: Okay.
40 CHAIRMAN MILLS: If it -- if we restricted it only to

1 commercial and industrial, there'd be almost nowhere for them to
2 go.

3 LEONARD SHEPHERD: Well, there should be some more
4 commercial and industrial.

5 CHAIRMAN MILLS: I agree with you.

6 COMMISSIONER BAKKER: I agree.

7 CHAIRMAN MILLS: And we're working on some on that. We're
8 work- --

9 LEONARD SHEPHERD: But it can't be --

10 CHAIRMAN MILLS: Yeah.

11 LEONARD SHEPHERD: -- next to a neighborhood. And there's
12 no neighborhoods out there putting in things.

13 CHAIRMAN MILLS: And just so you know on that one, our --
14 our LEDA board is working on developing some commercial,
15 industrial areas. But, again, that -- that stuff is -- it's a
16 slow process. It takes time.

17 We're -- we're identifying properties and areas to establish
18 as -- and -- and present. Because they -- they can't do it
19 themselves. They're just an advisory board.

20 But they're coming up with ideas and -- and areas to present
21 to the commission to designate as industrial, commercial. But
22 timing-wise, it's -- it's not there yet. And the marijuana stuff
23 is here today. It -- timing-wise, it didn't work out right. But
24 it is being worked on.

25 SHIRLEY SHEPHERD: Shirley Shepherd.

26 CHAIRMAN MILLS: If you'll come forward, please.

27 SHIRLEY SHEPHERD: Again?

28 CHAIRMAN MILLS: It's --

29 COMMISSIONER CLARK: Yeah. We need --

30 CHAIRMAN MILLS: We have to re- --

31 COMMISSIONER CLARK: -- you at the table.

32 CHAIRMAN MILLS: -- we're recording the -- the thing. It's
33 got to be able to record your voice. You have to be close
34 enough for it to --

35 SHIRLEY SHEPHERD: Shirley --

36 CHAIRMAN MILLS: -- hear you.

37 SHIRLEY SHEPHERD: -- Shepherd.

38 So -- so then, I -- maybe I missed something of what Ted
39 said. But --

40 So what -- why wasn't there, like, on the billboard at the

1 civic center, there's going be a public meeting, town hall meeting
2 concerning the changing of zones?

3 Was that not up to you?

4 Or -- I mean, could you have had a public hearing for the
5 public at, like, a time, like at 7:00 o'clock at night when
6 people aren't working and -- and have the input?

7 I know my sister lives in Susanville, California. And this
8 marijuana thing has been a nightmare there. And she said they had
9 six months of town hall meetings before they came to an agreement,
10 that they let the community have their voice.

11 DISTRICT ATTORNEY HERRERA: Well, the -- the zoning, we
12 didn't -- we didn't try to cause this problem with the zoning.
13 We didn't rezone anything. Nothing's rezoned. It's -- we're --

14 SHIRLEY SHEPHERD: Right.

15 DISTRICT ATTORNEY HERRERA: -- just using the overlay on
16 three parcels. This is not going to happen in the future.

17 They've only approved three in Battle Mountain area, --

18 SHIRLEY SHEPHERD: Okay.

19 DISTRICT ATTORNEY HERRERA: -- one in the -- the other.

20 So when the -- after three parcels are picked, then the
21 ordinance is going to change to reflect that there are three
22 overlay parcels in Lander County, maybe four.

23 One in -- one in south and --

24 But -- but nothing else will be affected. And right now it
25 doesn't look like A-2. So we're not -- every year we're not
26 going to have new applications.

27 SHIRLEY SHEPHERD: Okay.

28 DISTRICT ATTORNEY HERRERA: It's going to be just these
29 three.

30 SHIRLEY SHEPHERD: And if you do have applications --

31 DISTRICT ATTORNEY HERRERA: Yes.

32 SHIRLEY SHEPHERD: -- from hence on, you'll --

33 DISTRICT ATTORNEY HERRERA: Yes. Ab- --

34 SHIRLEY SHEPHERD: -- you'll consider A-3s, --

35 DISTRICT ATTORNEY HERRERA: -- absolutely --

36 SHIRLEY SHEPHERD: -- that A- --

37 DISTRICT ATTORNEY HERRERA: We're going to take what you
38 say in consideration. I'll ask the admin department to -- to --
39 to splash it all over.

40 We followed what the -- what the rules on notice said.

1 Now, we understand that not everybody reads the paper. We
2 understand that we're in Battle Mountain so there's not that
3 internet connection with news and stuff.

4 And -- and that being the case, if we ever have to notice
5 anything with marijuana again for zoning, I'll make sure that --
6 that --

7 SHIRLEY SHEPHERD: You call me.

8 DISTRICT ATTORNEY HERRERA: We'll call you.

9 SHIRLEY SHEPHERD: Well, --

10 DISTRICT ATTORNEY HERRERA: Absolutely.

11 SHIRLEY SHEPHERD: -- I mean, we really and honestly --
12 if -- if we hadn't -- if we -- one -- our one neighbor got our
13 -- our -- that we -- that we know real well on our block, she
14 was the only one that got the 300 feet.

15 And -- and if we have been at odds or something and she
16 hadn't have contacted me, that would've -- that would've been
17 totally approved at the first -- if we hadn't all showed up,
18 that first planning commission would have approved that A-2 --

19 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

20 SHIRLEY SHEPHERD: -- because there was no -- and that's
21 what's scary.

22 DISTRICT ATTORNEY HERRERA: Well, it is scary. And -- and
23 I was not happy when they picked that location.

24 I mean, I talked to the applicant three or four times and
25 tried to persuade them to choose another location. Finally they
26 did.

27 But the planning commission did their job.

28 SHIRLEY SHEPHERD: Yeah.

29 DISTRICT ATTORNEY HERRERA: They -- they really did.

30 That -- that's the process. That's the special-use permit
31 process.

32 Is it the right location?

33 Well, it wasn't by your house, Shirley. It's not.

34 SHIRLEY SHEPHERD: It is by our house.

35 DISTRICT ATTORNEY HERRERA: It's not the right location.
36 The one --

37 SHIRLEY SHEPHERD: Oh, right.

38 DISTRICT ATTORNEY HERRERA: -- they picked --

39 SHIRLEY SHEPHERD: Oh, right.

40 DISTRICT ATTORNEY HERRERA: -- by your --

1 SHIRLEY SHEPHERD: -- exactly.
2 DISTRICT ATTORNEY HERRERA: -- house.
3 SHIRLEY SHEPHERD: Yeah. No, I --
4 DISTRICT ATTORNEY HERRERA: I --
5 SHIRLEY SHEPHERD: -- agree.
6 DISTRICT ATTORNEY HERRERA: -- agree with you one hundred
7 percent.
8 SHIRLEY SHEPHERD: Good.
9 All right. I'm happy.
10 MARIAN PORTER: We were already on that same
11 (indiscernible).
12 COMMISSIONER CLARK: I -- I -- I want to say something
13 here.
14 The number one issue for me as a commissioner is I wanted to
15 maintain control. The com- -- the county commissioners are not
16 the last say on this issue.
17 And as proven in White Pine County, they didn't develop an
18 ordinance, but they're still selling marijuana in White Pine
19 County.
20 It's going to come in whether the county approves it or
21 not. All they need is land. And almost every county in the
22 state has a colony or a reservation. And that's where they're
23 coming in. And you have no control over that.
24 The other thing, the way I read the ordinance was more than a
25 mile from town and within ten miles. Okay? You have to establish
26 a response time area so that you fit in the NRS.
27 But when we said a mile away from town, at the same time we
28 said not near residences, as far as I'm concerned.
29 Why -- why Gary Campbell woke up one morning with the
30 possibility of a 70,000-square-foot 747 airplane hangar across
31 from his street is -- is beyond me.
32 So I understand your concern. And, like Ted, I agree a
33 hundred percent. Shouldn't be near your house.
34 SHIRLEY SHEPHERD: Uh-huh.
35 CHAIRMAN MILLS: Do we have any other public comment?
36 (No comment.)
37 CHAIRMAN MILLS: Do we have some -- do we have some -- you
38 have some clarification here on what is happening? Are --
39 you're okay? Where you at?
40 MARIAN PORTER: As long as it don't go through.

1 DISTRICT ATTORNEY HERRERA: It -- it's already been turned
2 down. And it's too --

3 CHAIRMAN MILLS: Yeah.

4 DISTRICT ATTORNEY HERRERA: -- late to appeal --

5 MARIAN PORTER: Yeah.

6 DISTRICT ATTORNEY HERRERA: -- that -- that parcel.

7 LEONARD SHEPHERD: I'm waiting for the vote.

8 SHIRLEY SHEPHERD: No. They have that --

9 COMMISSIONER CLARK: This is --

10 COMMISSIONER ALLAN: This --

11 COMMISSIONER CLARK: -- a --

12 CHAIRMAN MILLS: No.

13 COMMISSIONER BAKKER: No --

14 COMMISSIONER CLARK: -- discussion.

15 COMMISSIONER BAKKER: -- vote.

16 COMMISSIONER ALLAN: This is discussion --

17 CHAIRMAN MILLS: We don't vote --

18 COMMISSIONER ALLAN: -- only, --

19 CHAIRMAN MILLS: -- on anything.

20 DISTRICT ATTORNEY HERRERA: It's already been --

21 COMMISSIONER ALLAN: -- Lennie.

22 DISTRICT ATTORNEY HERRERA: -- voted down.

23 CHAIRMAN MILLS: Okay.

24 COMMISSIONER ALLAN: Yeah.

25 CHAIRMAN MILLS: We're here to provide clarification on the
26 issue.

27 You had questions. You've asked them. I'm hoping you're --
28 I'm hoping you're settled and -- and everything's okay in your
29 mind on how this is working.

30 COMMISSIONER ALLAN: And I do want to just thank everybody
31 for the effort and -- and showing up and voicing your opinion
32 that -- to come before us and -- and voice your opinion. Let us
33 know, you know, dissatisfaction of -- of what potentially could
34 have happened.

35 COMMISSIONER BAKKER: Okay.

36 CHAIRMAN MILLS: Okay. Well, if there's nothing else,
37 we'll -- we'll move on.

38 COMMISSIONER BAKKER: Thank you, guys.

39 COMMISSIONER WAITS: Thank you, all.

40 MARIAN PORTER: Thank you.

1 LEONARD SHEPHERD: Thanks.

2 COUNTY CLERK SULLIVAN: Mr. Chairman.

3
4 (Indiscernible side conversations.)

5
6 CHAIRMAN MILLS: Yes?

7 COUNTY CLERK SULLIVAN: Can I go touch base on 5? Consent
8 Agenda 5?

9
10 (Indiscernible side conversations in chambers.)

11
12 CHAIRMAN MILLS: Are they here?

13 COMMISSIONER BAKKER: Yeah.

14 COUNTY CLERK SULLIVAN: Yeah. They were. You know,
15 they're in --

16 COMMISSIONER ALLAN: Oh.

17 COUNTY CLERK SULLIVAN: -- the packet.

18 CHAIRMAN MILLS: Okay. I thought --

19 COUNTY CLERK SULLIVAN: Yeah.

20 CHAIRMAN MILLS: -- we were waiting for them to show up so
21 we could do the --

22 COMMISSIONER ALLAN: No, they're --

23 CHAIRMAN MILLS: -- thing.

24 COMMISSIONER ALLAN: -- here.

25 CHAIRMAN MILLS: They're --

26 COUNTY CLERK SULLIVAN: If it's the (indiscernible), --

27 CHAIRMAN MILLS: -- ready?

28
29 (Indiscernible side conversations.)

30
31 COUNTY CLERK SULLIVAN: -- then they were in the packet.

32 CHAIRMAN MILLS: Yeah?

33 COUNTY CLERK SULLIVAN: So I just --

34 MARIAN PORTER: I've got a --

35
36 (Indiscernible side conversations.)

37
38 COUNTY CLERK SULLIVAN: -- wanted --

39 MARIAN PORTER: -- cold.

40 COUNTY CLERK SULLIVAN: -- to clarify, put that on the

1 record.
2
3 (Indiscernible side conversations.)
4
5 COUNTY CLERK SULLIVAN: And then you can give me direction
6 if you want it on the next --
7 MARIAN PORTER: Thank you, guys.
8 COUNTY CLERK SULLIVAN: -- meeting.
9 COMMISSIONER ALLAN: Thank you, --
10 COMMISSIONER CLARK: You're welcome.
11 COMMISSIONER ALLAN: -- Mary.
12 COMMISSIONER CLARK: Thank you.
13
14 (Indiscernible side conversations.)
15
16 CHAIRMAN MILLS: I'm -- I'm being unclear on what you're
17 asking.
18 COUNTY CLERK SULLIVAN: (Indiscernible.)
19 COMMISSIONER BAKKER: Yeah.
20 CHAIRMAN MILLS: Oh, you can make this --
21 COMMISSIONER BAKKER: On what?
22 COUNTY CLERK SULLIVAN: Five.
23 COMMISSIONER BAKKER: Five?
24 COUNTY CLERK SULLIVAN: Yeah.
25 COMMISSIONER BAKKER: Let Doug open it.
26 EMILY HENDRIX: Agenda Item 5.
27 COUNTY CLERK SULLIVAN: Not Agenda Item 5, Consent Agenda
28 5.
29 CHAIRMAN MILLS: Oh, Consent --
30 COMMISSIONER BAKKER: Oh.
31 CHAIRMAN MILLS: -- Agenda Item 5.
32 Oh. Was that the meeting --
33 COMMISSIONER BAKKER: Question meeting --
34 CHAIRMAN MILLS: -- minutes.
35
36 (Indiscernible side conversations.)
37
38 COMMISSIONER BAKKER: -- minutes.
39 CHAIRMAN MILLS: Okay. Yeah. Go ahead.
40 COUNTY CLERK SULLIVAN: Okay.

1 (Indiscernible side conversations.)
2
3 COMMISSIONER BAKKER: Hold on.
4 CHAIRMAN MILLS: Do we need to o- --
5 COUNTY CLERK SULLIVAN: Yeah, probably open it.
6
7 (Indiscernible side conversations.)
8
9 CHAIRMAN MILLS: Okay.
10
11 (Indiscernible side conversations.)
12
13 CHAIRMAN MILLS: We're going to re- -- we're going to
14 reopen the consent agenda. There's a question on Item Number 5,
15 approval of August twen- -- August 30, 2018, special meeting
16 minutes.
17 Sadie?
18 COUNTY CLERK SULLIVAN: Sadie Sullivan, Lander County
19 clerk, for the record. Just to have a direction. And I didn't
20 want to miss it at the end of the meeting.
21 On this it was emailed out September 6th at 11:30 and
22 11:32 as well. And it is in the packet. It's just two pages in
23 the back.
24 I just need -- wanted to make sure we didn't miss it.
25 It was emailed out. Do you want it on the next one? Was it
26 reviewed, and it looked like it was with the other minutes because
27 it is at the very back? It's two pages. It may have been
28 reviewed and not realized it was a separate one?
29 CHAIRMAN MILLS: Okay.
30 COMMISSIONER WAITS: I'm sorry, Sadie. Where in the back
31 is it? I didn't see it in anything.
32 COMMISSIONER ALLAN: In the correspondence?
33 EMILY HENDRIX: No, it's right in (indiscernible).
34 COUNTY CLERK SULLIVAN: And then it was emailed to you
35 guys --
36 COMMISSIONER WAITS: At the end of correspondence? I went
37 through it all.
38 COUNTY CLERK SULLIVAN: Okay. It was emailed to you
39 September 6th at 11:32 from Emily Hendrix.
40 Art -- it went to Art Clark, Cindy Benson, Doug Mills,

1 Jeanne Falzone, Judie Allen, Keith Westengard, Nilla Fuller,
2 Miteshell from Austin, Patsy Waits, myself, Sean, and Ted.

3 And then the packet was emailed. And then it's in my
4 packet.

5 CHAIRMAN MILLS: It's in the last two pages of the --

6 COUNTY CLERK SULLIVAN: Last --

7 CHAIRMAN MILLS: -- minutes --

8 COUNTY CLERK SULLIVAN: -- two pages --

9 CHAIRMAN MILLS: -- section.

10 COUNTY CLERK SULLIVAN: -- in the minutes.

11 COMMISSIONER WAITS: It's where? On what two pages?

12 CHAIRMAN MILLS: The last --

13 COUNTY CLERK SULLIVAN: In your minutes.

14 COMMISSIONER ALLAN: The very -- one ninety- -- page 193,
15 194.

16 COUNTY CLERK SULLIVAN: So I'm wondering if you did read it
17 and --

18 COMMISSIONER WAITS: Okay.

19 COUNTY CLERK SULLIVAN: -- you didn't --

20 COMMISSIONER WAITS: I have --

21 COUNTY CLERK SULLIVAN: -- realize.

22 COMMISSIONER WAITS: -- I have the three minutes here, but
23 --

24 COMMISSIONER ALLAN: In the packet.

25 KEITH WESTENGARD: At the very back.

26 COMMISSIONER WAITS: These are my minutes packets.

27 KEITH WESTENGARD: Yeah. Should be at the very back of
28 this.

29 COMMISSIONER ALLAN: Patsy, in the book.

30 COMMISSIONER WAITS: Well, all my minutes --

31 CHAIRMAN MILLS: It's after the August --

32 COMMISSIONER WAITS: I keep my --

33 CHAIRMAN MILLS: -- 9th --

34 COMMISSIONER WAITS: -- minutes --

35 CHAIRMAN MILLS: -- ones.

36 COMMISSIONER WAITS: -- separate from the book because it's
37 too heavy.

38 COUNTY CLERK SULLIVAN: We just did those two.

39 KEITH WESTENGARD: Those two right together.

40 COMMISSIONER CLARK: What -- what date?

1 COMMISSIONER WAITS: The 30th of August.
2 COMMISSIONER CLARK: Oh.
3 COMMISSIONER ALLAN: It's on page 193, 194 of the packet.
4 KEITH WESTENGARD: We just had to check for everyone.
5 She had -- she has her -- she separates out her pack- --
6 her book, Jeanne.
7 COMMISSIONER ALLAN: I know. But, I mean, if you look at
8 --
9 COMMISSIONER WAITS: It still should be --
10 KEITH WESTENGARD: Oh.
11 COMMISSIONER WAITS: -- the same --
12 COMMISSIONER ALLAN: -- the --
13 COMMISSIONER WAITS: -- number.
14 COMMISSIONER ALLAN: -- the minutes --
15 KEITH WESTENGARD: Yeah. I understand. And -- and she's
16 --
17 CHAIRMAN MILLS: Okay.
18 COMMISSIONER ALLAN: The initial --
19 KEITH WESTENGARD: -- (indiscernible).
20 COMMISSIONER ALLAN: -- minutes --
21 COMMISSIONER WAITS: Miteshell, do you remember receiving
22 that at all?
23 COUNTY CLERK SULLIVAN: It went through an email. Nothing
24 came back.
25 MITESHELL LANHAM: Say again?
26 CHAIRMAN MILLS: Page -- page 193 at the -- at the bottom,
27 they pa- -- numbered each page.
28 COMMISSIONER WAITS: But I don't have it.
29 COMMISSIONER ALLAN: If you look at --
30 KEITH WESTENGARD: You don't.
31 COMMISSIONER ALLAN: -- meeting minutes for July 26th, --
32
33 (Indiscernible side conversations.)
34
35 COMMISSIONER BAKKER: Well, she still hasn't reviewed them
36 so --
37 CHAIRMAN MILLS: Yeah.
38 COMMISSIONER BAKKER: -- she's still going to --
39 COUNTY CLERK SULLIVAN: Did any of you --
40 COMMISSIONER BAKKER: -- need time to --

