

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 October 11, 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: Okay. I'd like to call this meeting to
22 order, the Lander County Commission Meeting, Town Board of
23 Battle Mountain and Austin, Board of County Highway
24 Commissioners, October 11, 2018.

25 Would you please join us for the Pledge of Allegiance.
26 Judie, will you lead us.

27 COMMISSIONER ALLAN: Absolutely.
28

29 (Pledge of Allegiance)
30

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

34 (Moment of silence)
35

36 CHAIRMAN MILLS: Thank you.

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

1 at any time.

2
3
4 **COMMISSIONER REPORTS**

5
6 CHAIRMAN MILLS: Commissioners' reports on meetings,
7 conferences, and seminars attend.

8 Judie?

9 COMMISSIONER ALLAN: So I attended a -- a LEPC meeting
10 Tuesday night. And really not a whole lot of importance. We're
11 talking about doing a tabletop exercise possibly the November
12 meeting, which is the second Tuesday of the month.

13 And this will be just mock scenario of a hazardous incident.
14 And I guess the reason I mention that is if anyone would like to
15 attend that, that it's 5:30, Tuesday -- second Tuesday of
16 November, whatever day that is. And anybody's welcome to attend
17 any of the LEPC meetings.

18 But it's -- it's kind of inter- -- interesting because you
19 do, like I say, have mock hazardous incidences and how we react,
20 how we -- you know, the procedures that -- that you need to
21 follow. So --

22 So that's kind of all we have -- all I have for that.

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

24 COMMISSIONER BAKKER: I don't --

25 CHAIRMAN MILLS: Sean?

26 COMMISSIONER BAKKER: -- have anything.

27 CHAIRMAN MILLS: Patsy?

28 COMMISSIONER WAITS: I do. Thank you.

29 On the 28th of September, I did have the NACO meeting. And
30 there are a couple things I'd like to share with you on that.

31 We actually had representatives from both of our coalitions
32 on -- on our ballot Question Number 3 on the energy choice in- --
33 initiative. Very interesting. Of course we'll be discussing that
34 as it comes up.

35 But NACO did not take any action at all. We had mixed --
36 mixed feelings, of course, even after it was over. Although I
37 think some decisions were made. But we did not want to take
38 that on as a NACO since it was -- it was too many one way and
39 another on that one.

40 Actually, our Supreme Court Justice Hardesty was there. And

1 he was filling us in on the supreme court's committee to study
2 evidence-based pretrial release.

3 And for those of you that aren't familiar with that, they did
4 put a committee together and developed a pretrial risk assessment
5 tool for our judges. And using that, they actually will give them
6 an idea of whether they can be released on their own recognizance
7 instead of those that should have been released that we're still
8 holding in jail.

9 So the tool has been tried out in three different counties
10 right now as pilot programs. But they're real excited about it.

11 NACO was in full support. However, we wanted the court to
12 provide the leniency to the different counties regarding the
13 implementation and how they're gathering the additional
14 information because it -- de- -- depending on each county and --
15 and what their workload is, it could mean another person if they
16 have to go into that much detail.

17 But it's on the supreme court website if you want to check
18 that.

19 They very well could make it mandatory for all counties if it
20 becomes that successful because of the -- they think that the
21 offset with the cost is still okay because we're not keeping them
22 in our jails and it's costing us all that money.

23 So that was -- that was a very interesting one.

24 On the Austin Airport board meeting we had on October 8th,
25 I -- I look at this similar to our veterans statue.

26 Do you remember when we ordered that and we couldn't find it?
27 It was lost somewhere. And -- and -- and we -- we waited for
28 months to find the statute.

29 Well, I feel the same way about our jet fuel tank. But --
30 but we found it. Actually, it's in Idaho.

31 KEITH WESTENGARD: Do you want --

32 COMMISSIONER WAITS: And now we're -- we're just told
33 that -- that they are doing all the -- their work on it. And
34 they're welding everything. And that should be released to us
35 hopefully in a week or so. Because they have a lot of the
36 others on. But that did delay it a little bit more than what
37 they expected to.