1 COUNTY CLERK SULLIVAN: -- guys review them?
2 COMMISSIONER BAKKER: No.
3 COUNTY CLERK SULLIVAN: Two pages?
4
5 (Indiscernible side conversations.)
6
7 CHAIRMAN MILLS: So let's just -- let's just put it on --
8 KEITH WESTENGARD: I reviewed it.
9 CHAIRMAN MILLS: -- the next --
10 COMMISSIONER BAKKER: Yeah.
11 CHAIRMAN MILLS: -- agenda.
12 COMMISSIONER BAKKER: Let's --
13 KEITH WESTENGARD: (Indiscernible.)
14 COMMISSIONER BAKKER: -- put it on the next --
15 KEITH WESTENGARD: Sadie --
16 COMMISSIONER BAKKER: -- agenda, --
17 KEITH WESTENGARD: (Indiscernible.)
18 COMMISSIONER BAKKER: -- and then let's move forward.
19 COUNTY CLERK SULLIVAN: Okay.
20 KEITH WESTENGARD: I reviewed them.
21 COUNTY CLERK SULLIVAN: Okay.
22 KEITH WESTENGARD: But they need to --
23 COUNTY CLERK SULLIVAN: I just wanted to --
24 COMMISSIONER ALLAN: Okay.
25 COUNTY CLERK SULLIVAN: -- clarify it was emailed out so
26 then --
27 COMMISSIONER ALLAN: Thank you, Sadie.
28 COMMISSIONER BAKKER: Got that.
29 COUNTY CLERK SULLIVAN: Thank you.
30 COMMISSIONER BAKKER: Okay.
31 CHAIRMAN MILLS: Okay.
32 We've got our people here from the homecoming parade thing?
33 You've got --
34 Okay. We'll do that one next.
35
36
37
38
39
40

1 5) Discussion and possible action to approve/disapprove the
2 permit for temporary occupancy of Nevada Department of
3 Transportation right-of-way for the Battle Mountain High
4 School homecoming parade, Friday, October 12, 2018, at 12:00
5 p.m., closing East Front Street, Broad Street, East 8th
6 Street, and ending at the elementary school on Altenburg
7 Street. Approval has already been granted by the State of
8 Nevada Department of Transportation to close state highways,
9 East Front Street, and Broad Street at the above-stated time
10 and date. And all other matters properly related thereto.
11

12 CHAIRMAN MILLS: Item 5. Discussion and possible action to
13 approve/disapprove the permit for temporary occupancy of Neva-
14 -- Nevada Department of Transportation right-of-way for the
15 Battle Mountain High School homecoming parade, Friday, October
16 12th, 2018, at 12:00 p.m., closing --

17 COMMISSIONER BAKKER: Denied.

18 CHAIRMAN MILLS: -- closing East Front Street, Broad
19 Street, East 8th Street, and the end at the elementary school on
20 Altenburg Street. Approval has already been granted by the
21 State of Nevada Department of Transportation to close state
22 highways, East Front Street, and Broad Street at the
23 above-stated time and date. And all other matters properly
24 related thereto.

25 Good morning.

26 SRUTI BHAKTA: Good morning. My name is Sruti Bhakta. I'm
27 the student body president of the high school.

28 BROOKE RIPLEY: And my name is Brooke Ripley. And I'm the
29 student body secretary for the Battle Mountain High School.

30 SRUTI BHAKTA: And we're just here to ask if you could
31 approve our homecoming parade permit.

32 COMMISSIONER BAKKER: Do you really want a homecoming
33 parade?

34 SRUTI BHAKTA: Yeah?

35 COMMISSIONER BAKKER: Okay. With that, I'll make a motion
36 to approve the permit for temporary occupancy of Nevada
37 Department of Transportation right-of-way for the Battle
38 Mountain High School homecoming parade, Friday, October 12,
39 2018, at 12:00 p.m., closing East Front Street, Broad Street,
40 East 8th Street, and ending at the elementary school on

1 Altenburg Street.
2 Ron, everything good?
3 SHERIFF RON UNGER: Yes, sir. It is.
4 COMMISSIONER BAKKER: Okay.
5 COMMISSIONER CLARK: Second.
6 COMMISSIONER WAITS: And authorize --
7 COMMISSIONER BAKKER: And authorize the chair to sign.
8 COMMISSIONER CLARK: Second.
9 SRUTI BHAKTA: Great. Is that it?
10 BROOKE RIPLEY: Good?
11 CHAIRMAN MILLS: Okay.
12 SRUTI BHAKTA: Yeah?
13 CHAIRMAN MILLS: Sean made a --
14 BROOKE RIPLEY: Oh.
15 CHAIRMAN MILLS: -- motion. Art seconded.
16 Do we have any public comment?
17 COUNTY CLERK SULLIVAN: May I get a spelling, please?
18 COMMISSIONER BAKKER: Sruti, will you spell your name?
19 SRUTI BHAKTA: Oh, S-R-U-T-I. And then B-H-A-K-T-A.
20 COUNTY CLERK SULLIVAN: Thank you.
21 COMMISSIONER CLARK: How's the volleyball team doing?
22 BROOKE RIPLEY: Not too bad. We beat Lovelock on Tuesday.
23 COMMISSIONER CLARK: Football team's --
24 CHAIRMAN MILLS: Well, that's --
25 COMMISSIONER CLARK: -- doing pretty --
26 CHAIRMAN MILLS: -- always good.
27 COMMISSIONER CLARK: -- good this year. 4-0?
28 BROOKE RIPLEY: Yeah.
29 COMMISSIONER CLARK: Yeah. Who do we play for homecoming?
30 BROOKE RIPLEY: Yerington.
31 COMMISSIONER CLARK: Who?
32 BROOKE RIPLEY: Yerington.
33 COMMISSIONER BAKKER: Are we going to win?
34 BROOKE RIPLEY: Yes.
35 COMMISSIONER BAKKER: Good answer.
36 COMMISSIONER CLARK: Longhorn --
37 COMMISSIONER ALLAN: Good answer.
38 COMMISSIONER CLARK: -- pride.
39 CHAIRMAN MILLS: Okay. Do we have any other public
40 comment?

1 (No comment.)
2 CHAIRMAN MILLS: All in favor?
3 COMMISSIONER BAKKER: Aye.
4 COMMISSIONER WAITS: Aye?
5 CHAIRMAN MILLS: Aye.
6 COMMISSIONER ALLAN: Aye.
7 COMMISSIONER CLARK: Aye.
8 CHAIRMAN MILLS: You got it.
9 COMMISSIONER BAKKER: You got it, --
10 SRUTI BHAKTA: Thank you.
11 BROOKE RIPLEY: Thank you.
12 COMMISSIONER BAKKER: -- girls.
13 CHAIRMAN MILLS: All right. Thank you for --
14 COMMISSIONER WAITS: You guys --
15 CHAIRMAN MILLS: -- coming.
16 COMMISSIONER WAITS: -- have a great homecoming, ladies.
17 COMMISSIONER CLARK: Sounds good.
18 COMMISSIONER ALLAN: Are you going to do --
19 CHAIRMAN MILLS: We're going to do --
20 COMMISSIONER ALLAN: -- Gallagher?
21 CHAIRMAN MILLS: Yeah.
22 COUNTY CLERK SULLIVAN: (Indiscernible.)
23 COMMISSIONER BAKKER: It's blue.
24 CHAIRMAN MILLS: Today's 27th?
25 Oh. Okay. Thank you.
26 All done.
27 UNIDENTIFIED PARTICIPANT: Thank you.
28

29 9) Discussion and possible action regarding the Battle Mountain
30 levee and an update provided by Summit Engineering, and all
31 other matters properly related thereto.
32

33 CHAIRMAN MILLS: We're going to move to Item Number 9.
34 Discussion and possible action regarding the Battle Mountain
35 levee and an update provided by Summit Engineering, and all other
36 matters properly related thereto.
37 COMMISSIONER BAKKER: Where's Tom?
38 CHAIRMAN MILLS: There.
39 COMMISSIONER BAKKER: Oh.
40 I knew I saw you come in. So --

1 COMMISSIONER ALLAN: You can't hide, Tom.
2 TOM GALLAGHER: Good morning, commissioners.
3 COMMISSIONER BAKKER: Good morning.
4 CHAIRMAN MILLS: Good morning.
5 COMMISSIONER ALLAN: Good morning.
6 COMMISSIONER CLARK: Good --
7 COMMISSIONER WAITS: Good --
8 COMMISSIONER CLARK: -- morning, --
9 COMMISSIONER WAITS: -- morning.
10 COMMISSIONER CLARK: -- Tom.
11 TOM GALLAGHER: Tom Gallagher with Summit Engineering.
12 And Clint Thiesse's here with me. And he's going to tell
13 you where we are with the levee project.
14 CLINT THIESSE: What I've got here is our current schedule.
15 It's been modified since the last one you've seen.
16 Our design is probably about two months behind schedule from
17 where we were.
18 A lot of that was caused from how wet it was last spring as
19 far as getting out and doing geotech work, wetland study, and the
20 cultural. But we have all those in place now.
21 And in a minute here, I'm going to show you a few
22 modifications we've made because of those studies. So --
23 But, anyway, I'll pass this schedule out to you.
24 COMMISSIONER ALLAN: Thanks.
25 CHAIRMAN MILLS: Thank you.
26 COMMISSIONER CLARK: Thank you.
27 KEITH WESTENGARD: Clint, how are you? Thank you.
28 CLINT THIESSE: So to date we are complete with the -- all
29 the field work for the geotechnical study.
30 All of the cultural field work is done on the alignment we
31 previously had.
32 I'm looking at doing some minor adjustments. I don't know
33 if it's completely all covered. We believe it is, but it needs
34 to be rechecked.
35 The wetlands field work is done, which generated basically
36 our modifications in alignment, which I'll go through with you
37 here in a minute.
38 At this point, our critical items are getting the railroad
39 plan done, before the railroad, and start getting our NDOT
40 encroachment permits going so we can get those processes going.

1 Our hydrologist feels he's on schedule as far as getting the
2 CLOMR work complete to go into FEMA.

3 He's going to also have to make those adjustments based on
4 our alignment changes. But that's basically our plan.

5 I believe we can still be under construction by next July
6 if everything falls in place for us and we don't stub our toe
7 with governmental reviews.

8 We're probably facing going to the Army Corps at least for a
9 408 permit because we're looking at crossing the existing levee.

10 We'll probably also have a flood wall that's going to
11 encroach into it when we have to get underneath the railroad and
12 also the freeway. So both of those items may be jurisdictional
13 still.

14 With our current alignment, we're hoping to avoid a
15 individual 40- -- 404 permit for wetlands and hoping we can go
16 nationwide. But that will all depend upon if this latest al- --
17 alignment works.

18 Our last alignment, we're about 4 1/2 acres of wetlands we
19 were hitting with the levee, which would have required an
20 individual permit. So --

21 Anyway.

22 With the map here -- woops -- upside down.

23 COMMISSIONER WAITS: That helps.

24 CLINT THIESSE: So on the map here, the orange is the
25 existing levee that the Army Corps built.

26 If you look at the magenta line, which is dashed with our
27 blue there, because we aren't changing anything so- -- south of
28 Interstate 80, that magenta line was the last alignment you saw
29 that we had been -- preceding.

30 We did the wetlands. Here's the large area of wetland area
31 that that would be touching.

32 We also had some areas up by Front Street and at the
33 railroad. So our current -- and I've already discussed this with
34 NDOT -- will be to come down, avoid this wetland and some power
35 poles in this area and actually use a piece of Front Street as a
36 -- as the levee system.

37 And NDOT is amenable to that so -- at least District --
38 District 3 office was. So -- we haven't made it to headquarters
39 yet.

40 And then we cross the railroad where currently the culverts

1 are.

2 And when we get down to Muleshoe, that's where our major
3 wetland issue starts. So we look at utilizing a small piece of
4 Muleshoe, crossing the existing levee, and then continuing the new
5 levee on the current dry side of the levee so we can avoid all
6 those wetland areas.

7 So, you know, our -- our flood walls will be at Interstate 80
8 in order to get that western-most culvert and then also at the
9 railroad so we utilize all the existing facilities because those
10 two facilities we don't want to have to touch.

11 So --

12 CHAIRMAN MILLS: So question, when you -- when the levee
13 runs alongside the existing levee, is that actually going to
14 be -- they're going to side by side or are they going to be
15 intermingled in the wood?

16 CLINT THIESSE: They'll -- they'll be side by side.

17 CHAIRMAN MILLS: So --

18 CLINT THIESSE: We want --

19 CHAIRMAN MILLS: -- so there's going to be, like, a culvert
20 between them?

21 CLINT THIESSE: Yep. Yeah. We'll have --

22 CHAIRMAN MILLS: Okay.

23 CLINT THIESSE: -- drainage in between them that we'll have
24 to perpetuate and get out. Right.

25 CHAIRMAN MILLS: So that's why the -- the 408, then, is
26 only for whatever --

27 CLINT THIESSE: The 408 --

28 CHAIRMAN MILLS: -- small section where it crosses over.

29 CLINT THIESSE: Yeah. The 408 would be here, potentially
30 right at the railroad, potentially right at Interstate 80.

31 TOM GALLAGHER: We really don't want touch their levee
32 because they've determined that that facility is jurisdictional,
33 which they built and created a wetland on the other side of it.

34 So --

35 COMMISSIONER WAITS: Are you leaving that map with us?

36 CLINT THIESSE: What's that?

37 COMMISSIONER WAITS: Are you leaving that map with us?

38 CLINT THIESSE: I can leave this with you. Yes, I can.

39 COMMISSIONER WAITS: Would that go in Building and
40 Planning? Or --

1 KEITH WESTENGARD: Yeah. I'll take it from him.
2 COMMISSIONER WAITS: Okay.
3 TOM GALLAGHER: Okay.
4 COMMISSIONER WAITS: The other thing is I'm -- and I
5 sincerely appreciate your -- your timeline here. And I -- I
6 think it's very, very important. But when you give it to us at
7 the la- -- the last minute, it doesn't become public record.
8 CLINT THIESSE: Okay.
9 COMMISSIONER WAITS: And I would like to ask that we put
10 this in with our information.
11 So --
12 COMMISSIONER BAKKER: Did you get a copy, Sadie?
13 COMMISSIONER WAITS: -- yeah --
14 COUNTY CLERK SULLIVAN: Yes.
15 COMMISSIONER WAITS: -- so it stays in so we can access it.
16 CLINT THIESSE: Okay.
17 CHAIRMAN MILLS: When -- when this levee's complete, what's
18 the possibility of eliminating the Corps of Engineer levee? Or
19 is it ju- -- is it going to be there forever?
20 CLINT THIESSE: It's jurisdictional. And my understanding
21 would be you'd have to request Congress to eliminate it.
22 CHAIRMAN MILLS: Wow.
23 CLINT THIESSE: So --
24 TOM GALLAGHER: Unless you do it in the black.
25 CLINT THIESSE: So go through Mr. Amodei --
26 CHAIRMAN MILLS: At night?
27 CLINT THIESSE: -- or something and request that it go
28 away.
29 COMMISSIONER BAKKER: Okay.
30 COMMISSIONER WAITS: Thank you.
31 CHAIRMAN MILLS: Okay.
32 All right.
33 Do we have any public comment? Any questions about the
34 levee?
35 COMMISSIONER CLARK: Does anybody want to come up and take
36 a look at this --
37 CHAIRMAN MILLS: Want to look at the --
38 COMMISSIONER CLARK: -- pictorial?
39 CHAIRMAN MILLS: -- the map.
40 COMMISSIONER WAITS: Maybe they'll be here -- well, we'll

1 have it during the break too --
2 COMMISSIONER BAKKER: Uh-huh.
3 COMMISSIONER WAITS: -- so they can come up.
4 CHAIRMAN MILLS: Yeah.
5 JON SHERVE: I've got a public comment.
6 Could -- so could you explain what -- what it'll do to the
7 flood insurance, then, to the residents?
8 KEITH WESTENGARD: Can you --
9 COMMISSIONER BAKKER: Hey, --
10 KEITH WESTENGARD: -- identify yourself?
11 COMMISSIONER BAKKER: -- Jon?
12 JON SHERVE: Oh.
13 COMMISSIONER CLARK: We need you up at the table so we can
14 record your conversation.
15 COMMISSIONER WAITS: And -- and your --
16 COMMISSIONER BAKKER: State your --
17 COMMISSIONER WAITS: -- identity.
18 COMMISSIONER BAKKER: -- name.
19 JON SHERVE: My name is Jon Sherve, resident of Battle
20 Mountain.
21 And I just -- my question was how that -- the -- the new
22 levee, then, affects the insurance to the folks who are in the
23 floodplain.
24 CLINT THIESSE: So --
25 COMMISSIONER ALLAN: We don't --
26 CLINT THIESSE: -- the goal --
27 COMMISSIONER ALLAN: -- know.
28 CLINT THIESSE: -- the goal would be that everything on the
29 southwest side of the new levee could be removed from the Zone
30 A.
31 What would it remain, since it's a levee system, would be a
32 shaded X, which means that if there was a breach of the levee,
33 there's still is a chance that there could be flooding.
34 So it's -- it's like a 500-year zone, considered in the
35 same class.
36 So --
37 COMMISSIONER CLARK: Jon --
38 COMMISSIONER BAKKER: So --
39 COMMISSIONER CLARK: -- Jon --
40 COMMISSIONER BAKKER: -- they don't know. FEMA has to sign

1 off on it, really, Jon.
2 CLINT THIESSE: Right.
3 COMMISSIONER BAKKER: And it may or may not -- it's not
4 going to do away with flood insurance, but it may lower flood
5 insurance after --
6 CLINT THIESSE: Right.
7 COMMISSIONER BAKKER: -- FEMA signs off on it.
8 TOM GALLAGHER: It -- when FEMA --
9 COMMISSIONER CLARK: What we --
10 TOM GALLAGHER: -- signs --
11 COMMISSIONER CLARK: -- tried --
12 TOM GALLAGHER: -- off on --
13 COMMISSIONER CLARK: -- to do --
14 TOM GALLAGHER: -- it, it --
15 COMMISSIONER BAKKER: Yeah.
16 TOM GALLAGHER: -- definitely will lower it.
17 COMMISSIONER BAKKER: Yeah.
18 CLINT THIESSE: So --
19 COMMISSIONER CLARK: What we tried to do is create an X
20 zone so that you don't have flood insurance. But then we were
21 told that it's up to the banks. It's not up to --
22 COMMISSIONER BAKKER: With FEMA signing off on it. And the
23 county has to maintain it. We have to do yearly maintenance.
24 There's a lot that goes into it to keep that classification, --
25 CLINT THIESSE: Right.
26 COMMISSIONER BAKKER: -- from my understanding.
27 CLINT THIESSE: So -- so the goal is to get the levee
28 certified so that it's acceptable to remove the system out of
29 the A zone. That's the purpose and the goal here.
30 COMMISSIONER BAKKER: So we don't know yet.
31 COMMISSIONER WAITS: But that was our intent so we're
32 really trying.
33 COMMISSIONER BAKKER: Right. Exactly.
34 COMMISSIONER ALLAN: So I do have a question, Tom.
35 And I haven't really been staying up to date on -- on the
36 levee project because I don't understand a lot of it really in
37 some respects.
38 I know there was some discussion with the water line going
39 out to the airport. Was there not a little bit of an adjustment
40 on the location of the levee?