38 Chris Baird, who is the program manager for REACH Air Medical
39 Services, was also there with us and was bringing some information
40 on the type of service that we're using and the frequency of

1 service and the possibility of perhaps putting some kind of an
2 airplane in Austin, not necessarily for just the Austin group, but
3 to service Tonopah and White Pine and whatever. Although they do
4 have one in White Pine right now, but Eureka and maybe some that
5 aren't being serviced. So --

6 And, of course, we're looking at hangars, naturally. So
7 that's -- that's online too.

8 So that was nice to have him on board and just kind of get
9 general information on what they're looking for.

10 We also voted on the new advisory person on the board. And
11 that's on our agenda as we're forwarding that to you.

12 I also attended the school board meeting here on the 9th.
13 And we have not had representation in the south for a bit. And we
14 found a lady who said she would love to do it, a retired school
15 teacher, actually has been in Kingston for a few years. And she
16 stepped up and -- and put her résumé in and her application. And
17 looks like they will be voting on that next month.

18 They do have to advertise it if anybody else in southern
19 Lander County wants to apply.

20 But we've been -- we've been trying to recruit for people for
21 months and months and months. So the good news is at least we
22 will have it filled.

23 And that's all I have. Thank you.

24 COMMISSIONER CLARK: I had a PLUAC meeting on October 1st.

25 Ken Brown called in. He's our representative for Western
26 Counties Alliance.

27 There are two important things that Ken apprised us of.

28 Number one, we'll get \$1,240,000 in PILT money this year. We
29 got an increase.

30 And we -- we -- we kind of knew this, but Ken confirmed it,
31 that the Cortez area is the number one area of interest in gold
32 exploration in the world. So that's looking pretty good over
33 there.

34 October 21st, at the Cookhouse, they're having a celebration
35 for the railroad.

36 That's all I have.

37 CHAIRMAN MILLS: Okay.

1 **STAFF REPORTS**

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

5 KEITH WESTENGARD: All right.

6 So the -- our negotiation team continues negotiations.
7 They're ongoing with the union to get a contract.

8 Do you guys -- we're prob- -- we're hoping sometime in
9 November.

10 I'd like to elaborate a little bit more on the fuel situation
11 in Austin.

12 My understanding is it'll be here next week. And -- and I
13 missed it. You said that -- is that what they told you,
14 Commissioner?

15 Okay. So --

16 Yeah. There was a little hold up. But it is -- it is
17 being completed.

18 So both those projects are moving along. They were delayed
19 slightly.

20 Taxiway C's still on track here in Battle Mountain to be
21 completed. I believe they were out painting this m- -- or -- this
22 week. So that's close to being done.

23 What we're -- what I've been working on with J-U-B and the
24 FAA, the federal government put out an additional \$1 billion for
25 airports -- small airports.

26 Being one -- our -- our airport's qualified. So we're
27 looking at several -- several projects for Battle Mountain and --
28 as well as Austin. And the hangar was one of them for the air med
29 helicopter or air transport service.

30 This is a 100 percent grant. It's no matching. So if they
31 -- we do get the grants -- we put in for three of them -- if we do
32 get them, they will be 100 percent. We're not going to put any --
33 the county has to put no money out for those.

34 The sage grouse report is finally getting close to being
35 published, the final sage grouse report. As soon as I get it,
36 I'll -- I'll forward it to each of you.

37 Our new ambulance was pushed back about two weeks. So we're
38 looking at the first week in November to get the -- our first new
39 ambulance.

40 There was -- it had something to do with lighting. And they

1 wanted to make sure they -- that they got it right.

2 We ran into a little hiccup with the R.S. 2477 roads. And we
3 continue to work on that. I've talked with Ted about it. And
4 we're working with DOT and Kyla. And we're -- we're going to try
5 to get those -- that process in place and finalized here very
6 shortly.

7 That's it. Thank you.

8
9
10 **PUBLIC COMMENT**

11
12 CHAIRMAN MILLS: Okay. We'll move to public comment for
13 nonagendized items only.

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

22 Do we have any public comment?

23 (No comment.)