1 Did -- did -- was there not at some point, because of that
2 water line and -- and whatnot, that there was a little bit of area
3 that we were changing?

4 TOM GALLAGHER: I think -- are you talking about the
5 stuff south?

6 CHAIRMAN MILLS: The -- the south --

7 COMMISSIONER ALLAN: That --

8 CHAIRMAN MILLS: -- end of the --

9 COMMISSIONER ALLAN: -- would be on the south --

10 CHAIRMAN MILLS: -- south --

11 COMMISSIONER ALLAN: -- side of --

12 JON SHERVE: Yeah.

13 COMMISSIONER ALLAN: -- 80.

14 CLINT THIESSE: So the original alignment would have been
15 right here in this open.

16 COMMISSIONER ALLAN: Okay.

17 CLINT THIESSE: Okay. The last action you guys took was to
18 separate this 500 feet from the road to provide some dry
19 property on this private property --

20 TOM GALLAGHER: For commercial or --

21 CLINT THIESSE: -- for commercial --

22 TOM GALLAGHER: -- industrial, --

23 CLINT THIESSE: -- and industrial.

24 TOM GALLAGHER: -- something like that.

25 CLINT THIESSE: Right.

26 COMMISSIONER BAKKER: Uh-huh.

27 CLINT THIESSE: And so that part of the alignment we've
28 left alone down here.

29 All of our adjustments have been up on the other side of
30 Interstate 80 since the last alignment you saw.

31 COMMISSIONER ALLAN: Okay.

32 What -- what's the cost difference? Is there any cost
33 difference in that realignment?

34 CLINT THIESSE: Right here?

35 There was a little additional engineering work. But that is
36 far as your construction costs, there will not be any.

37 COMMISSIONER ALLAN: Okay.

38 CLINT THIESSE: Because we have preliminary engineering
39 done on the old alignment and then had to redo some of that.

40 COMMISSIONER ALLAN: Okay.

1 How far off when you state you have it listed as Marvel
2 Ranch Road.
3 Is that --
4 CLINT THIESSE: What --
5 COMMISSIONER ALLAN: -- what you've got? The levee goes
6 parallel.
7 CLINT THIESSE: Yes.
8 COMMISSIONER ALLAN: And you have it listed as Marvel Ranch
9 Road.
10 CLINT THIESSE: Yeah. I know. It's changed; right?
11 COMMISSIONER ALLAN: What -- how far between the levee and
12 Marvel Ranch Road is there?
13 CLINT THIESSE: That's a 500-foot separation, I believe.
14 COMMISSIONER ALLAN: Okay.
15 Thank you.
16 TOM GALLAGHER: Which is a completely adequate distance
17 for -- generally, you look at something for commercial or
18 industrial frontage at 350 minimum. So 500 will accommodate
19 development like that.
20 CHAIRMAN MILLS: Okay.
21 COMMISSIONER BAKKER: Okay.
22 CHAIRMAN MILLS: Any other public comment?
23 (No comment.)
24 CHAIRMAN MILLS: Okay.
25 Thank you very much.
26 COMMISSIONER WAITS: Thank you.
27 CHAIRMAN MILLS: Appreciate you --
28 CLINT THIESSE: Thank you.
29 COMMISSIONER CLARK: Thanks, Tom.
30 CHAIRMAN MILLS: -- presenting with us -- presenting that
31 information to us.
32 COMMISSIONER BAKKER: Seven.

1 7) Discussion and possible action to approve/disapprove the
2 recommendation of the planning commission for the following
3 zone change request for Eric and Stacy Ragland from A-3 farm
4 and ranch district to A-2 five-acre agricultural district,
5 APNs 010-280-20 and 010-280-24 located on Faded Sage Drive,
6 and all other matters properly related thereto.
7

8 CHAIRMAN MILLS: Okay. We're on Item Number 7.

9 Discussion and possible action to approve/disapprove the
10 recommendations of the planning commission for the following zone
11 change request for Eric and Stacy Ragland from A-3 Farm and Ranch
12 District to A-2 Five-acre Agricultural District, APNs 010-280-20
13 and 010-280-24 located on Faded Sage Drive, and all other matters
14 properly related thereto.

15 KEITH WESTENGARD: This has gone through the planning
16 commission. It's been approved by the planning commission. And
17 just as the number -- Item 6, it falls into line with our master
18 plan.

19 CHAIRMAN MILLS: Okay.

20 COMMISSIONER WAITS: Good morning.

21 STACY RAGLAND: Stacy Ragland.

22 COMMISSIONER BAKKER: Good morning.

23 STACY RAGLAND: Good morning.

24 CHAIRMAN MILLS: How you doing?

25 STACY RAGLAND: I'm (indiscernible), --

26 CHAIRMAN MILLS: All right.

27 STACY RAGLAND: -- doing well.

28 CHAIRMAN MILLS: Do you have any comments for us on this
29 one? Or any additional information we need?

30 STACY RAGLAND: No. Just -- just wanted to break it down
31 so over time we can hand it out to our kids.

32 CHAIRMAN MILLS: Oh.

33 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
34 the recommendation of the planning commission for the following
35 zone change request for Eric and Stacy Ragland from A-3 Farm and
36 Ranch District to A-2 Five-acre Agricultural District, APN
37 010-280-20 and 010-280-24 located on Faded Sage Drive.

38 COMMISSIONER ALLAN: Second.

39 CHAIRMAN MILLS: Okay. Sean made a motion. Judie
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 COMMISSIONER WAITS: Aye.

7 CHAIRMAN MILLS: Aye.

8 COMMISSIONER CLARK: Aye.

9 STACY RAGLAND: Thank you.

10 CHAIRMAN MILLS: Okay. Thank you.

11
12 **8) Discussion only regarding an update on the Mill Creek**
13 **Campground provided by BLM representative Jon Sherve and Anna**
14 **O'Brien, and to review the Mill Creek enhancement plan, and**
15 **all other matters properly related thereto.**
16

17 CHAIRMAN MILLS: Item Number 8. Discussion only and update
18 on the Mill Creek Campground provided by BLM representatives Jon
19 Sherve and Anna O'Brien, and to review the Mill Creek
20 enhancement plan, and all other matters properly related
21 thereto.

22 COMMISSIONER ALLAN: I don't think you're Anna.

23 KYLE HENDRIX: No.

24 JON SHERVE: Good morning, commissioners. My name is John
25 Sherve. I'm the field manager for the Mount Lewis Field Office
26 for the Battle Mountain District.

27 I believe in your package you have a copy of the Mill Creek
28 Campground enhancement plan.

29 So I'm just going to touch on a -- a few key points on that,
30 a little background on what we're done, and then any questions you
31 might have.

32 I think overall, though, we've provided this to the
33 commissioners to get some public input on any- -- anything that
34 they'd like to add or maybe not be part -- have part of this
35 campground.

36 So back -- a brief background. There was -- June of 2017 was
37 the Mill Creek Fire. It burned over 400 acres, about half public,
38 half private land. It's in the -- the checkerboard.

39 Since that time, we've gone through an envir- -- an
40 emergency stabilization, rehabilitation plan for the campground.

1 We've done about 160 acres of seeding. And a lot of this is
2 only -- we can only spend federal funds on public land.

3 We've seeded about 160 acres. We've gone through a -- a
4 couple efforts of hazardous tree removal. We've put a fence
5 around the campground. There's been some stream bank
6 stabilization. There have been about a thousand seedlings, both
7 sagebrush and bitterbrush planted. And we continue to spray for
8 noxious weeds. And we've done some minor road regrade and
9 realignment. That's what we've done about the last year.

10 There's still a little more ES&R work to do, but we want to
11 transition into a -- rebuilding the site and expanding it as well.

12 Some of the key points that we want to do with the expansion
13 are -- if you go to your -- in your handout there, the, the very
14 last page is a map. And there's a pink line and a pink polygon.
15 About half of that is the north -- northeastern part of that
16 polygon would be the existing campground and then the southwestern
17 portion is the part that we want to expand. And that very
18 southern part is a private boundary. So we will expand as far as
19 we can up to there.

20 And part -- also part of the expansion, we want to work in
21 some trails to tie into the existing OH- -- Shoshone OHV trail
22 system. So on that same map or the -- the map, the page before,
23 you can see the -- the smaller, the -- and the newer expanding
24 campground up on the top in Section 26. And then it's got three
25 trails leading to the blue route there. Those would be all new
26 trails originating in the campground area. Then both going up to
27 the -- meet that one blue route. And then that blue route will
28 tie into existing OHV trail systems. So I think that'll be a good
29 enhancement, nice feature to the -- to the campground.

30 We're also looking at expanding in that newer area. We're
31 not proposing any new campsites, but that new expanded area to use
32 for like a walking trail -- interpretive walking trail.

33 And then -- and those are -- those are the main features.
34 We've got, you know, some more plantings that we -- plantings that
35 we've got planned. But, overall, this is a brief proposal to the
36 county, get your input on -- on the direction.

37 We will need to go through a NEPA effort. So there'll be
38 additional opportunity for public comments when that
39 environmental assessment is issued to the public.

40 COMMISSIONER ALLAN: So, Jon, we don't have the --

1 JON SHERVE: You don't have this?
2 COMMISSIONER ALLAN: No.
3 CHAIRMAN MILLS: We don't have the maps.
4 COMMISSIONER ALLAN: Yeah. We --
5 JON SHERVE: Oh, you don't --
6 COMMISSIONER ALLAN: -- don't have --
7 JON SHERVE: -- have --
8 COMMISSIONER ALLAN: -- the maps.
9 JON SHERVE: -- the maps?
10 CHAIRMAN MILLS: That's okay.
11 COMMISSIONER ALLAN: We don't have the pictures.
12 JON SHERVE: Oh.
13 COMMISSIONER ALLAN: And -- and I do have one question.
14 You do have Public Lands Day coming up -- don't you? -- the
15 end of the month?
16 JON SHERVE: Kyle is going to -- I'll --
17 COMMISSIONER ALLAN: Oh, okay.
18 JON SHERVE: Kyle can talk on that since he --
19 COMMISSIONER ALLAN: Okay.
20 KYLE HENDRIX: Yeah. Kyle Hendrix, BLM public affairs.
21 And just to answer any additional questions is kind of why
22 I'm here. But I did want to provide kind of a plug for our
23 event coming up. And it is directly tied to this.
24 So this Sunday the 30th from 10:00 a.m. to 3:00 p.m., we
25 are inviting volunteers and asking for volunteers to come out to
26 Mill Creek and assist us with some of this revitalizing of the
27 campground. And the big ticket item is going to be tree
28 planting. We've got a lot of kind of medium- or full-grown
29 trees. We've got little trees for little ones to plant.
30 We've got a lot of great activities. And general debris
31 removal and clean-up activities. But the big, fun stuff will be
32 planting the trees. So we do expect a -- a good number of people.
33 But I did want to provide the group kind of a -- a -- a selfish
34 plug for the event that we've got coming up. We do expect it's
35 going to be a great event. We hope to see as many people as we
36 can.
37 COMMISSIONER BAKKER: Cool. Thank you.
38 CHAIRMAN MILLS: So --
39 COMMISSIONER WAITS: Gentlemen, I -- I think it's -- it's a
40 very aggressive and thorough approach that you're taking to

1 everything that you're doing at Mill Creek. And I really -- I
2 love the interpretive trail, especially. And I love the fact
3 you're going to widen it for the side-by-sides and UTVs. I -- I
4 just think it's a great job because it would be so awful if you
5 weren't there. But you're doing so much more than what it was.
6 So it's all going to be good.

7 Thank you.

8 COMMISSIONER BAKKER: Thank you, guys.

9 CHAIRMAN MILLS: Have -- have you received public comments
10 from people and input? And have they given you some ideas that
11 you've implemented?

12 JON SHERVE: Not -- not -- not really. I hadn't -- not
13 that I'm aware of.

14 We -- it's -- it hasn't really hit that stage yet.

15 We're still in the --

16 CHAIRMAN MILLS: Okay.

17 JON SHERVE: -- conceptual design --

18 CHAIRMAN MILLS: Well, hopefully --

19 JON SHERVE: -- stage.

20 CHAIRMAN MILLS: -- hopefully they'll take some interest
21 and --

22 JON SHERVE: Yeah.

23 CHAIRMAN MILLS: -- give you some ideas.

24 JON SHERVE: But certainly on this, we know -- we
25 understand it's -- it's a -- a nice community feature and input
26 any time. (Indiscernible.)

27 COMMISSIONER ALLAN: So do you know -- do you know what
28 kind of use it got this summer?

29 JON SHERVE: It -- it's usually pretty popular. Even --
30 even though it's -- it's not looking good right now, there was
31 definitely use, --

32 COMMISSIONER ALLAN: Still got good use.

33 JON SHERVE: -- you know.

34 COMMISSIONER ALLAN: Good.

35 KYLE HENDRIX: I think our average numbers obviously
36 probably went down after the fire damage to Mill Creek. But we
37 estimate about 30,000 to 40,000 visitors each year at Mill
38 Creek. So, --

39 COMMISSIONER CLARK: How --

40 KYLE HENDRIX: -- again, probably a little bit of a dip

1 last year. But --
2 COMMISSIONER CLARK: What --
3 KYLE HENDRIX: -- I would have to imagine that if we can
4 advertise you could camp and from the campsite ride out to one
5 of -- what I think is probably the best OHV trail system in
6 northern Nevada, I think we'll see a lot more people there. So
7 --
8 COMMISSIONER CLARK: How many people?
9 KYLE HENDRIX: Thirty thousand is kind of the estimate that
10 our recreation folks give for visitors to Mill Creek each year.
11 COMMISSIONER CLARK: Thirty --
12 COMMISSIONER ALLAN: Wow.
13 COMMISSIONER CLARK: -- thousand people --
14 KYLE HENDRIX: Yes, sir.
15 COMMISSIONER CLARK: -- at Mill Creek.
16 KYLE HENDRIX: Yes.
17 COMMISSIONER BAKKER: Wow.
18 JON SHERVE: We -- our -- we have limited campgrounds in --
19 in -- in Lander County. But the Hickison and this one --
20 Hickison gets tremendous amount of use too.
21 KYLE HENDRIX: Yeah. Just above Mill Creek.
22 COMMISSIONER BAKKER: Did you guys put it out to the high
23 school to come plant trees on the 30th or anything?
24 KYLE HENDRIX: I think we've gotten some -- some local
25 coordination there.
26 It was kind of my role to -- to facilitate some of the
27 planning for this. And I had an -- an assignment that took me
28 away for a month.
29 So I do think that -- from some of the local partners -- I
30 know Kathy Ancho has been really instrumental in getting the
31 word out. So high school and middle school, I think, have been
32 advertised too.
33 COMMISSIONER BAKKER: Cool. Good deal.
34 CHAIRMAN MILLS: Okay.
35 JON SHERVE: We'll get you a complete copy. I thought
36 you --
37 KYLE HENDRIX: Yes.
38 JON SHERVE: -- had a --
39 KYLE HENDRIX: Following this meeting, I -- I will send the
40 complete plan with maps and attachments out and -- and make sure

1 you guys get that.

2 CHAIRMAN MILLS: Okay.

3 Do we have any comments from the public?

4 Any great ideas for Mill Creek?

5 (No comment.)

6 COMMISSIONER BAKKER: Awesome.

7 Thank you, guys.

8 JON SHERVE: Yep.

9 COMMISSIONER ALLAN: Thank you, --

10 CHAIRMAN MILLS: Okay.

11 COMMISSIONER ALLAN: -- guys.

12 COMMISSIONER CLARK: Can we take --

13 CHAIRMAN MILLS: Thank you.

14 COMMISSIONER CLARK: -- a break?

15 COMMISSIONER BAKKER: You need to break.

16 CHAIRMAN MILLS: Okay. Yeah. We'll take a quick break.

17 COMMISSIONER BAKKER: Miteshell?

18 CHAIRMAN MILLS: Might not be getting --

19 MITESHELL LANHAM: Okay.

20 CHAIRMAN MILLS: -- out so quick.

21
22 (Break taken from 10:13 a.m. and 10:29 a.m.)

23
24
25 **BOARD APPOINTMENTS**

- 26
27 10) **Discussion and possible action to appoint/reappoint one**
28 **individual to fill one vacancy on the Lander County Advisory**
29 **Board to Manage Wildlife to a three-year term expiring June**
30 **30, 2021, and to consider each of the following: a) Ted**
31 **McElvain, b) Phil Gray; and all other matters properly**
32 **related thereto.**
33

34 CHAIRMAN MILLS: Item Number 10. Discussion and possible
35 action to appoint/reappoint one individual to fill one vacancy
36 on the Lander County Board of -- Lander County Advisory Board to
37 Manage Wildlife to a three-year term expiring June 30th, 2021,
38 and to consider each of the following: Ted McElvain?

39 COMMISSIONER ALLAN: McElvain.

40 COMMISSIONER BAKKER: McElvain.

1 CHAIRMAN MILLS: -- McElvain? Okay. And, B, Phil Gray,
2 and all other matters properly related thereto.

3 KEITH WESTENGARD: These advertisements were made properly.
4 We advertised them for the proper length of time. And these
5 were the two interested parties we have.

6 COMMISSIONER ALLAN: So I'm going to make a motion that we
7 approve Ted McElvain to fill the vacancy for the Lander County
8 Advisory Board to Manage Wildlife to a three-year term expiring
9 June 30th, 2021.