24 CHAIRMAN MILLS: Okay.

25
26
27 **CONSENT AGENDA**

28
29 CHAIRMAN MILLS: I'll move 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 October 11, 2018, agenda notice; two,
39 approval of August 30, 2018, special meeting minutes; three,
40 approval of September 27, 2018, meeting minutes; four, approval

1 of payment of bills; five, approval of payroll change requests.
2 COMMISSIONER BAKKER: Okay.
3 I'll make a motion to approve October 11, 2018, agenda
4 notice; August 30, 2018, special meeting minutes; payment of the
5 bills; and payroll change requests.
6 COMMISSIONER WAITS: I'd like to pull the payroll change
7 request, please.
8 COMMISSIONER BAKKER: Okay.
9 COMMISSIONER WAITS: Number 5.
10 COMMISSIONER BAKKER: Okay. Pulling Number 5. So approve
11 the other three.
12 COMMISSIONER ALLAN: Second.
13 CHAIRMAN MILLS: Okay. Sean made a motion. Judie
14 seconded.
15 Do we have any public comment?
16 (No comment.)
17 CHAIRMAN MILLS: All in favor?
18 COMMISSIONER BAKKER: Aye.
19 COMMISSIONER ALLAN: Aye.
20 CHAIRMAN MILLS: Aye.
21 COMMISSIONER WAITS: Aye.
22 COMMISSIONER CLARK: Aye.
23 CHAIRMAN MILLS: Okay. Patsy, what --
24 COMMISSIONER WAITS: Well, on --
25 CHAIRMAN MILLS: -- do you have?
26 COMMISSIONER WAITS: -- the pay- -- the payroll change
27 request, of course, that -- that includes the increase if we
28 approve Agenda Item Number 9.
29 And I don't think we should be approving an increase till we
30 find out what happens on Agenda Item Number 9.
31 KEITH WESTENGARD: I -- so I would request on that, that
32 once -- if -- once it's approved, if you approve it or whatever
33 the -- the discussion is on that, that you would either approve
34 it or disapprove it in your motion when we do get to Item Number
35 9.
36 COMMISSIONER ALLAN: Absolutely.
37 CHAIRMAN MILLS: You mean approve the payroll change
38 request after the --
39 KEITH WESTENGARD: The -- the num- -- yes. That --
40 COMMISSIONER BAKKER: Okay.

1 KEITH WESTENGARD: -- that single one that Commissioner
2 Waits is referring to.
3 COMMISSIONER BAKKER: Okay.
4 COMMISSIONER WAITS: I'm fine with that.
5 KEITH WESTENGARD: Okay. Thank you.
6 COMMISSIONER WAITS: So I'll make a motion that we approve
7 the payroll change requests with the -- the Number 9 agenda item
8 taken out, on the cost.
9 COMMISSIONER BAKKER: Second.
10 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
11 seconded.
12 Do we have any public comment?
13 (No comment.)
14 CHAIRMAN MILLS: All in favor?
15 COMMISSIONER BAKKER: Aye.
16 CHAIRMAN MILLS: Aye.
17 COMMISSIONER ALLAN: Aye.
18 COMMISSIONER WAITS: Aye.
19 COMMISSIONER CLARK: Aye.

20
21
22 **BUILDING DEPARTMENT**

23
24 1) **Discussion and possible action regarding an update on the**
25 **Austin Youth Center roof, and all other matters properly**
26 **related thereto.**
27

28 CHAIRMAN MILLS: Okay. Agenda Item Number 1.
29 Discussion and possible action regarding an update on the
30 Austin Youth Center roof, and all other matters properly related
31 thereto.

32 ANNA PENOLA: Good morning.
33 COMMISSIONER BAKKER: Good morning.
34 COMMISSIONER WAITS: Good --
35 COMMISSIONER ALLAN: Good --
36 COMMISSIONER WAITS: -- morning.
37 COMMISSIONER ALLAN: -- morning, Anna.
38 ANNA PENOLA: Anna Penola with the Building Department.
39 I'm going to read into the minutes the findings of John
40 Winnepenninkx and Gary Sweeney. They went and looked at the roof

1 at the youth center.

2 They did -- this statement came on September 21st of '18.

3 It says, I inspected the roof on the youth center with
4 general contractor Gary Sweeney.

5 The roof is 79 feet long and about 20 feet -- 28 feet wide
6 with a bell tower and a bell at the west end of the building,
7 adjoining the west end parapet wall.