10 KEITH WESTENGARD: I -- I just --

11 COMMISSIONER ALLAN: Sorry, --

12 KEITH WESTENGARD: I'll wait.

13 COMMISSIONER ALLAN: -- Keith.

14 KEITH WESTENGARD: I just wanted to point out that Phil
15 Gray is the current member now --

16 COMMISSIONER CLARK: What --

17 KEITH WESTENGARD: -- so everybody --

18 COMMISSIONER CLARK: -- was that, Keith?

19 KEITH WESTENGARD: -- knows.

20 COMMISSIONER BAKKER: Phil Gray's the current member now.

21 KEITH WESTENGARD: Just so everybody --

22 COMMISSIONER CLARK: Oh.

23 KEITH WESTENGARD: -- knows.

24 COMMISSIONER WAITS: Are either one of them here today?

25 KEITH WESTENGARD: I don't see them. No.

26 DEONILLA FULLER: They were both notified, though.

27 Sorry. Nilla --

28 UNIDENTIFIED PARTICIPANT: Sort of.

29 DEONILLA FULLER: -- Fuller.

30 COMMISSIONER WAITS: I'm sorry. I -- since I don't know
31 either one personally, it's always kind of difficult to -- to
32 choose one so I kind of leave that up to my fellow
33 commissioners. And --

34 COMMISSIONER BAKKER: Well, Phil's been on there for a
35 while, hasn't he?

36 Phil's been on there for a while.

37 COMMISSIONER WAITS: Yeah. It said ten years; didn't it?

38 COMMISSIONER BAKKER: Yeah.

39 KEITH WESTENGARD: I believe so. Yes. Ten or twelve
40 years.

1 COMMISSIONER WAITS: Ten years, it says. More than ten
2 years.
3 COMMISSIONER ALLAN: True.
4 COMMISSIONER BAKKER: Yeah.
5 COMMISSIONER WAITS: So some --
6 COMMISSIONER ALLAN: But --
7 COMMISSIONER WAITS: -- new blood?
8 COMMISSIONER ALLAN: Maybe some new blood.
9 COMMISSIONER WAITS: Well, with -- with certainly
10 thank-yous to -- to Mr. Gray for serving. Because any time we
11 have volunteers that step up like that, it's really -- it's
12 really exciting. We need more all the time. So it's always
13 hard to -- to choose.
14 CHAIRMAN MILLS: So Judie's made a -- made a motion.
15 Do we have a second?
16 COMMISSIONER CLARK: I'll second it.
17 CHAIRMAN MILLS: Okay. Judie made a motion. Art seconded.
18 Do we have any public comment?
19 (No comment.)
20 CHAIRMAN MILLS: No opinions about who's on our boards?
21 (No comment.)
22 CHAIRMAN MILLS: Okay. All in favor?
23 COMMISSIONER ALLAN: Aye.
24 COMMISSIONER CLARK: Aye.
25 COMMISSIONER WAITS: Aye.
26 CHAIRMAN MILLS: Aye.
27 COMMISSIONER BAKKER: Aye.
28 CHAIRMAN MILLS: Okay. Motion carries.
29 UNIDENTIFIED PARTICIPANT: (Indiscernible.)
30 KEITH WESTENGARD: We'll make that notification today.
31 CHAIRMAN MILLS: Okay.
32 COMMISSIONER BAKKER: Okay.

1 PUBLIC WORKS

2
3 11) Discussion and possible action to approve/disapprove the
4 professional engineering services proposal for Allen Road
5 water main loop and the White Knife water and sewer service
6 from Day Engineering in an amount not to exceed \$257,500, and
7 all other matters properly related thereto.
8

9 CHAIRMAN MILLS: Item 11. Discussion and po- -- possible
10 action to approve/disapprove the professional engineering
11 services proposal for Allen Road water main loop and the White
12 Knife water and sewer service from Day Engineering in an amount
13 not to exceed \$257,500, and all other matters properly related
14 thereto.

15 COMMISSIONER WAITS: Excuse me. If I could go back just a
16 minute on the other one to say, when we call Mr. Gray, we call
17 him and tell him what happened; right? And we also give him our
18 undevoted thanks for his many years of service. Thank you.

19 KEITH WESTENGARD: Yes, we do. Absolutely.

20 CHAIRMAN MILLS: Okay. Thank you, Patsy.

21 Bert, what do you got for us?

22 BERT RAMOS: All righty. So this is just the engineer's
23 proposal. As you know, for Patsy, you know, we were on time --
24 T&M, so time and material.

25 And I'd like to point out the -- it's -- this last water line
26 project, it saved us \$72,000. So that's -- that's been big for
27 the county, I mean, when you -- and it's -- and it's a big deal
28 because our engineer's giving that back to the county, so to
29 speak.

30 So I want to thank them and it's a good -- it's a good idea.

31 COMMISSIONER BAKKER: Okay.

32 BERT RAMOS: So --

33 COMMISSIONER BAKKER: With that, I'll make a motion to
34 approve the professional engineering service proposal for Allen
35 Road water main loop and the White Knife water and sewer
36 services from Day Engineering in an amount not to exceed
37 \$250,500, and authorize the chair to sign.

38 CHAIRMAN MILLS: Make that --

39 COMMISSIONER CLARK: Second.

40 CHAIRMAN MILLS: -- \$257,500.

1 COMMISSIONER BAKKER: \$257,500.
2 CHAIRMAN MILLS: Thank you.
3 COMMISSIONER CLARK: I'll second that.
4 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
5 Do we have any public comment?
6 COUNTY CLERK SULLIVAN: I have a comment. Sadie Sullivan,
7 for the record.
8 I don't have anything in my packet to sign. Is there
9 something? Or no signature's needed?
10 BERT RAMOS: I don't believe at this time that --
11 COMMISSIONER CLARK: Okay.
12 COUNTY CLERK SULLIVAN: There's anything to sign.
13 BERT RAMOS: Just --
14 COUNTY CLERK SULLIVAN: Okay.
15 BERT RAMOS: -- just to move --
16 COMMISSIONER BAKKER: Then I'll --
17 BERT RAMOS: -- forward.
18 COMMISSIONER BAKKER: -- amend that --
19 COUNTY CLERK SULLIVAN: Okay.
20 COMMISSIONER BAKKER: -- for no signature.
21 COUNTY CLERK SULLIVAN: I was just looking. Thanks.
22 CHAIRMAN MILLS: Okay.
23 Other public comment?
24 (No comment.)
25 CHAIRMAN MILLS: All in favor?
26 COMMISSIONER BAKKER: Aye.
27 CHAIRMAN MILLS: Aye.
28 COMMISSIONER WAITS: Aye.
29 COMMISSIONER CLARK: Aye.
30 COMMISSIONER BAKKER: Opposed.
31 CHAIRMAN MILLS: Opposed?
32 COMMISSIONER ALLAN: Nay.
33 CHAIRMAN MILLS: Okay.
34 BERT RAMOS: All right.
35 CHAIRMAN MILLS: Thank you.
36 COMMISSIONER BAKKER: Thank you.
37 BERT RAMOS: Thank you.
38 CHAIRMAN MILLS: Appreciate it.
39 COMMISSIONER CLARK: Good job, Bert.
40 CHAIRMAN MILLS: At this time we'll recess the Board of

1 Lander County Commissioners and convene the meeting of the
2 Lander County Board of Liquor composed of the Lander County
3 Board of Commissioners and the Lander County sheriff.

4
5 **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**
6 **RECESSED.)**

7
8 **(MEETING OF THE LANDER COUNTY LIQUOR BOARD CONVENED.)**
9

10
11 **COMMISSIONERS**
12

13 12) Discussion and possible action to approve/disapprove the
14 liquor license to Kristi Lindsay for The Barr located at 130
15 East Front Street, Suite 1, Battle Mountain, Nevada, and all
16 other matters properly related thereto.
17

18 CHAIRMAN MILLS: Item Number 12. Discussion, possible
19 action to approve/disapprove a liquor license to Kristi Lindsay
20 for the -- The Barr located at 130 East Front Street, Suite 1,
21 Battle Mountain, Nevada, and all other matters properly related
22 thereto.

23 SHERIFF RON UNGER: Sheriff Ron Unger, for the record.
24 We have both of the applications here. We've done the
25 background checks on them, and we have find that there's no
26 disqualifiers for you to amend.

27 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
28 a liquor license to Kristi Lindsay for The Barr located at 130
29 East Front Street, Suite 1, Battle Mountain, Nevada.

30 COMMISSIONER CLARK: Second.

31 COMMISSIONER WAITS: Should we -- should -- should we say
32 for on-site only?

33 COMMISSIONER BAKKER: Is it on-site only?

34 COMMISSIONER WAITS: That's what it's -- that's what the
35 application --

36 COMMISSIONER BAKKER: On-site --

37 COMMISSIONER WAITS: -- says.

38 COMMISSIONER BAKKER: -- only.

39 CHAIRMAN MILLS: Okay. Sean --

40 COMMISSIONER CLARK: I'll second.

1 CHAIRMAN MILLS: -- made a motion. Art seconded.
2 Do we have any public comment?
3 (No comment.)
4 CHAIRMAN MILLS: All in favor?
5 COMMISSIONER BAKKER: Aye.
6 CHAIRMAN MILLS: Aye.
7 COMMISSIONER WAITS: Aye.
8 COMMISSIONER CLARK: Aye.
9 COMMISSIONER ALLAN: Aye.
10
11 13) Discussion and possible action to approve/disapprove a liquor
12 license for Kelli Sondermann, Michael Sondermann, and
13 Michelle Rowen for Overtime Sports Bar & Grill located at 870
14 S. Broad Street, Battle Mountain, Nevada, and all other
15 matters properly related thereto.
16
17 CHAIRMAN MILLS: Okay. Item --
18 COMMISSIONER BAKKER: Okay.
19 CHAIRMAN MILLS: -- Item 13. Discussion and possible
20 action to approve/disapprove the liquor license for Kelli
21 Sondermann, Michael Sondermann, and -- is that Michelle Rowen?
22 --
23 COMMISSIONER WAITS: This --
24 CHAIRMAN MILLS: -- for Overtime Sports Bar & Grill located
25 at 870 South Broad Street, Battle Mountain, Nevada, and all
26 other matters properly related thereto?
27 COMMISSIONER BAKKER: Is it on- and off- or just on-.
28 COMMISSIONER WAITS: This is the one that -- that is
29 confusing for me because it looked like they -- they marked one
30 and then marked another.
31 So if you could clarify --
32 All three of them I -- I read, and I'm still not sure
33 whether they want on-site or on- and off-site.
34 SHERIFF RON UNGER: Give me one second, please.
35 COMMISSIONER CLARK: Is there a different license for --
36 SHERIFF RON UNGER: No, it's -- it's -- it's a license.
37 But one would be for on- or off- --
38 COMMISSIONER CLARK: Okay.
39 SHERIFF RON UNGER: And the other one's are for on-.
40 COMMISSIONER CLARK: And where do we differentiate that,

1 Ron?
2 COMMISSIONER WAITS: On the application where they mark.
3 See, and one like -- like marked this one. And then when I
4 looked --
5 SHERIFF RON UNGER: Okay. You've got a --
6 COMMISSIONER WAITS: -- at --
7 SHERIFF RON UNGER: -- different one than I do.
8 COMMISSIONER WAITS: -- one of the --
9 CHAIRMAN MILLS: Yeah.
10 COMMISSIONER WAITS: -- other ones. I --
11 SHERIFF RON UNGER: So this would --
12 COMMISSIONER WAITS: -- I'm not --
13 SHERIFF RON UNGER: -- be both.
14 COMMISSIONER BAKKER: I bet they want on- and off-, though.
15 COMMISSIONER WAITS: I'm not sure. But this one shows --
16 CHAIRMAN MILLS: Looks like they've --
17 COMMISSIONER WAITS: -- specifically --
18 CHAIRMAN MILLS: -- scribbled them --
19 COMMISSIONER WAITS: -- on-.
20 CHAIRMAN MILLS: -- both out. And --
21 COMMISSIONER BAKKER: Right.
22 CHAIRMAN MILLS: -- then rechecked one of them.
23 COMMISSIONER BAKKER: So I will make a motion to approve a
24 liquor license for Kelli Sondermann, Michael Sondermann,
25 Michelle Rowen for Overtime Sports Bar & Grill located 870 South
26 Broad Street, Battle Mountain, Nevada, for on- and off-site
27 purposes.
28 COMMISSIONER CLARK: Second.
29 COMMISSIONER WAITS: To see they --
30 CHAIRMAN MILLS: Can we get --
31 COMMISSIONER WAITS: -- they have --
32 CHAIRMAN MILLS: -- can we get clarification --
33 COMMISSIONER WAITS: -- the checkmark.
34 CHAIRMAN MILLS: -- on the on- and off-site thing first?
35 COMMISSIONER ALLAN: There's --
36 COMMISSIONER BAKKER: On --
37 COMMISSIONER ALLAN: -- a \$10 difference in fees. Do you
38 have any receipt in there, Ron, for what they've paid on their
39 fees?
40 SHERIFF RON UNGER: Forty dollars on this one.

1 COMMISSIONER ALLAN: So that's on-site.
2 SHERIFF RON UNGER: It was strictly on-site for you guys,
3 wasn't it? Or --
4 KELLI SONDERMANN: We did want to shop -- do off-site. I
5 think --
6 COMMISSIONER ALLAN: Oh. So it'd be --
7 KELLI SONDERMANN: -- maybe we --
8 COMMISSIONER ALLAN: -- 70 total.
9 KELLI SONDERMANN: -- got confused. Don't have that --
10 COMMISSIONER ALLAN: Or no, fifty. Okay.
11 SHERIFF RON UNGER: So it is on- and off-.
12 COMMISSIONER WAITS: This one is on- and --
13 CHAIRMAN MILLS: So --
14 COMMISSIONER WAITS: -- off-?
15 CHAIRMAN MILLS: -- it's all --
16 SHERIFF RON UNGER: I'm correct --
17 CHAIRMAN MILLS: -- of the --
18 SHERIFF RON UNGER: -- on that, --
19 CHAIRMAN MILLS: -- permits?
20 SHERIFF RON UNGER: -- right? Yeah?
21 COMMISSIONER ALLAN: On- and off-.
22 Okay.
23 COMMISSIONER WAITS: That's what's on the --
24 COMMISSIONER ALLAN: Did we get a second?
25 CHAIRMAN MILLS: Yes.
26 COMMISSIONER ALLAN: Okay.
27 CHAIRMAN MILLS: And I suppose we'll have to make some
28 clarifications, then, on the fees that were paid? So --
29 SHERIFF RON UNGER: Yeah. We'll check in on that.
30 KRISTI LINDSAY: What's the difference between on- only and
31 on- and off-?
32 I'm Kristi Lindsey.
33 SHERIFF RON UNGER: Oh. Hi, Kristi.
34 KRISTI LINDSAY: Hi.
35 I -- I just want to --
36 SHERIFF RON UNGER: I don't --
37 KRISTI LINDSAY: -- know the --
38 SHERIFF RON UNGER: -- have --
39 KRISTI LINDSAY: -- difference --
40 SHERIFF RON UNGER: -- the paper --

1 KRISTI LINDSAY: -- between --
2 SHERIFF RON UNGER: -- that they were looking at.
3 COMMISSIONER ALLAN: Well, on- and off- --
4 COMMISSIONER BAKKER: Off-site is -- well, and Kathy can
5 probably clarify it better than anyone.
6 COMMISSIONER ALLAN: Yeah.
7 KATHY ANCHO: Kathy --
8 COMMISSIONER WAITS: One --
9 KATHY ANCHO: -- Ancho.
10 COMMISSIONER WAITS: -- is you consume all of the -- the
11 liquor on-site and --
12 KATHY ANCHO: On- and off-.
13 COMMISSIONER WAITS: -- the other one is not.
14 KATHY ANCHO: So you have an on- sale, means you can only
15 sell on the pro- -- on the premises.
16 KRISTI LINDSAY: Okay.
17 KATHY ANCHO: Off-sale means that they could buy a six pack
18 of beer and take it off.
19 So all the -- all the beer -- the bars normally get an on-
20 and off-sale. So if somebody was ready to leave and they want to
21 buy a six pack of beer, they can. Because --
22 KRISTI LINDSAY: So I should do on-, off-. It's not --
23 SHERIFF RON UNGER: Well, you only did on- right now.
24 KATHY ANCHO: So she -- yeah, you would --
25 KRISTI LINDSAY: So --
26 KATHY ANCHO: -- have to --
27 KRISTI LINDSAY: -- can I --
28 KATHY ANCHO: -- go back and clarify --
29 SHERIFF RON UNGER: It would be --
30 KATHY ANCHO: -- that because --
31 SHERIFF RON UNGER: -- clarified.
32 KATHY ANCHO: -- \$50 is for an on- and off- liquor --
33 KRISTI LINDSAY: Okay.
34 KATHY ANCHO: -- license. All right?
35 KRISTI LINDSAY: Okay.
36 KATHY ANCHO: Does that make sense?
37 KRISTI LINDSAY: Yep.
38 KATHY ANCHO: All right.
39 SHERIFF RON UNGER: So this one right now would just be for
40 the on-site.