8 The roof is made up of 2 X 6 rafters at the east end of the
9 building and log rafter beams at the west end.

10 The rafters are spaced approximately 4 feet apart. The
11 rafters are covered with one-inch board that are spaced about 4
12 inches apart. These boards are covered with wood shingles,
13 which are covered with a very old 2-foot wide, rusted metal
14 panels.

15 The metal panels are then covered with -- which are
16 covered -- I'm sorry -- with a layer of plywood, which is
17 covered by three-tab asphalt shingles on the north slope and
18 rolled asphalt on the south slope.

19 The roof assembly is setting on top of a rock wall about 12
20 to 16 inches thick on the south slope. The roof assembly is
21 setting on top of a rock -- sorry -- on the west end and the
22 north side of the building, there is another wall inside of the
23 outer wall. The length of the interior wall is not known.

24 There is an -- sorry -- there is an old doorway on the
25 north side where the wall juts out another 8 inches from the
26 other end. This feature makes the building wider on the east
27 end.

28 The roof assembly is setting on top of 1 X 8-inch plank
29 setting on top of a rock wall. The wall slopes inside toward
30 the outside of the building.

31 It appears that the roof assembly is not anchored to the 1
32 X 8 rock wall. The roof is merely sitting on the wall.

33 The east end, which is 2 X 6 rafters, was, in the distant
34 past, subject to a building fire. The rafters and all support
35 members are charred significantly.

36 The majority of the rock wall is in fact made of flat rock
37 cemented together. The top of the wall is eroded and very
38 jagged and is out of the level about 5 inches from one end of
39 the building to the other.

40 Part of the south side roof is sloped toward and attached

1 to the other building. There is a very -- a valley constructed
2 between the two buildings to prevent rain from running off of
3 the youth center in a -- and the adjoining building.

4 There is a dirt bank on the south side of the youth center
5 that slopes toward the building. Any runoff of rain or snow
6 flows to the wall of the youth center.

7 The youth center building has been modified many times in
8 the past with modern materials added onto it or replacing the
9 original construction material.

10 In order to keep the roof assembly leak-free, the entire roof
11 structure would need to be removed. A cement cap would need to be
12 poured on top of the wall and new trusses anchored to the wall.
13 However, there is no cost-effective way to do this. The process
14 would be feasible if the walls were made out of concrete or wood.

15 Trying to drill into the rock would cause shattering of the
16 rock, making the walls even weaker than they currently are.

17 In its current condition any attempt to set trusses on the
18 wall would result in a custom fitting each truss.

19 The only historic value of the building is the bell tower
20 and the bell. The building has been modified so many times in
21 its history that the original structure no longer exists.

22 My recommendation would be -- would be to remove the bell
23 tower and the bell for preservation.

24 Demolition of the existing building thus preserving the
25 adjoining building to the south.

26 I would also recommend that the new building be constructed
27 on-site. The building should be built with materials not
28 significantly different from the surrounding buildings.

29 The cost of trying to preserve the existing building would
30 be cost-prohibitive and not real historic value -- or of real
31 historic value.

32 COMMISSIONER BAKKER: Anna, just fix it.

33 Just playing.

34 ANNA PENOLA: Good one.

35 COMMISSIONER WAITS: Did -- did he give you any kind of
36 costs at all?

37 ANNA PENOLA: Well over 200,000. And just to --

38 COMMISSIONER WAITS: And he won't --

39 ANNA PENOLA: -- re- -- he refuses --

40 COMMISSIONER WAITS: -- repair it?

1 ANNA PENOLA: -- to do it.
2 He said there's no way to do it for --
3 COMMISSIONER CLARK: You can --
4 ANNA PENOLA: -- for --
5 COMMISSIONER CLARK: -- build a building cheaper than
6 that --
7 ANNA PENOLA: Yep.
8 COMMISSIONER CLARK: -- probably.
9 CHAIRMAN MILLS: Yeah.
10 ANNA PENOLA: That was their suggestion.
11 CHAIRMAN MILLS: So is --
12 COMMISSIONER CLARK: Yeah.
13 CHAIRMAN MILLS: -- is anybody surprised by that?
14 COMMISSIONER WAITS: Is anybody --
15 CHAIRMAN MILLS: Okay.
16 COMMISSIONER WAITS: -- what?
17 COMMISSIONER BAKKER: Surprised.
18 ANNA PENOLA: I think it's --
19 CHAIRMAN MILLS: Surprised by --
20 COMMISSIONER WAITS: Oh.
21 ANNA PENOLA: -- been known --
22 CHAIRMAN MILLS: -- by that.
23 ANNA PENOLA: -- for a long time.
24 CHAIRMAN MILLS: Yeah. I think --
25 ANNA PENOLA: It's just never been stated publicly.
26 CHAIRMAN MILLS: Right.
27 COMMISSIONER WAITS: Yeah.
28 ANNA PENOLA: So that's the findings you guys asked me to
29 go look at.
30 COMMISSIONER WAITS: No.
31 CHAIRMAN MILLS: So we'll --
32 COMMISSIONER WAITS: I -- I thought it was an -- an
33 excellent letter.
34 And we've been looking at this for so long and trying to do
35 something.
36 So I guess my first question is I'm wondering whether if
37 anybody from Austin is actually on the line and has any input.
38 Because I -- I would like the Austin people to -- to help us in
39 this decision instead of us saying, "It's a county building.
40 Let's do it."

1 That's true. It's our responsibility. But -- but it is
2 their building. And I want them to be at least involved and know
3 where we're coming from on it.

4 So do we have anybody down there, Miteshell?

5 FRANK WHITMAN: We do.

6 Dessie Skeath and Frank Whitman as well as Miteshell.

7 COMMISSIONER BAKKER: Okay. Frank, any input?

8 FRANK WHITMAN: Well, several items that come to my mind.
9 One is, you know, I -- you know I wrote that history book of
10 Austin. And my -- my indication is that building is pre-1864.

11 I think you may have some stuff saying it's much later, like
12 1878. It's one of the very early original buildings.

13 And that -- and that comes to it.

14 It has historical significance. And any -- any old building
15 like that that you just tear down on Main Street, again, you know,
16 leaves a blank spot in our Main Street as well as a blank spot in
17 our history.

18 I realize it is expensive to repair something like that or to
19 bring it to code. But I don't think it's in- -- insurmountable to
20 do so.

21 I say that because all the old buildings here, you know --
22 nothing -- nothing every quite fits right. But we can make it
23 work and make it work right. It just won't be modern code.

24 That's -- there's just no way you can do that with -- as
25 Mr. Winnepenninkx stated in his -- you know, in the rock wall is
26 to -- to anchor the roof that way.

27 I am also concerned, though, if you do tear it down or if you
28 want to -- where -- where would the new youth center go?

29 Would you -- you know, the property on either side would
30 be -- it wouldn't work. You'd have to have a -- for example, a --
31 under the current code you'd have to have it 10 foot between the
32 buildings. That puts it out into the Marshall's parking lot. And
33 so -- so that location is gone. That's for sure.

34 I'm concerned about what's going to happen to the tower and
35 the bell tower. The bell is significant. On New Year's Eve, it's
36 still a common practice for all three of Austin's original bells
37 to get rang. That is the Episcopal Church, the Catholic Church,
38 and the bell tower for the old fire station there.

39 I hate to see that tradition somehow circumvented. It's --
40 it's just part of the fun of living here.

1 And that's all I have at the moment.

2 I'm -- I probably will interject a little later some more
3 ideas.

4 So, Dessie, do you have something to say? Or --

5 DESSIE SKEATH: Not really. I'd just like to -- to see
6 whoever made up that letter there to meet other people from
7 Austin in the building instead of just coming up here and
8 walking through the building and making up their own
9 recommendations.

10 That guy read there for an hour of problems that's wrong
11 with the building. I don't really see a lot of those problems
12 wrong with the building.

13 But the number one is it's an old firehouse. It never caught
14 fire.

15 Those shingles have been on there 36 years. And I don't know
16 what -- how long that building has been sitting on that wall.