1 KRISTI LINDSAY: Okay.
2 SHERIFF RON UNGER: Does that clarify?
3 COMMISSIONER BAKKER: Uh-huh.
4 SHERIFF RON UNGER: Okay.
5 And I don't have that paper.
6 COMMISSIONER BAKKER: Now do you want to open it back up
7 and --
8 COMMISSIONER ALLAN: No, it's -- the motion --
9 KEITH WESTENGARD: It was on- --
10 COMMISSIONER ALLAN: -- is --
11 KEITH WESTENGARD: -- and off- for the motion.
12 COMMISSIONER BAKKER: For 12.
13 KEITH WESTENGARD: It was.
14 COMMISSIONER WAITS: The -- the first one was right.
15 COMMISSIONER ALLAN: We can't do 12.
16 CHAIRMAN MILLS: Yeah. We --
17 COMMISSIONER ALLAN: We -- we're --
18 CHAIRMAN MILLS: -- that's --
19 DISTRICT ATTORNEY HERRERA: They have --
20 COMMISSIONER ALLAN: Because she --
21 COMMISSIONER BAKKER: They have --
22 DISTRICT ATTORNEY HERRERA: -- to --
23 COMMISSIONER ALLAN: -- hasn't --
24 DISTRICT ATTORNEY HERRERA: -- reapply for what --
25 COMMISSIONER BAKKER: Okay.
26 CHAIRMAN MILLS: They'll have to reapply.
27 SHERIFF RON UNGER: We just do the on-site now. And if
28 they decide to go with an off-site, then they can come back.
29 CHAIRMAN MILLS: Right.
30 COMMISSIONER BAKKER: Okay.
31 CHAIRMAN MILLS: That's -- and that's fine. We can do
32 that.
33 KRISTI LINDSAY: Okay.
34 CHAIRMAN MILLS: So --
35 COMMISSIONER WAITS: So you need to amend -- amend --
36 CHAIRMAN MILLS: -- for --
37 COMMISSIONER WAITS: -- your motion?
38 CHAIRMAN MILLS: -- for Agenda Item 13, --
39 COMMISSIONER BAKKER: No, I --
40 CHAIRMAN MILLS: -- the motion --

1 COMMISSIONER BAKKER: -- was --
2 CHAIRMAN MILLS: -- was for --
3 COMMISSIONER BAKKER: -- I was right.
4 CHAIRMAN MILLS: -- on- and off-site --
5 COMMISSIONER BAKKER: Yeah. And it's if --
6 CHAIRMAN MILLS: -- permit?
7 COMMISSIONER BAKKER: -- they want.
8 COMMISSIONER WAITS: Oh.
9 SHERIFF RON UNGER: Wait a minute.
10 KRISTI LINDSAY: Off- and on-.
11 SHERIFF RON UNGER: Wait a minute. Wait a minute.
12 COMMISSIONER WAITS: She was on the first one.
13 SHERIFF RON UNGER: That was for The Barr bar.
14 Am I correct, Kristi? That was for The Barr --
15 CHAIRMAN MILLS: We'll --
16 SHERIFF RON UNGER: -- bar.
17 COMMISSIONER BAKKER: Yeah.
18 KRISTI LINDSAY: Yeah.
19 COMMISSIONER BAKKER: We're --
20 SHERIFF RON UNGER: The Barr bar's --
21 COMMISSIONER BAKKER: -- past that, though.
22 SHERIFF RON UNGER: -- strictly on-site.
23 KRISTI LINDSAY: Oh.
24 COMMISSIONER BAKKER: Right.
25 COUNTY CLERK SULLIVAN: Oh, we don't know --
26 COMMISSIONER BAKKER: And I --
27 CHAIRMAN MILLS: Right.
28 COUNTY CLERK SULLIVAN: -- this.
29 COMMISSIONER BAKKER: -- and I --
30 CHAIRMAN MILLS: And we've --
31 COMMISSIONER BAKKER: -- said that.
32 CHAIRMAN MILLS: -- completed that one.
33 COUNTY CLERK SULLIVAN: 850.
34 COMMISSIONER ALLAN: This is --
35 SHERIFF RON UNGER: Huh?
36 COMMISSIONER ALLAN: -- for the Sondermanns.
37 COMMISSIONER WAITS: Oh, your -- your --
38 COMMISSIONER ALLAN: For the --
39 COMMISSIONER WAITS: -- application --
40 COMMISSIONER ALLAN: -- Overtime.

1 COMMISSIONER WAITS: -- was real --
2 SHERIFF RON UNGER: Sondermanns --
3 COMMISSIONER WAITS: -- clear, --
4 SHERIFF RON UNGER: -- is going to be --
5 COMMISSIONER WAITS: -- but that --
6 SHERIFF RON UNGER: -- the same --
7 COMMISSIONER WAITS: -- isn't what you --
8 SHERIFF RON UNGER: -- way.
9 COMMISSIONER WAITS: -- wanted.
10 COUNTY CLERK SULLIVAN: They only paid 40.
11 COMMISSIONER WAITS: Got it.
12 COUNTY CLERK SULLIVAN: And Kathy --
13 COMMISSIONER WAITS: Okay.
14 COUNTY CLERK SULLIVAN: -- said that --
15 COMMISSIONER WAITS: So we did that one right.
16 SHERIFF RON UNGER: Yeah. This one's --
17 COMMISSIONER WAITS: Okay.
18 SHERIFF RON UNGER: -- done correct. That was --
19 CHAIRMAN MILLS: Right.
20 COMMISSIONER WAITS: All right.
21 SHERIFF RON UNGER: -- the young lady --
22 COMMISSIONER WAITS: And this --
23 SHERIFF RON UNGER: -- that was here.
24 COMMISSIONER WAITS: -- one --
25 SHERIFF RON UNGER: And this one here is going to be for
26 the on-site also. Or, no, they paid 50. Which one --
27 COUNTY CLERK SULLIVAN: So --
28 COMMISSIONER ALLAN: So that's on- --
29 SHERIFF RON UNGER: -- do you --
30 COMMISSIONER ALLAN: -- and --
31 COUNTY CLERK SULLIVAN: -- so --
32 SHERIFF RON UNGER: -- mean?
33 COMMISSIONER ALLAN: -- off- --
34 COUNTY CLERK SULLIVAN: -- Kristi --
35 COMMISSIONER ALLAN: -- so our --
36 COUNTY CLERK SULLIVAN: -- Lindsay paid --
37 COMMISSIONER ALLAN: -- agenda --
38 COUNTY CLERK SULLIVAN: -- 50.
39 COMMISSIONER ALLAN: -- our motion --
40 SHERIFF RON UNGER: Fifty, --

1 COUNTY CLERK SULLIVAN: And that's --
2 SHERIFF RON UNGER: -- paid, --
3 COMMISSIONER ALLAN: -- is correct.
4 SHERIFF RON UNGER: -- Kristi.
5 COUNTY CLERK SULLIVAN: For clarification, Kathy Ancho?
6 KATHY ANCHO: Huh?
7 COUNTY CLERK SULLIVAN: Fifty dollars was paid for Kristi
8 Lindsay, which is on-, off-.
9 KATHY ANCHO: Yes.
10 SHERIFF RON UNGER: Right.
11 COUNTY CLERK SULLIVAN: Okay. And then --
12 KEITH WESTENGARD: Why don't you take --
13 COUNTY CLERK SULLIVAN: -- this one --
14 KEITH WESTENGARD: -- these ones?
15 KATHY ANCHO: No, (indiscernible).
16 CHAIRMAN MILLS: Oh, okay.
17 SHERIFF RON UNGER: All they got --
18 COMMISSIONER BAKKER: So we need to go back and --
19 CHAIRMAN MILLS: So we can go back. We'll go --
20 COMMISSIONER BAKKER: Yes.
21 CHAIRMAN MILLS: -- back and fix that?
22 Is that okay if that we do that, Ted?
23 DISTRICT ATTORNEY HERRERA: Yeah. That's --
24 SHERIFF RON UNGER: Which one am I --
25 DISTRICT ATTORNEY HERRERA: -- fine. If they --
26 SHERIFF RON UNGER: -- looking at?
27 DISTRICT ATTORNEY HERRERA: -- if they made -- if they
28 applied for and paid --.
29 COUNTY CLERK SULLIVAN: They're looking for --
30 DISTRICT ATTORNEY HERRERA: -- for an on- and --
31 COUNTY CLERK SULLIVAN: -- a time right --
32 DISTRICT ATTORNEY HERRERA: -- off-, --
33 COUNTY CLERK SULLIVAN: -- here.
34 DISTRICT ATTORNEY HERRERA: -- we can certainly --
35 SHERIFF RON UNGER: All the time is on-.
36 DISTRICT ATTORNEY HERRERA: -- reopen that.
37 SHERIFF RON UNGER: So I have --
38 KEITH WESTENGARD: I believe the motion, --
39 COMMISSIONER WAITS: But they --
40 KEITH WESTENGARD: -- if you're talking about 12, was --

1 COUNTY CLERK SULLIVAN: Is this --
2 KEITH WESTENGARD: -- for on- --
3 COUNTY CLERK SULLIVAN: -- on?
4 KEITH WESTENGARD: -- and off-.
5 DISTRICT ATTORNEY HERRERA: No, that was --
6 COMMISSIONER BAKKER: No, I --
7 DISTRICT ATTORNEY HERRERA: -- 13.
8 COMMISSIONER BAKKER: -- just did on- --
9 Okay. Let's do 13.
10 UNIDENTIFIED PARTICIPANT: On-, off-.
11 COMMISSIONER WAITS: No, it --
12 COMMISSIONER BAKKER: I made the --
13 COMMISSIONER WAITS: -- just said --
14 COMMISSIONER BAKKER: -- motion --
15 COMMISSIONER WAITS: -- on --
16 COMMISSIONER BAKKER: -- for on- --
17 COMMISSIONER WAITS: -- on the --
18 COMMISSIONER BAKKER: -- and off-.
19 COMMISSIONER WAITS: -- application.
20 COMMISSIONER BAKKER: Let's do the vote and we'll --
21 CHAIRMAN MILLS: Yep.
22 COMMISSIONER BAKKER: -- open 12.
23 CHAIRMAN MILLS: Then we'll go back to 12.
24 Okay. Are you with us, Sheriff?
25 COMMISSIONER BAKKER: Yep.
26 SHERIFF RON UNGER: Yeah.
27 COMMISSIONER BAKKER: He's good.
28 CHAIRMAN MILLS: Okay. So Item 13, the motion was for an
29 on- and off-site permit. Motion by Sean. Seconded by Art.
30 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 WAITS: Aye.
37 COMMISSIONER CLARK: Aye.
38 COMMISSIONER BAKKER: Okay.
39 CHAIRMAN MILLS: Okay. We're going to reopen Item 12.
40 COMMISSIONER BAKKER: And do a new motion.

1 CHAIRMAN MILLS: So Item --
2 COMMISSIONER ALLAN: Has --
3 CHAIRMAN MILLS: -- 12 is --
4 COMMISSIONER ALLAN: -- but has she paid for --
5 CHAIRMAN MILLS: She has.
6 COMMISSIONER BAKKER: She has.
7 COMMISSIONER ALLAN: She's paid the --
8 COMMISSIONER BAKKER: We --
9 COMMISSIONER ALLAN: -- 50 --
10 COMMISSIONER BAKKER: -- clarified that.
11 COMMISSIONER ALLAN: -- dollars?
12 COMMISSIONER BAKKER: Yep.
13 COMMISSIONER WAITS: So the application is incorrect?
14 CHAIRMAN MILLS: Right. She paid the -- she paid the --
15 the fee for the on- and off-site.
16 COMMISSIONER WAITS: Okay. But I'm looking --
17 CHAIRMAN MILLS: But it was --
18 COMMISSIONER WAITS: -- at the --
19 CHAIRMAN MILLS: -- marked --
20 COMMISSIONER WAITS: -- application.
21 CHAIRMAN MILLS: -- it was -- it was marked on-site only.
22 But she -- but she's already paid for both.
23 I think we'll -- we'll -- we can go ahead and --
24 COMMISSIONER CLARK: Yeah.
25 COMMISSIONER WAITS: Ab- --
26 COMMISSIONER BAKKER: Yeah.
27 COMMISSIONER WAITS: -- absolutely.
28 CHAIRMAN MILLS: -- approve it for --
29 COMMISSIONER WAITS: I'm -- I'm okay. There's no reason --
30 COMMISSIONER CLARK: The in- --
31 COMMISSIONER WAITS: -- to come --
32 COMMISSIONER CLARK: The in- --
33 COMMISSIONER WAITS: -- back.
34 CHAIRMAN MILLS: Okay.
35 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
36 a liquor license to --
37 CHAIRMAN MILLS: And it was 50, --
38 COMMISSIONER BAKKER: -- Kristi --
39 CHAIRMAN MILLS: -- wasn't it?
40 COMMISSIONER BAKKER: -- Lindsay for The Barr located at --

1 CHAIRMAN MILLS: Well, let me -- let me reopen the item
2 first.

3 COMMISSIONER BAKKER: -- thirty.

4 Open the item first.

5 Yeah.

6 CHAIRMAN MILLS: Okay.

7 COMMISSIONER BAKKER: That's a good idea.

8
9 **12) Discussion and possible action to approve/disapprove a liquor**
10 **license to Kristi Lindsay for The Barr located at 130 East**
11 **Front Street, Suite 1, Battle Mountain, Nevada, and all other**
12 **matters properly related thereto.**
13

14 CHAIRMAN MILLS: Discussion and possible action to
15 approve/disapprove a liquor license to Kristi Lindsay for The
16 Barr located at 130 East --

17 SHERIFF RON UNGER: Yeah.

18 CHAIRMAN MILLS: -- Front --

19 SHERIFF RON UNGER: So I thought they --

20 CHAIRMAN MILLS: -- East Front Street, Suite 1, Battle
21 Mountain, Nevada, and all other matters properly related
22 thereto.

23 COMMISSIONER BAKKER: Make a motion to approve a liquor
24 license to Kristi Lindsay for The Barr located at 130 --

25 SHERIFF RON UNGER: License (indiscernible).

26 COMMISSIONER BAKKER: -- East Front Street, Suite 1, Battle
27 Mountain, Nevada for an on- and off-site permit.

28 COMMISSIONER CLARK: Second.

29 COMMISSIONER ALLAN: Second.

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

32 (No comment.)

33 CHAIRMAN MILLS: All in favor?

34 COMMISSIONER BAKKER: Aye.

35 CHAIRMAN MILLS: Aye.

36 COMMISSIONER WAITS: Aye.

37 COMMISSIONER CLARK: Aye.

38 COMMISSIONER ALLAN: Aye.

39 CHAIRMAN MILLS: Okay.

40 So we should have both of you covered for on- and off-site

1 liquor sales.

2 You guys are good. I think you need some -- to pay the extra
3 fee part of that.

4 KRISTI LINDSAY: I think.

5 KELLI SONDERMANN: Yeah. It's --

6 CHAIRMAN MILLS: We'll get that -- we'll get that cleared
7 up. And we'll --

8 COMMISSIONER BAKKER: Yeah.

9 CHAIRMAN MILLS: We can move forward with that. And --

10 COMMISSIONER ALLAN: Good deal.

11 CHAIRMAN MILLS: -- everything should --

12 KRISTI LINDSAY: Thank you.

13 CHAIRMAN MILLS: -- be -- everything should be okay.

14 Okay. We're going to adjourn the meeting of the Lander
15 County liquor Board and reconvene the meeting of the Lander County
16 Board of Commissioners.

17
18 ***(MEETING OF THE LANDER COUNTY LIQUOR BOARD ADJOURNED.)***

19
20 ***(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS***
21 ***RECONVENED.)***

22
23
24 14) Discussion and possible action regarding the formation of a
25 rural fire company for the purpose of strategically placing
26 fire equipment on local ranches within Lander County, and
27 whether to include this in the Lander County Code Chapter
28 9.28, County Fire Department ordinance, and all other matters
29 properly related thereto.

30
31 CHAIRMAN MILLS: Item 14. Discussion and possible action
32 regarding the formation of a rural fire -- a rural fire company
33 for the purpose of strategically placing fire equipment on local
34 ranches within Lander County and whether to include this in the
35 Lander County Code Chapter 9.28, County Fire Department
36 ordinance, and all other matters properly related thereto.

37 COMMISSIONER CLARK: I asked this for this to be put on the
38 agenda because of an informal conversation that took place,
39 after the last PLUAC meeting, with Dan. And I think it's a
40 pretty darn good idea.

1 So do you want to explain to the board how -- how it works
2 over there?

3 DAN TOMERA: Sure. Dan Tomera, for the record.

4 I want to start out by saying that I'm not in -- suggesting
5 another department or something.

6 I don't want to take away from what the volunteers are doing,
7 what the BLM's doing, and what NDF is doing. This would be a
8 supplement to that, to them.

9 Just -- like Art said -- just kind of in real casual
10 conversation, we've been kicking around the idea of if there could
11 be a fire engine, brush truck stationed, say, like at our ranch,
12 which is south of town about eight miles, possibly, like,
13 Filippini's place, maybe somewhere out in the valley wi- -- with
14 one of the farmers, maybe somebody up towards Austin.

15 There would be the potential that an engine would be closer
16 to the fire if -- if one did arise on -- be it brush fire,
17 wildland fire, or structure, hay stack fires, whatever it was.

18 And it's -- I'm -- this is very preliminary. I have no
19 information to share with you guys, not really much knowledge.

20 But I thought it would be something that would be valuable
21 for the -- for the community.

22 You know, I'm sure there's going to be expenses involved.
23 But, you know, the tax base for not only agriculture, ranching and
24 farming, but also wildlife habitat, you know, when -- when these
25 fires come through and they're a hundred thousand acres, your --
26 your native grass species are -- are burned out and cheatgrass
27 comes in.

28 You know, so your wildlife habitat, your recreation, whether
29 it's four-wheeling or -- or hunting. You know, when there's no
30 habitat for wildlife, there's no wildlife. So --

31 CHAIRMAN MILLS: I heard something about this, it's
32 possibly a state-funded program? Is that correct?

33 DAN TOMERA: I don't know.

34 CHAIRMAN MILLS: Okay.

35 DAN TOMERA: Like I said, I don't -- I don't really -- I
36 have not really looked into this on -- at a formal capacity.
37 This is very preliminary.

38 COMMISSIONER WAITS: Well, I think it's an excellent idea,
39 but we certainly need to do some more research. There's no
40 question about that, --

1 DAN TOMERA: Certainly.
2 COMMISSIONER WAITS: -- number one, with the -- the money
3 that it costs us for the -- the type of equipment that we need.
4 And then, would -- wherever we're putting it -- would they
5 have some kind of facility for us to put it in their barn so we've
6 got an --
7 DAN TOMERA: Right.
8 COMMISSIONER WAITS: -- enclosed area?
9 DAN TOMERA: Yeah. They're --
10 COMMISSIONER WAITS: And then are you going to be volunteer
11 firefighters so that somebody there will be able to jump right
12 on it rather than wait for us to come out to it? So --
13 And if it's being done, I -- I think it's excellent. Any
14 time we can jump on something quicker, I think it's a wonderful
15 idea.
16 So I -- I appreciate the -- bringing the information to us.
17 And I think we should look at it very carefully.
18 COMMISSIONER BAKKER: I agree.
19 DAN TOMERA: I think it --
20 CHAIRMAN MILLS: Sounds like --
21 DAN TOMERA: -- would be --
22 CHAIRMAN MILLS: -- there's an opportunity there. We just
23 need to learn more about it.
24 DAN TOMERA: Right. Correct.
25 I -- I think it'd be important that the people involved
26 become involved with the volunteer fire department at some
27 capacity.
28 I know there's some issues with the volunteers that need to
29 be figured out before -- maybe before this even took place, but --
30 COMMISSIONER CLARK: Well, this is the first step.
31 DAN TOMERA: Right.
32 COMMISSIONER CLARK: And we -- what we can do is we can
33 make a motion and direct Keith to start looking into it.
34 So this is just the first step. And then all the regulations
35 and all the procedures and policies will have to fall into place
36 --
37 DAN TOMERA: Right.
38 COMMISSIONER CLARK: -- after that by the people concerned,
39 by the fire hall administration, and the ranchers that are
40 concerned, the ranchers that want to do this.

1 DAN TOMERA: Yeah.

2 COMMISSIONER CLARK: There's nothing better than a quick
3 response time on a fire.

4 DAN TOMERA: That -- that -- that's correct. And -- and
5 I'd like to clarify that m- -- all the ranchers that I have
6 talked to really aren't interested in doing -- first responders
7 for accidents, stuff, --

8 COMMISSIONER CLARK: Yeah.

9 DAN TOMERA: -- things of that nature that -- that the
10 volunteers do now.

11 They're not really interested in coming into town to do a
12 structure fire. I'm sure they would if they had -- you know, if
13 they had the time to do it, I'm sure they would. But they
14 don't -- don't really want to be interested in doing that type of
15 stuff.

16 It would mainly be wildfires in their zone, --

17 CHAIRMAN MILLS: That's --

18 DAN TOMERA: -- I guess you could say.

19 COMMISSIONER CLARK: Yeah.

20 CHAIRMAN MILLS: That's -- that's --

21 COMMISSIONER CLARK: We can --

22 CHAIRMAN MILLS: -- understandable.

23 COMMISSIONER CLARK: Yeah.

24 CHAIRMAN MILLS: Along with that there has to be a certain
25 level of training provided also --

26 DAN TOMERA: Certainly.

27 CHAIRMAN MILLS: -- that you receive. Yeah.

28 DAN TOMERA: Yeah.

29 COMMISSIONER ALLAN: So I think what -- one of the things
30 that needs to be considered is obviously, yes, there -- there is
31 considerable training involved.

32 Our fire department, as it is now, we are initial attack on
33 wildfires.

34 And if we want to go in any kind of direction with this is
35 there needs to be some communication, a sit-down with -- with the
36 other agencies that would be involved: NDF, BLM, Battle Mountain
37 Volunteer Fire Department.

38 You know, we can't just -- I don't feel -- arbitrarily say,
39 let's move with this.

40 We need to get a little bit more input from the other

1 agencies that are going to be involved in this.

2 Because of the training factor, the liability, making --
3 making these people -- so-called, you know, volunteer fire depart-
4 -- volunteer firemen is how is that going to impact a lot of --
5 of, you know, our PERS system? We can't just let everybody drive
6 county equipment.

7
8 (Trying to reestablish telephone contact with Austin.)
9

10 CHAIRMAN MILLS: Yeah.

11 DAN TOMERA: Yeah. There's --

12 CHAIRMAN MILLS: So --

13 DAN TOMERA: -- certainly --

14 COMMISSIONER ALLAN: Is --

15 DAN TOMERA: -- a lot of logistics that need to be --

16 CHAIRMAN MILLS: Yeah. There's --

17 DAN TOMERA: -- straightened out.

18 CHAIRMAN MILLS: -- a lot --

19 COMMISSIONER ALLAN: There's --

20 CHAIRMAN MILLS: -- of things to --

21 COMMISSIONER ALLAN: -- definitely a lot.

22 CHAIRMAN MILLS: -- to deter- -- to determine.

23 COMMISSIONER ALLAN: And -- and so, you know, if we're
24 going to make, you know, decide to move forward with this is --
25

26 (Trying to reestablish telephone contact with Austin.)
27

28 COMMISSIONER BAKKER: Hold on.

29 FRANK WHITMAN: Austin here again. Thank- -- sorry about
30 that.

31 COMMISSIONER BAKKER: Okay.

32 COMMISSIONER CLARK: Okay, Frank.

33 COMMISSIONER BAKKER: Frank did --

34 FRANK WHITMAN: Are you still --

35 COMMISSIONER BAKKER: -- you hang --

36 FRANK WHITMAN: -- on --

37 COMMISSIONER BAKKER: -- up on us?

38 FRANK WHITMAN: -- Item Number 14?

39 COMMISSIONER BAKKER: Yep.

40 FRANK WHITMAN: I -- I -- I missed a lot -- a little bit

1 here. But I -- maybe I'll just interject anyway right now, if I
2 may.

3 CHAIRMAN MILLS: Go ahead, Frank.

4 FRANK WHITMAN: That Eureka has some kind of a system like
5 that for propositioning their older fire equipment throughout
6 the county. And it has been really instrumental for on-scene
7 personnel to, you know, beat a fire back early and fast.

8 And I -- I just wanted to go in with my personal support of
9 Item Number 14. I think it's a good idea. I think we should
10 investigate it and maybe Eureka could tell us how they did it,
11 we figure out any liability issues, et cetera.

12 Thank you.

13 COMMISSIONER BAKKER: Thanks, Frank.

14 DAN TOMERA: So --

15 I know there's an agreement that the volunteer firemen have
16 with the BLM where they have initial attack. And I don't know
17 what the hours is, what constitutes --

18 COMMISSIONER ALLAN: It's actually --

19 DAN TOMERA: -- an --

20 COMMISSIONER ALLAN: -- with --

21 DAN TOMERA: -- initial --

22 COMMISSIONER ALLAN: -- NDF; --

23 DAN TOMERA: -- attack.

24 COMMISSIONER ALLAN: -- isn't it?

25 KEITH WESTENGARD: There's an MOU with NDF as well as the
26 BLM.

27 COMMISSIONER ALLAN: It dissolves with the BLM.

28 KEITH WESTENGARD: There's one with each outfit.

29 DAN TOMERA: You know, I -- I think that that -- it's
30 imperative that that stays in place.

31 I think the -- the response on fires over the last couple of
32 years have been way better than they have historically.

33 I've been on a lot of fires where everybody was told to just
34 sit and watch it burn. And that's terrible, in my view.

35 But I think that that -- that agreement has really done a lot
36 for us as a county.

37 CHAIRMAN MILLS: So, Keith --

38 COMMISSIONER WAITS: But we can always use more. You're
39 right.

40 CHAIRMAN MILLS: Keith, you're pretty familiar with all the

1 fire stuff. Are you -- are you familiar with this kind of a
2 program? And --

3 KEITH WESTENGARD: Very familiar. Yes.

4 CHAIRMAN MILLS: Okay.

5 COMMISSIONER CLARK: You know how to do this, Keith?

6 KEITH WESTENGARD: Yep. They do --

7 COMMISSIONER CLARK: Okay.

8 KEITH WESTENGARD: -- it in other counties, just like Frank
9 said. Elko does it. Eureka does it. There's other counties
10 that do it. They do do -- do prepositioning -- or not
11 prepositioning, but they -- they post a piece of fire equipment
12 at the farm or ranch itself. The -- the people on the ranch are
13 responsible to maintain it, not financially, just check it
14 daily, make sure there's water in the pumps, and everything
15 works. The county pays for the maintenance on it.

16 The individuals, the farm or -- the farm or ranch will
17 designate certain individuals that'll be trained to operate the
18 equipment.

19 And it's not anything like -- they don't get medical or
20 anything -- anything like that. They just get basic wildland
21 fire -- we get -- they get gear. They're required to wear the
22 gear. They're required to learn how to use the fire shelters,
23 learn how to do all the basics. And they have a -- they do it the
24 same with hired equipment. They're supposed to go through the --
25 all the training every year. You're -- basically you're hired
26 equipment is what it is, but provided with a piece of fire
27 equipment.

28 And the state will come in or -- or BLM. They'll -- they'll
29 ha- -- they'll do the training, make sure that they have that --
30 that minimum level of wildland fire training.

31 COMMISSIONER CLARK: Okay.

32 COMMISSIONER BAKKER: And --

33 COMMISSIONER CLARK: Well --

34 COMMISSIONER BAKKER: -- NDF's offered to do the training;
35 right?

36 KEITH WESTENGARD: NDF and BLM both have offered to come
37 and do new training every year. Yeah.

38 COMMISSIONER CLARK: For free?

39 KEITH WESTENGARD: There's no cost to it. That is --

40 COMMISSIONER CLARK: Okay.

1 KEITH WESTENGARD: -- correct.
2 COMMISSIONER CLARK: Well, I'll make --
3 KEITH WESTENGARD: State --
4 COMMISSIONER CLARK: -- a motion --
5 KEITH WESTENGARD: -- fire marshal -- all -- I'm sorry. Go
6 ahead.
7 COMMISSIONER CLARK: Yeah. I -- I'll make a motion on this
8 to -- to get started on a -- the formation of a rural fire
9 company for the purpose of strategically placing fire equipment
10 on local ranches within Lander County and to include this in the
11 Lander county Code 9.28, County Fire Department ordinances.
12 My intent of this is to get started on it. This is going to
13 take a long time to get it finalized. But I think that it is a
14 great idea, like Patsy and the other commissioners have said. And
15 I -- I don't think the expense will be all that -- all that great.
16 You can get used equipment --
17 KEITH WESTENGARD: Federal excess equipment's --
18 COMMISSIONER CLARK: Okay.
19 KEITH WESTENGARD: -- generally used in this type of a
20 situation. It's -- it's --
21 COMMISSIONER CLARK: And that's donated?
22 KEITH WESTENGARD: Well, we have to go in, and we --
23 COMMISSIONER CLARK: Bid?
24 KEITH WESTENGARD: -- we bid on it.
25 COMMISSIONER CLARK: Okay.
26 KEITH WESTENGARD: But it could be very inexpens- -- it's
27 not like a new fire truck of --
28 COMMISSIONER WAITS: Golly, there might be one in Kingston;
29 right?
30 KEITH WESTENGARD: There is one in Kingston, actually, that
31 big green -- that's an old Forest service surplus piece of
32 equipment down there. And at the time, I believe the BLM gave
33 it up for 20,000.
34 COMMISSIONER BAKKER: I'll second the motion.
35 COMMISSIONER CLARK: Okay. Sounds good.
36 CHAIRMAN MILLS: Okay. Art made a motion. Sean seconded.
37 Do we have any public comment?
38 (No comment.)
39 CHAIRMAN MILLS: All in favor?
40 COMMISSIONER BAKKER: Aye.

1 CHAIRMAN MILLS: Aye.
2 COMMISSIONER ALLAN: I do have a question.
3 CHAIRMAN MILLS: Oh. Go ahead.
4 COMMISSIONER ALLAN: So initially Art's motion was for
5 Keith to investigate, --
6 CHAIRMAN MILLS: Right.
7 COMMISSIONER ALLAN: -- to get started.
8 Aye.
9 CHAIRMAN MILLS: Okay.
10 Has everybody --
11 COMMISSIONER WAITS: However --
12 CHAIRMAN MILLS: -- voted? I didn't --
13 COMMISSIONER WAITS: -- it was --
14 CHAIRMAN MILLS: -- hear.
15 COMMISSIONER WAITS: -- also to include the Chapter 9.28.
16 COMMISSIONER CLARK: Yes.
17 COMMISSIONER WAITS: He -- that was --
18 COMMISSIONER BAKKER: Uh-huh.
19 COMMISSIONER WAITS: -- part of the motion.
20 COMMISSIONER ALLAN: Well, we can't -- we can't do that
21 until --
22 CHAIRMAN MILLS: Is that --
23 COMMISSIONER ALLAN: -- we go through an ord- -- an
24 Ordinance --
25 COMMISSIONER WAITS: I -- I don't --
26 COMMISSIONER ALLAN: -- change --
27 COMMISSIONER WAITS: -- know how we can --
28 COMMISSIONER ALLAN: -- anyway.
29 COMMISSIONER WAITS: -- either. And that was part of --
30 CHAIRMAN MILLS: Is that --
31 COMMISSIONER WAITS: -- the motion.
32 CHAIRMAN MILLS: -- to investigate including --
33 COMMISSIONER CLARK: You may --
34 CHAIRMAN MILLS: -- it? Or to include it?
35 COMMISSIONER CLARK: To --
36 COMMISSIONER WAITS: He said to include it.
37 COMMISSIONER BAKKER: No, he --
38 COMMISSIONER CLARK: Right.
39 COMMISSIONER BAKKER: -- wants it included.
40 COMMISSIONER CLARK: And then what -- then you don't have

1 to revisit it again. And it's --
2 COMMISSIONER ALLAN: Well, we actually do have to --
3 COMMISSIONER CLARK: -- it's --
4 COMMISSIONER ALLAN: -- go --
5 COMMISSIONER CLARK: -- set in --
6 COMMISSIONER ALLAN: -- through an --
7 COMMISSIONER CLARK: -- motion.
8 COMMISSIONER ALLAN: -- ordinance change.
9 CHAIRMAN MILLS: We'll probably have to revisit it a --
10 COMMISSIONER BAKKER: So --
11 CHAIRMAN MILLS: -- couple times.
12 COMMISSIONER BAKKER: -- direct the district attorney's --
13 UNIDENTIFIED PARTICIPANT: Don't go now.
14 COMMISSIONER BAKKER: -- office to look at the ordinance
15 change?
16 DISTRICT ATTORNEY HERRERA: Well, it's my understanding
17 that the sheriff and the -- the county manager and myself were
18 going to revisit that ordinance and make some recommendations
19 for --
20 And so the -- what I contemplated in -- in putting that
21 language in there is that if -- if the county commissioners
22 decided to proceed with it, that -- that we don't -- you'd also
23 be looking at when the time was right to place it in the
24 ordinance. And that's all.
25 So, I mean, we -- we --
26 CHAIRMAN MILLS: Because --
27 DISTRICT ATTORNEY HERRERA: -- definitely have to --
28 COMMISSIONER ALLAN: It's not automatically going in the
29 ordinance --
30 DISTRICT ATTORNEY HERRERA: Right.
31 COMMISSIONER ALLAN: -- now.
32 DISTRICT ATTORNEY HERRERA: But it -- but the question --
33 COMMISSIONER ALLAN: But it's --
34 DISTRICT ATTORNEY HERRERA: -- is, then, --
35 COMMISSIONER ALLAN: -- including it in the motion so that
36 when we do --
37 DISTRICT ATTORNEY HERRERA: Yes.
38 COMMISSIONER ALLAN: -- go in and -- and discuss an
39 ordinance change, that it has been mentioned.
40 DISTRICT ATTORNEY HERRERA: Right. And -- and --

1 COMMISSIONER ALLAN: -- as a change.
2 DISTRICT ATTORNEY HERRERA: -- what we need to -- and
3 what -- what we need to start doing is -- is have the ordinance
4 change follow the -- the -- the policy changes that this
5 commission makes. So I'm just trying to keep one follow the
6 other.
7 COMMISSIONER WAITS: Okay. So instead of just saying on
8 the motion, that -- that Art did, to include the County Chapter
9 Code 9.28, we would say to include the research on changing this
10 chapter?
11 DISTRICT ATTORNEY HERRERA: Yes.
12 Yeah. That's fine.
13 CHAIRMAN MILLS: Art, --
14 COMMISSIONER WAITS: Would that be --
15 CHAIRMAN MILLS: -- do you --
16 COMMISSIONER WAITS: -- okay, --
17 CHAIRMAN MILLS: -- do you --
18 COMMISSIONER WAITS: -- Art?
19 CHAIRMAN MILLS: -- agree with it in- --
20 COMMISSIONER CLARK: Yeah. I'll -- I'll --
21 CHAIRMAN MILLS: -- including that --
22 COMMISSIONER CLARK: -- amend my --
23 CHAIRMAN MILLS: -- in the motion?
24 COMMISSIONER CLARK: -- motion to --
25 COMMISSIONER WAITS: Yeah. Okay.
26 COMMISSIONER CLARK: -- fact finding and information
27 gathering to change the -- the County Code Chapter 9.28 when it
28 is the appropriate time.
29 CHAIRMAN MILLS: Okay. Sean, do you --
30 COMMISSIONER BAKKER: Second.
31 CHAIRMAN MILLS: -- do you continue to second?
32 COMMISSIONER BAKKER: Uh-huh.
33 CHAIRMAN MILLS: Okay. So we'll redo the vote.
34 Do we have any public comment?
35 (No comment.)
36 CHAIRMAN MILLS: All in favor?
37 COMMISSIONER BAKKER: Aye.
38 CHAIRMAN MILLS: Aye.
39 COMMISSIONER WAITS: Aye.
40 COMMISSIONER CLARK: Aye.

1 COMMISSIONER ALLAN: Aye.
2 CHAIRMAN MILLS: Okay.
3 COMMISSIONER BAKKER: Okay. Thanks, Dan.
4 DAN TOMERA: Thank you.
5 COMMISSIONER BAKKER: Have a good day.
6 COMMISSIONER CLARK: So we're going to be looking at
7 changes to this fire ordinance in the near future?
8 COMMISSIONER BAKKER: We need to --
9 COMMISSIONER ALLAN: There has to be changes to the
10 ordinance for the fire depart- -- for the fire because it
11 basically says that we have a rural department in Hill Top.
12 DISTRICT ATTORNEY HERRERA: In Hill Top only.
13 COMMISSIONER CLARK: Oh, yeah.
14 DISTRICT ATTORNEY HERRERA: Exactly.
15 COMMISSIONER ALLAN: In Hill Top only.
16 COMMISSIONER CLARK: Yeah. That's --
17 DISTRICT ATTORNEY HERRERA: We have to include Austin. We
18 have to include Kingston. We have to --
19 COMMISSIONER CLARK: Kingston, Gilman Springs --
20 DISTRICT ATTORNEY HERRERA: -- include Gilman Springs. And
21 right now that's not in the ordinance. So --
22 COMMISSIONER CLARK: No.
23 DISTRICT ATTORNEY HERRERA: -- definitely has to be
24 changes.
25 CHAIRMAN MILLS: Okay.
26 We'll move to Item 15. Discussion, possible action of the
27 Lander --
28 COMMISSIONER BAKKER: Hold on.
29 CHAIRMAN MILLS: -- County Board of Commissioners -- do you
30 have something?
31 KEITH WESTENGARD: Commissioner? Can -- can we put that
32 off because we will deal with the union things as well as the
33 litigation at 11:30.
34 So could we skip this for now, and --
35 COMMISSIONER CLARK: Okay.
36 KEITH WESTENGARD: -- when it gets closer to 11:30 go into
37 that? We have to --
38 CHAIRMAN MILLS: We can do that.
39 KEITH WESTENGARD: -- make some phone calls. Okay. Thank
40 you.

1 CHAIRMAN MILLS: Okay.

2 Item 16 has been removed from the -- the agenda earlier.

- 3
- 4 17) Discussion and possible action to approve/disapprove an
5 addendum to the fixed-base operator contract between Fallon
6 Airmotive and Lander County for the Battle Mountain and
7 Austin Airports, to include the lease of a 5000-gallon fuel
8 truck, and all other matters properly related thereto.
9

10 CHAIRMAN MILLS: Item 17. Discussion, possible action to
11 approve/disapprove an addendum to the fixed-based operator
12 contract between Fallon Airmotive and Lander County for the
13 Battle Mountain and Austin Airports to include the lease of a
14 5,000-gallon fuel truck, and all other matters properly related
15 thereto.

16 KEITH WESTENGARD: So what we've done here is we've
17 addendu- -- amended the FBO's contract to include another fuel
18 truck.

19 There's no changes other than adding the fuel truck to this
20 contract -- a 5,000-gallon fuel truck.

21 COMMISSIONER BAKKER: You're requiring him to have a
22 5,000-gallon fuel truck? Or he needs one?

23 KEITH WESTENGARD: He needs one. So --

24 CHAIRMAN MILLS: Yeah. As I understand that, in the fire
25 season this year, they did run out of fuel one day.

26 KEITH WESTENGARD: Yeah.

27 COMMISSIONER BAKKER: And this'll give him more capacity
28 for --

29 KEITH WESTENGARD: Right.

30 CHAIRMAN MILLS: -- that Jet A fuel.

31 KEITH WESTENGARD: That is correct.

32 So there's no -- no monetary changes, just adding this fuel
33 truck.

34 COMMISSIONER BAKKER: Okay. I'll make a motion to approve
35 an addendum to the fixed-base operator contract between Fallon
36 Airmotive and Lander County for the Battle Mountain, Austin
37 Airports to include the lease of a 5,000-gallon fuel truck.

38 COMMISSIONER CLARK: Second.

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

1 KEITH WESTENGARD: And for somebody to sign it, Sean.

2 COMMISSIONER BAKKER: And authorize the chair to sign.

3 KEITH WESTENGARD: Thank you.

4 CHAIRMAN MILLS: All in favor?

5 COMMISSIONER BAKKER: Aye.

6 CHAIRMAN MILLS: Aye.

7 COMMISSIONER WAITS: Aye.

8 COMMISSIONER CLARK: Aye.

9 COMMISSIONER ALLAN: Aye.

10
11 **18) Discussion and possible action to approve/disapprove a**
12 **contract between Overhead Fire Protection and Lander County**
13 **for maintenance services at the administration building, and**
14 **all other matters properly related thereto.**
15

16 CHAIRMAN MILLS: Item 18. Discussion and possible action
17 to approve/disapprove a contract between Overhead Fire
18 Protection and Lander County for maintenance services at the
19 administration building, and all other matters properly related
20 thereto.

21 COMMISSIONER WAITS: So my understanding is we're just
22 combining this; right?

23 DISTRICT ATTORNEY HERRERA: Right. We had -- we had two
24 separate contracts for the -- for the same person. And we
25 thought we'd combine them. So we have both of them combined
26 into one. And it's for a two-year period.

27 COMMISSIONER WAITS: And you've read it and everything's --

28 DISTRICT ATTORNEY HERRERA: Yes.

29 COMMISSIONER WAITS: -- copacetic?

30 COMMISSIONER BAKKER: Make a motion to approve a contract
31 between Overhead Fire Protection and Lander County for
32 maintenance services at the administration building and
33 authorize the chair to sign.

34 COMMISSIONER CLARK: Second.

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

37 (No comment.)

38 CHAIRMAN MILLS: All in favor?

39 COMMISSIONER BAKKER: Aye.

40 CHAIRMAN MILLS: Aye.

1 COMMISSIONER ALLAN: Aye.

2 COMMISSIONER CLARK: Aye.

3 COMMISSIONER WAITS: Aye.

4
5 **19) Discussion and possible action regarding paramedicine**
6 **services within Lander County and all other matters properly**
7 **related thereto.**
8

9 CHAIRMAN MILLS: Item 19. Discussion and possible action
10 regarding paramedicine services within Lander County and all
11 other matters properly related thereto.

12 COMMISSIONER WAITS: Actually, this -- this letter came, as
13 you can see, that's in your packet, to NACO from Senator Joyce
14 Woodhouse and her committee. And they were studying the needs
15 related to behavioral health and cognitive care of older
16 persons. And the letter encourages the Nevada counties to
17 expand their role into paramedicine and -- in their communities.
18 And this has been something that we've been looking at for --

19 CHAIRMAN MILLS: Separate item.

20 COMMISSIONER WAITS: -- some time. I think it's even
21 done --

22 COMMISSIONER ALLAN: It's Myra.

23 COMMISSIONER WAITS: -- occasionally, you know, as -- as
24 the need has come up.

25 But to really expand it and say, this is what we're going to
26 do and now we actually have them doing the training that's
27 available for our -- our EMT people to do, we thought it was kind
28 of a cool idea.

29 So you read the letter; right? Short letter?

30 Anyway, basically that's what it is. It's encouraging the
31 counties do that.

32 CHAIRMAN MILLS: And just as I --

33 COMMISSIONER WAITS: Hi, Myra.

34 CHAIRMAN MILLS: -- as I mentioned earlier that at our
35 hospital board retreat, we did discuss this. And they're
36 looking in -- through the hospital, working this into the
37 hospital system.

38 So some coordination between the county and the hospital
39 might be good on this.

40 COMMISSIONER WAITS: Well, and, of course, the hospital is

1 only in the north. So --
2 CHAIRMAN MILLS: Yeah.
3 COMMISSIONER WAITS: -- that doesn't help us in the south,
4 unless Kingston's going to jump on. And I don't think they have
5 people to go outside, really.
6 They need to be --
7 CHAIRMAN MILLS: Yeah.
8 COMMISSIONER WAITS: -- in the clinic.
9 COMMISSIONER BAKKER: Myra, do you have any input on this
10 one?
11 MYRA WALL: I do.
12 This is Myra Wall, for the record, with Lander County EMS.
13 So I am -- I have almost finished my internship with the
14 community paramedicine. Myself and another medic went through
15 the -- that education class in -- May? I think it was.
16 So we are in the process right now. We are starting it with
17 NRHP, Nevada Rural Health Partners. So we are in the meet with
18 med staff on the 16th of October to get the doctors on board now
19 and kind of get them a little bit in the know of what the process
20 is because it's kind of new.
21 So Kim approached me the other day and said that they were
22 interested in it.
23 So once we get the ball rolling and the program out there and
24 get the clients on board, we can -- we can get them through
25 their -- their training, whatever they need. So --
26 COMMISSIONER ALLAN: So when you get --
27 CHAIRMAN MILLS: Okay.
28 COMMISSIONER ALLAN: -- the training, will you have enough
29 resources for this to be actually practical with doing the EMS
30 runs plus paramedicine?
31 MYRA WALL: So it has to be separate than the ambulance.
32 We can run through, like, the little -- we can run it
33 through the little hospital car that we have. But it cannot
34 have anything to do with the actual ambulance, just for the --
35 the purpose of if you're out there with one of the clients and a
36 call goes out, you can't just abandon them and go to the call.
37 So it has to be completely separate.
38 So it cannot be mixed in with EMS, if that makes sense?
39 I don't know if I'm --
40 COMMISSIONER ALLAN: So you actually --

1 MYRA WALL: -- making sense.
2 COMMISSIONER ALLAN: -- utilize the fly car for something
3 other than just --
4 MYRA WALL: That's it.
5 Good process; right?
6 COMMISSIONER ALLAN: Yeah.
7 MYRA WALL: But, yeah, we're in the process of getting the
8 supplies and everything right now, waiting on some of the
9 licenses, like the CLIA license, because it has to be separate
10 than the hospital and everything.
11 COMMISSIONER ALLAN: Keith?
12 KEITH WESTENGARD: Yes.
13 COMMISSIONER ALLAN: So since we're paying for so much for
14 our EMS as it is, I'm presuming that this would not change our
15 contract with the hospital --
16 KEITH WESTENGARD: Not at all.
17 COMMISSIONER ALLAN: -- in any way, such --
18 KEITH WESTENGARD: Not one bit. Nope.
19 COMMISSIONER ALLAN: They're not going to come back and
20 say, "Hey, we need some more money"?
21 KEITH WESTENGARD: No.
22 UNIDENTIFIED PARTICIPANT: They shouldn't.
23 COMMISSIONER WAITS: So how would it affect in the south?
24 We have -- we have Kim, who's actually on -- on a base pay.
25 So she could go out and do that. But the rest of them are
26 volunteers. So are we going to pay them each time they go out?
27 Or would that be part of their volunteer group?
28 KEITH WESTENGARD: We haven't crossed that bridge yet.
29 This has been something that goes clear back to a -- a couple
30 of coordinators ago where we were talking about community -- 2012.
31 It goes back to 2012 or '13 -- when we talked about community
32 paramedicine.
33 It -- it sh- -- let me rephrase that -- it -- it shouldn't
34 change the con- -- it won't change the contract. There will be
35 some -- possibly some additional equipment we'll need to fulfill
36 this.
37 As far as volunteers or -- or -- or staff, we haven't really
38 crossed that bridge yet so I -- I don't have a good answer for
39 that. I don't know where it's going to come into play or the --
40 the -- the time, the commitment time it's going to take for the

1 employee to go out or the EMT or paramedic -- I'm sorry -- or
2 advanced to go out and make these house calls, so to speak.

3 So --

4 COMMISSIONER ALLAN: The person.

5 KEITH WESTENGARD: -- we'll have --

6 COMMISSIONER ALLAN: I'm sorry. That would all depend on
7 who's qualified.

8 KEITH WESTENGARD: Correct.

9 COMMISSIONER ALLAN: I mean, it's not just any volunteers.

10 KEITH WESTENGARD: Right.

11 COMMISSIONER ALLAN: It's -- it's a specific, qualified --

12 KEITH WESTENGARD: Yes.

13 COMMISSIONER ALLAN: -- volunteer --

14 KEITH WESTENGARD: Right. And right now --

15 COMMISSIONER ALLAN: -- that can do --

16 KEITH WESTENGARD: -- we're --

17 COMMISSIONER ALLAN: -- that.

18 KEITH WESTENGARD: -- only looking at -- at one, which
19 would be Kim, that would be part of that.

20 In the future, it may expand. Like I said, it's not going to
21 change the contract. It would just be some -- some additional
22 equipment that they may need.

23 COMMISSIONER WAITS: Well, I -- I think the need is
24 absolutely everywhere. And I -- I applaud the senator for --
25 for taking it on and certainly bringing it into NACO's focus
26 because many of them have already started on it. And I know
27 we've discussed it, as you said, for -- for several years. But
28 I --

29 KEITH WESTENGARD: Yes.

30 COMMISSIONER WAITS: -- think, especially in the south
31 where we just have a lot of folks that don't get in to do the
32 proper appointments that they should be doing and to have -- to
33 have folks actually out there that are checking on them and
34 doing these things is -- is such a need. And that's part of our
35 responsibility as the safety and health and welfare. That's
36 exactly what we're doing in the county.

37 So --

38 KEITH WESTENGARD: Right. And this --

39 COMMISSIONER WAITS: -- that's one --

40 KEITH WESTENGARD: -- this was --

1 COMMISSIONER WAITS: -- of our --
2 KEITH WESTENGARD: -- always --
3 COMMISSIONER WAITS: -- obligations.
4 KEITH WESTENGARD: -- this was always dis- -- or -- in the
5 past, was -- was discussed as -- as a partnership with -- with
6 the county and the EMS and the hospital.
7 COMMISSIONER WAITS: Yeah.
8 KEITH WESTENGARD: So I don't --
9 COMMISSIONER WAITS: Well --
10 KEITH WESTENGARD: -- think that's changed.
11 COMMISSIONER WAITS: -- I'm going --
12 MYRA WALL: And so --
13 COMMISSIONER WAITS: -- to make a --
14 MYRA WALL: -- for --
15 COMMISSIONER WAITS: -- motion that Lander County expand
16 our service to include paramedicine services within Lander
17 County and have our executive director look into the -- the
18 necessities that are needed to do that.
19 COMMISSIONER CLARK: Second.
20 MYRA WALL: And to just kind of add to that -- so right
21 now, once I get through it, I will take care of all of Lander
22 County so that if there are people in Austin, they just get put
23 into the program, which is a -- it's run off of an iPad. And
24 it gives us the -- the next time we need to check up on them,
25 you know, with -- in accordance to their diagnosis.
26 So if -- if it's in Austin, I go down to beautiful Austin for
27 the day.
28 COMMISSIONER WAITS: Okay. And the --
29 MYRA WALL: That's --
30 COMMISSIONER WAITS: -- rest is getting, of course, Kim
31 Austin qualified.
32 MYRA WALL: And -- yeah. Once the program gets through,
33 and we can get her through the community paramedicine, it would
34 work in perfectly.
35 COMMISSIONER WAITS: I think it's an excellent addition to
36 our services.
37 COMMISSIONER ALLAN: Make sure you have time, Myra.
38 MYRA WALL: Well, it's what I do.
39 CHAIRMAN MILLS: Okay. Patsy made a motion. Art seconded.
40 Do we have any public comment?

1 (No comment.)
2 CHAIRMAN MILLS: All in favor?
3 Oh. Go ahead. If you'll come --
4 MARIE HUTCHINGS: I just --
5 CHAIRMAN MILLS: -- forward, --
6 MARIE HUTCHINGS: -- have a --
7 CHAIRMAN MILLS: -- please.
8 MARIE HUTCHINGS: -- question like --
9 COMMISSIONER CLARK: Come on up, --
10 MARIE HUTCHINGS: -- if you're going to --
11 COMMISSIONER CLARK: -- Marie.
12 MARIE HUTCHINGS: -- keep --
13 COMMISSIONER CLARK: Marie.
14 MARIE HUTCHINGS: Marie Hutchings. Sorry.
15 I just kind of have a question.
16 If you're going to keep this separate from what we have --
17 the paramedic program we have already and the ambulance, who's
18 going to bill for that? What kind of fee schedule are you going
19 to base this on?
20 MYRA WALL: It has its own fee schedule. And it would
21 basically go through the hospital. The -- it's not a huge
22 amount, but it gets -- it goes through private insurance,
23 Medicaid --
24 MARIE HUTCHINGS: Medicare.
25 MYRA WALL: -- Medicare, all of them. Yeah.
26 MARIE HUTCHINGS: Okay. All right. Thank you.
27 COMMISSIONER WAITS: Marie, did you give your full name for
28 the record?
29 MARIE HUTCHINGS: Uh-huh. Marie Hutchings.
30 COMMISSIONER WAITS: Thank you.
31 MARIE HUTCHINGS: Uh-huh.
32 COMMISSIONER WAITS: I know you mentioned it coming down,
33 but I didn't know if it picked it up. Thank you.
34 CHAIRMAN MILLS: Okay. Any other public comment?
35 (No comment.)
36 CHAIRMAN MILLS: All in favor?
37 COMMISSIONER CLARK: Aye.
38 COMMISSIONER ALLAN: Aye.
39 CHAIRMAN MILLS: Aye.
40 COMMISSIONER WAITS: Aye.

1 COMMISSIONER BAKKER: Aye.
2 COMMISSIONER CLARK: Keep up your good work there.
3 COMMISSIONER ALLAN: No, Myra.
4 CHAIRMAN MILLS: Okay.
5 COMMISSIONER ALLAN: You're not --
6 CHAIRMAN MILLS: Myra, we'll -- you'll --
7 COMMISSIONER WAITS: Well, you're on --
8 CHAIRMAN MILLS: -- stick around --
9 COMMISSIONER WAITS: -- next, --
10 CHAIRMAN MILLS: -- for a minute.
11 COMMISSIONER WAITS: -- Myra.

12
13 **20) Update from Lander County EMS and all other matters properly**
14 **related thereto.**
15

16 CHAIRMAN MILLS: We're on Item Number 20.
17 Update from Lander County EMS and all other matters properly
18 related thereto.

19 MYRA WALL: All right. So in EMS we are doing the flu
20 P.O.D. today. That's where I was getting all cleaned up.
21 But --

22 So I have the call volumes and stuff that we've done for --
23 since June.

24 June, we had a total of 93 calls. July was 84. And then
25 August was 85. That's all mixed together. So it's not
26 necessarily all transporting.

27 But seem to be doing pretty good with the way everything's
28 been working. I haven't heard of any problems or issues down
29 south.

30 It's -- I -- I like how we're coming together a lot more now.
31 We have the new ambulance getting ready to come in. It's
32 supposed to be here in a couple weeks.

33 KEITH WESTENGARD: Maybe.

34 MYRA WALL: Well -- oh.

35 KEITH WESTENGARD: It'll be --

36 MYRA WALL: He knows --

37 KEITH WESTENGARD: -- here.

38 MYRA WALL: -- more than I know.

39 CHAIRMAN MILLS: It was --

40 MYRA WALL: But --

1 CHAIRMAN MILLS: -- never -- it was never going on time.
2 MYRA WALL: Right. Darn it.
3 Anyhow, it's close to being here.
4 CHAIRMAN MILLS: Yeah.
5 MYRA WALL: And we did get the power lift gurneys, which is
6 wonderful for injuries -- prevention. It'll be fantastic
7 because not always do we have firefighters over there to help us
8 lift. Law enforcement does a fantastic job with us. But it'll
9 just be nice for all around.
10 Other than that --
11 I don't -- you guys have any specific questions I can
12 answer?
13 No?
14 COMMISSIONER ALLAN: You're doing a good job, Myra.
15 MYRA WALL: Well, thank you.
16 COMMISSIONER BAKKER: Keep --
17 MYRA WALL: Trying to --
18 COMMISSIONER BAKKER: -- up the good --
19 MYRA WALL: -- get it.
20 COMMISSIONER BAKKER: -- work.
21 MYRA WALL: Thank you.
22 COMMISSIONER CLARK: Keep it up.
23 CHAIRMAN MILLS: Okay.
24 COMMISSIONER BAKKER: Okay.
25 CHAIRMAN MILLS: Appreciate it.
26 COMMISSIONER CLARK: I hear the --
27 COMMISSIONER BAKKER: Thank you.
28 COMMISSIONER CLARK: -- care flight. I hear care flight
29 every time it comes to town.
30 MYRA WALL: Right.
31 Yes. That it does.
32 COMMISSIONER CLARK: Right over my house.
33 MYRA WALL: I'm sorry.
34 COMMISSIONER CLARK: That's okay.
35 MYRA WALL: We'll move the flight plan.
36 COMMISSIONER CLARK: Hey, we're saving lives, maybe.
37 MYRA WALL: That's true.
38
39
40

1 21) Discussion for possible action requesting the district
2 attorney's office give written notice to Keith Westengard
3 regarding place and time the Lander County commission will
4 have his performance evaluation, and all other matters
5 properly related thereto.
6

7 CHAIRMAN MILLS: Okay. Item 21. Discussion for possible
8 action requesting the district attorney's office giving written
9 notice to Keith Westengard regarding place and time of the
10 Lander County commission to have all his performance -- to have
11 his performance evaluation, and all other matters properly
12 related thereto.

13 COMMISSIONER CLARK: This is annual; right?

14 DISTRICT ATTORNEY HERRERA: It -- it's really up to you.
15 So that's --

16 CHAIRMAN MILLS: Right.

17 DISTRICT ATTORNEY HERRERA: -- that's why it was worded
18 this way.

19 It -- it's so --

20 COMMISSIONER WAITS: How much advance notice do we have to
21 give him?

22 JEANNE FALZONE: Ten days.

23 DISTRICT ATTORNEY HERRERA: Ten --

24 COMMISSIONER CLARK: Ten --

25 DISTRICT ATTORNEY HERRERA: -- days.

26 COMMISSIONER CLARK: -- days.

27 COMMISSIONER WAITS: Oh. Okay.

28 DISTRICT ATTORNEY HERRERA: You can waive that. But it --
29 it's set up.

30 COMMISSIONER WAITS: So, --

31 DISTRICT ATTORNEY HERRERA: I --

32 COMMISSIONER WAITS: -- I mean, I didn't know if you wanted
33 it on the -- the next one or the one --

34 DISTRICT ATTORNEY HERRERA: Well, --

35 COMMISSIONER WAITS: -- after?

36 DISTRICT ATTORNEY HERRERA: -- I have to have him --

37 COMMISSIONER WAITS: Or --

38 DISTRICT ATTORNEY HERRERA: -- served so -- so it's --

39 COMMISSIONER BAKKER: The last one in October?

40 Yeah?

1 COMMISSIONER WAITS: Twenty-fifth?
2 KEITH WESTENGARD: It's up -- it's up to you guys.
3 The next one is fine; the -- October's fine; 2025's fine.
4 COMMISSIONER WAITS: The last one in October is the 25th.
5 COMMISSIONER BAKKER: Okay. That'll work.
6 Make a motion requesting the district attorney's office give
7 written notice to Keith Westengard, Lander County manager, to do
8 his evalua- -- performance evaluation on October 25th.
9 COMMISSIONER CLARK: Second.
10 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
11 Do we have any public comment?
12 (No comment.)
13 CHAIRMAN MILLS: All in favor?
14 COMMISSIONER BAKKER: Aye.
15 CHAIRMAN MILLS: Aye.
16 COMMISSIONER CLARK: Aye.
17 COMMISSIONER WAITS: Aye.
18 COMMISSIONER ALLAN: Aye.
19 CHAIRMAN MILLS: Okay.
20 That leaves --
21 COMMISSIONER BAKKER: Fifteen.
22 CHAIRMAN MILLS: -- Item 15.
23 We ready for that?
24 KEITH WESTENGARD: Yeah. We'll have to close the meeting
25 or --
26 CHAIRMAN MILLS: Okay.
27 KEITH WESTENGARD: -- go into --
28 COMMISSIONER WAITS: Yeah. Shall we --
29 KEITH WESTENGARD: -- litigation.
30 CHAIRMAN MILLS: Open up --
31 COMMISSIONER WAITS: -- go on to -- can we go on to two two
32 and finish it up? Because we don't need it closed right away,
33 do we?
34 KEITH WESTENGARD: Do you want -- do you want -- I'm sorry.
35 Go on to where?
36 CHAIRMAN MILLS: Item 22.
37 COMMISSIONER WAITS: Can --
38 CHAIRMAN MILLS: Can we --
39 COMMISSIONER WAITS: -- we go --
40 CHAIRMAN MILLS: -- do --

1 COMMISSIONER WAITS: -- to --
2 CHAIRMAN MILLS: -- correspondence?
3 KEITH WESTENGARD: Oh.
4 COMMISSIONER WAITS: -- 22?
5 KEITH WESTENGARD: Sure.
6 DISTRICT ATTORNEY HERRERA: Yes.
7 COMMISSIONER ALLAN: I want to speak to --
8 COMMISSIONER WAITS: Please.
9 COMMISSIONER ALLAN: -- him.
10 KEITH WESTENGARD: Sure.
11 COMMISSIONER ALLAN: We can do that.
12 CHAIRMAN MILLS: Do you mean negotiation?
13 COMMISSIONER ALLAN: No.
14 COMMISSIONER CLARK: Twenty-two.

15
16
17 **CORRESPONDENCE**

18
19 **22) Correspondence, reports, potential upcoming agenda items.**

20
21 CHAIRMAN MILLS: Okay. Item 22. Correspondence, reports
22 potential upcoming agenda items.
23 COMMISSIONER WAITS: I -- I would like to see us do this
24 nice and early and put on our holiday schedule on the agenda.
25 COMMISSIONER CLARK: Okay.
26 CHAIRMAN MILLS: Oh.
27 COMMISSIONER WAITS: Seems like --
28 CHAIRMAN MILLS: Okay. Yeah. Good idea.
29 COMMISSIONER WAITS: -- we're trying to make plans and see
30 what's going on. And --
31 KEITH WESTENGARD: Okay.
32 CHAIRMAN MILLS: We'll do on ne- -- we can do that next
33 meeting.
34 COMMISSIONER WAITS: Uh-huh.
35 CHAIRMAN MILLS: Sadie?
36 COUNTY CLERK SULLIVAN: I was actually here to back Patsy,
37 not realizing it. Only reason is, is because next week is
38 October, the first week of October. And usually November we
39 have just the one meeting. Due to holidays, the election is on
40 the 6th. So I want to -- want you to keep it in mind, then,

1 we'll have a canvass of the vote as well.
2 So when Patsy stated to maybe get that figured out and
3 scheduled, that -- that would be very, very beneficial. So then
4 that way you're not having a special as well.
5 So, anyway, it's right around the corner.
6 CHAIRMAN MILLS: Coming fast.
7 COUNTY CLERK SULLIVAN: Yes.
8 COMMISSIONER WAITS: Thank you.
9 KEITH WESTENGARD: We need to lift the burn ban when we're
10 -- when you guys are ready to, too?
11 COMMISSIONER ALLAN: Yeah. I thought of that earlier, then
12 --
13 CHAIRMAN MILLS: Yeah.
14 COMMISSIONER ALLAN: -- I forgot.
15 CHAIRMAN MILLS: I was talking to somebody about that the
16 other day.
17 COMMISSIONER WAITS: The what?
18 CHAIRMAN MILLS: The burn --
19 COMMISSIONER ALLAN: Lift --
20 CHAIRMAN MILLS: -- ban.
21 COMMISSIONER ALLAN: -- the burn ban.
22 CHAIRMAN MILLS: Got to pull that off sometime.
23 COMMISSIONER CLARK: Yeah. We can --
24 COMMISSIONER WAITS: I don't --
25 COMMISSIONER CLARK: -- do it, --
26 COMMISSIONER WAITS: -- know. This isn't --
27 COMMISSIONER CLARK: -- address --
28 COMMISSIONER WAITS: -- a good --
29 COMMISSIONER CLARK: -- that.
30 COMMISSIONER WAITS: -- time to pull it --
31 CHAIRMAN MILLS: I know.
32 COMMISSIONER WAITS: -- off.
33 But -- well, we got to pick a day.
34 COMMISSIONER CLARK: Yeah, we should have -- well, we
35 should have rain by the time we lift it.
36 COMMISSIONER WAITS: You know what, though, we can always
37 put it on our agenda.
38 COMMISSIONER BAKKER: Call and make that --
39 COMMISSIONER WAITS: It doesn't mean -- I mean we still
40 can --

1 COMMISSIONER BAKKER: -- appointment.
2 COMMISSIONER CLARK: Yeah.
3 COMMISSIONER WAITS: -- can extend it --
4 COMMISSIONER CLARK: Exactly.
5 COMMISSIONER WAITS: -- or take no action.
6 COMMISSIONER CLARK: Right.
7 KEITH WESTENGARD: Uh-huh.
8 COMMISSIONER WAITS: But --
9
10 (Commissioner Bakker left commission chambers.)
11
12 COMMISSIONER CLARK: We'll see --
13 COMMISSIONER WAITS: -- let's --
14 COMMISSIONER CLARK: -- what the weather brings.
15 COMMISSIONER WAITS: Yeah. Let's --
16 COMMISSIONER CLARK: It's supposed --
17 COMMISSIONER WAITS: -- put --
18 COMMISSIONER CLARK: -- to --
19 COMMISSIONER WAITS: -- it on --
20 COMMISSIONER CLARK: -- rain next --
21 COMMISSIONER WAITS: -- the agenda.
22 COMMISSIONER CLARK: -- week.
23 CHAIRMAN MILLS: Yeah. We'll see if we can second-guess
24 that one.
25 COMMISSIONER ALLAN: Hey, I think it looks like next
26 Tuesday is 20 percent chance of rain. Wednesday's 40. So we
27 might have rain before the next agenda. We could lift the burn
28 ban then.
29 COMMISSIONER WAITS: Depends how much rain.
30 COMMISSIONER ALLAN: Well, it's Nevada.
31 COMMISSIONER WAITS: We've had rain this summer and we
32 didn't dare lift it.
33 COMMISSIONER ALLAN: Our -- our -- our --
34 CHAIRMAN MILLS: Yeah.
35 COMMISSIONER WAITS: But you're right.
36 COMMISSIONER ALLAN: -- 18 --
37 COMMISSIONER WAITS: We're just --
38 COMMISSIONER ALLAN: -- inches of -- rain drops.
39 CHAIRMAN MILLS: Anything else?
40 KEITH WESTENGARD: Well, there will be plenty of other

1 stuff by Tuesday.

2 CHAIRMAN MILLS: Yeah. We'll -- we'll think of a bunch of
3 other stuff as time goes by.

4 Okay.

5 COMMISSIONER ALLAN: One more public comment?

6 CHAIRMAN MILLS: Well --

7 COMMISSIONER ALLAN: Because otherwise we kick everybody
8 out. Then they have to wait --

9 CHAIRMAN MILLS: Right.

10 COMMISSIONER ALLAN: -- around and come back if there's
11 public comment.

12 CHAIRMAN MILLS: Ted?

13 DISTRICT ATTORNEY HERRERA: Hm?

14 CHAIRMAN MILLS: Can we do the final public comment before
15 we finish the last agenda item? Or is that not allowed?

16 DISTRICT ATTORNEY HERRERA: No, you can do that.

17 And -- and what -- what I'd ask you to do too on -- see if
18 there's any public comment for 16 since we're going to be opening
19 that up, it could be --

20 CHAIRMAN MILLS: Sixteen?

21 DISTRICT ATTORNEY HERRERA: -- closed session. But on 16,
22 see if anybody in the public has any comments to make about the
23 union negotiations.

24 KEITH WESTENGARD: No, that's on 16.

25 DISTRICT ATTORNEY HERRERA: I really doubt it.

26 COMMISSIONER ALLAN: That's not --

27 KEITH WESTENGARD: It's 15.

28 CHAIRMAN MILLS: That's --

29 COMMISSIONER ALLAN: -- 16.

30 CHAIRMAN MILLS: -- fif- -- oh, 15?

31 DISTRICT ATTORNEY HERRERA: Oh, 15. Yeah.

32 COMMISSIONER WAITS: Fifteen.

33 DISTRICT ATTORNEY HERRERA: Yeah. I'm sorry.

34 COMMISSIONER WAITS: Yeah.

35 COMMISSIONER CLARK: Fifteen?

36 COMMISSIONER WAITS: Sixteen was pulled.

37 DISTRICT ATTORNEY HERRERA: Yeah. Fifteen. I'm sorry.

38 COMMISSIONER WAITS: Okay.

39 CHAIRMAN MILLS: Okay.

40 COUNTY CLERK SULLIVAN: What was it? Possibly doesn't

1 state it.

2 COMMISSIONER CLARK: Fifteen was --

3 COMMISSIONER ALLAN: I'll --

4 COMMISSIONER CLARK: -- pulled, not --

5 CHAIRMAN MILLS: Sixteen's --

6 COMMISSIONER CLARK: -- 16?

7 CHAIRMAN MILLS: -- closed. So he's talking about 15.

8 COMMISSIONER WAITS: Right.

9 DISTRICT ATTORNEY HERRERA: I'm -- I'm sorry.

10 COMMISSIONER CLARK: All right.

11 COMMISSIONER ALLAN: It's not --

12 DISTRICT ATTORNEY HERRERA: I misspoke.

13 COMMISSIONER ALLAN: -- stated as closed.

14 CHAIRMAN MILLS: We -- we --

15 COUNTY CLERK SULLIVAN: Can you --

16 CHAIRMAN MILLS: Item 16?

17 COMMISSIONER ALLAN: Fifteen.

18 COMMISSIONER WAITS: No, 15.

19 CHAIRMAN MILLS: Oh, --

20 COMMISSIONER WAITS: I --

21 CHAIRMAN MILLS: Yeah.

22 COMMISSIONER WAITS: -- did a co- --

23 CHAIRMAN MILLS: We can --

24 COMMISSIONER WAITS: Any public --

25 CHAIRMAN MILLS: -- we can --

26 COMMISSIONER WAITS: -- comment --

27 CHAIRMAN MILLS: -- close it.

28 COMMISSIONER WAITS: -- on the union negotiations before --

29 CHAIRMAN MILLS: We're going --

30 COMMISSIONER WAITS: -- we have --

31 CHAIRMAN MILLS: -- to do -- we're going to do --

32 COMMISSIONER WAITS: -- closed --

33 CHAIRMAN MILLS: -- public comment first and then --

34 COUNTY CLERK SULLIVAN: Wait.

35 CHAIRMAN MILLS: -- close it.

36 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record. You

37 can close it even though it doesn't stay closed?

38 Okay.

39 CHAIRMAN MILLS: That's the direction I've received. Yes.

40 DISTRICT ATTORNEY HERRERA: It's an exception to the -- the

1 open meeting laws along with a litigation meeting when you're --
2 when you're --

3
4 (Commissioner Bakker reentered commission chambers.)

5
6 DISTRICT ATTORNEY HERRERA: -- when you're doing union
7 contracts --

8 COMMISSIONER BAKKER: I pulled an (indiscernible).

9 DISTRICT ATTORNEY HERRERA: -- that you can meet with the
10 county commissioners.

11 COMMISSIONER ALLAN: But her question is, is it's not
12 stated on the agenda that we are going to have it under closed
13 session.

14 So it's not stated.

15 DISTRICT ATTORNEY HERRERA: We can have it any time.

16 Tomorrow. We could have it tomorrow without it being
17 noticed or agendized.

18 COUNTY CLERK SULLIVAN: So for clarification, do we -- how
19 do we need to put -- do we need to put it as deferred? Or just
20 closed? Or -- because then you won't come back -- will you come
21 back and open it and then just state? What do I need to do on
22 our end?

23 DISTRICT ATTORNEY HERRERA: Just put -- just put closed.

24 COUNTY CLERK SULLIVAN: Okay. And so we won't come back in
25 -- we'll have to come back to get adjournment of who adjourned;
26 correct?

27 DISTRICT ATTORNEY HERRERA: Yes. We have to come back and
28 then close the meeting.

29 COUNTY CLERK SULLIVAN: Okay. Okay.

30 So --

31 COMMISSIONER ALLAN: Open.

32 CHAIRMAN MILLS: Yeah.

33 COUNTY CLERK SULLIVAN: So do --

34 KEITH WESTENGARD: Adjourn.

35 COUNTY CLERK SULLIVAN: -- we -- we don't record; right?

36 DISTRICT ATTORNEY HERRERA: No.

37 UNIDENTIFIED PARTICIPANT: You (indiscernible). I would
38 recommend (indiscernible) --

39 DISTRICT ATTORNEY HERRERA: No.

40 UNIDENTIFIED PARTICIPANT: -- (indiscernible).

1 DISTRICT ATTORNEY HERRERA: Our attorney recommends no.
2 COUNTY CLERK SULLIVAN: Okay.
3 CHAIRMAN MILLS: Okay. So I'm going to do public comm- --
4 final public comment with the request that anybody that has any
5 public comment on Item 15 make their comments at that time. Is
6 that appropriate?
7 DISTRICT ATTORNEY HERRERA: Yes.
8 CHAIRMAN MILLS: Okay.
9 DISTRICT ATTORNEY HERRERA: Thank you.
10 CHAIRMAN MILLS: So --
11 COMMISSIONER WAITS: Okay. And what do we do with Austin,
12 then? Are they off? When we close here, they're off?
13 DISTRICT ATTORNEY HERRERA: Yes.
14 COMMISSIONER WAITS: Okay. So Miteshell doesn't have to
15 come back. Okay.
16 COMMISSIONER BAKKER: Miteshell?
17 CHAIRMAN MILLS: Unless they want to be here when we
18 adjourn.
19 They can if they want.
20 COMMISSIONER WAITS: We're not going to call you to
21 adjourn, Miteshell?
22 COMMISSIONER BAKKER: Yeah.
23 CHAIRMAN MILLS: Yeah. I don't --
24 MITESHELL LANHAM: That's fine.
25 COMMISSIONER BAKKER: Okay.
26 CHAIRMAN MILLS: Okay. So moving --
27 COMMISSIONER BAKKER: All right.
28 CHAIRMAN MILLS: -- moving to public comment.
29
30

31 PUBLIC COMMENT

32
33 CHAIRMAN MILLS: Public comment for nonagendized items
34 only.

35 Persons are invited to submit comment in writing and/or
36 attend and make comment on any nonagenda item at the board
37 meeting, if any.

38 And I would like to iterate that we are accepting comment
39 on Item Number 15 at this time.

40 And discussion of those comments at the discretion of the

1 board. All public comment may be limited to three minutes per
2 person, again at the discretion of the board. Reasonable
3 restriction may be placed on public comment based upon time,
4 place, and manner. Public comment based upon viewpoint may not
5 be restricted.

6 And just for clarification, Item Number 15 is discussion,
7 possible action for Lander County Board of Commissioners to give
8 direction regarding union contract negotiation.

9 Does that cover that well enough?

10 DISTRICT ATTORNEY HERRERA: Yes.

11 CHAIRMAN MILLS: Okay.

12 DISTRICT ATTORNEY HERRERA: Thank you.

13 CHAIRMAN MILLS: Do we have any public comment?

14 (No comment.)

15 COMMISSIONER BAKKER: Okay.

16 CHAIRMAN MILLS: Okay.

17 At this time we're going go into a closed session.

18 COMMISSIONER CLARK: Thanks for coming, folks.

19
20 (Closed session from 11:19 a.m. to 12:07.)

21 (Commissioner Clark has left commission chambers.)

22
23 CHAIRMAN MILLS: So I call this meeting back --

24 COMMISSIONER WAITS: -- in July.

25
26 (Indiscernible side conversations.)

27
28 CHAIRMAN MILLS: -- to order.

29 COMMISSIONER BAKKER: Right?

30 CHAIRMAN MILLS: Can I get a motion to adjourn?

31
32 (Indiscernible side conversations.)

33
34 COMMISSIONER ALLAN: Motion to adjourn.

35 COMMISSIONER WAITS: Second.

36 CHAIRMAN MILLS: All in --

37 COMMISSIONER BAKKER: There you --

38 CHAIRMAN MILLS: -- favor?

39 COMMISSIONER BAKKER: -- go.

40 COMMISSIONER ALLAN: Aye.

1 CHAIRMAN MILLS: Aye.
2 COMMISSIONER BAKKER: Aye.
3 COMMISSIONER WAITS: Aye.
4 COMMISSIONER ALLAN: Thank you.
5 CHAIRMAN MILLS: Thank you.
6

7 (Meeting ended at 12:07 p.m.)
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20 **CHAIRMAN OR VICE CHAIRMAN OF THE**
21 **BOARD OF LANDER COUNTY**
22 **COMMISSIONERS AND THE LANDER**
23 **COUNTY LIQUOR BOARD**
24

25
26 **ATTEST:**

27 
28 **LANDER COUNTY CLERK**
29
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37
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.*