17 That was an old firehouse, probably back in the '30s, still
18 sitting on the wall, never faltered yet.

19 So I'm just curious how do they come up with all these
20 recommendations, other than they have 200,000 sitting there in
21 their hip pocket just eating a hole. That's it.

22 FRANK WHITMAN: I would also like to add is have we got the
23 state in here to take a look for any solutions besides having to
24 tear it down?

25 You know, there may be a solution besides default means tear
26 it down. And, again, I think the state preservation folks, you
27 know, when I've talked to them, are -- will tell you don't -- if
28 -- if -- if at all possible, don't tear down these old buildings.
29 Rehab them. In the long run it does better for the community.
30 And in the long run it also comes out cheaper. I say cheaper,
31 because what it can bring, you know, on a -- in, you know, in a
32 neighborhood like that for Austin. And Austin doesn't have a lot
33 going for it except its history.

34 And that's it for now. Thank you.

35 COMMISSIONER BAKKER: Okay.

36 Well, that really cleared everything up, Frank.

37 CHAIRMAN MILLS: Is that -- is that building on the
38 historical registry at all? Or is it even considered --

39 ANNA PENOLA: Do you know, --

40 CHAIRMAN MILLS: -- for that?

1 ANNA PENOLA: -- Patsy?
2 CHAIRMAN MILLS: Is it --
3 COMMISSIONER WAITS: I'm sorry?
4 ANNA PENOLA: Is it on a historical --
5 FRANK WHITMAN: It is a --
6 ANNA PENOLA: -- registry?
7 FRANK WHITMAN: -- it is -- I don't believe it's on a
8 historical registry, but it is in the historical district.
9 KEITH WESTENGARD: It's not on the registry.
10 COMMISSIONER CLARK: Is there -- is there more land down
11 there that the county owns? On the main street up there by
12 maybe the senior center?
13 COMMISSIONER WAITS: No. Road and Bridge comes to mind, of
14 course. But --
15 COMMISSIONER CLARK: Yeah. Me too.
16 COMMISSIONER WAITS: -- but that's -- that's up a ways.
17 You know, especially since, like I said, we've been tossing
18 this around for a long, long time. But it's the first time that
19 we've actually had specific information to address.
20 And so I -- I would like to say that we -- we think about
21 this a bit more, and whether you'd like to have perhaps a -- a
22 meeting in Austin, let the Austin folks really take a look at this
23 again.
24 I know if we did replace it that we would do it with probably
25 the historical facade and such so it would fit in.
26 I mean, we're not going to put a manufactured home in the
27 middle of it or anything like that. That would all be kept in
28 mind.
29 But if -- since it is the Austin area, I would like us to at
30 least look a little bit further for some more input and see if
31 there's any other suggestions somebody else might have and we can
32 kind of weigh it anyway if that would be all right with you folks?
33 CHAIRMAN MILLS: That's -- that's fine. Did you want to
34 put a group together? Or how did --
35 COMMISSIONER WAITS: Well, I --
36 CHAIRMAN MILLS: What exactly --
37 COMMISSIONER WAITS: -- don't know if I --
38 CHAIRMAN MILLS: -- are you looking --
39 COMMISSIONER WAITS: -- want a --
40 CHAIRMAN MILLS: -- to do?

1 COMMISSIONER WAITS: -- committee. I certainly don't --
2 CHAIRMAN MILLS: You don't want it to go to committee?
3 COMMISSIONER WAITS: I -- I don't like the committee part.
4 CHAIRMAN MILLS: You want to do, like, a town hall meeting
5 in Austin? Or what -- what kind of --
6 COMMISSIONER WAITS: Something like --
7 CHAIRMAN MILLS: -- thing are you looking to do?
8 COMMISSIONER WAITS: -- like just a general meeting down
9 there and -- and notify everybody and see what we can do.
10 And, like I said, it isn't like it has to be done tomorrow
11 because we've thinking about it for so long. And they're not
12 using it right now anyway.
13 CHAIRMAN MILLS: Yeah.
14 COMMISSIONER WAITS: So --
15 CHAIRMAN MILLS: So on that, can -- do we get to skip
16 building code just because it's an old building?
17 No?
18 All right.
19 Because, I mean, that -- you've got to factor all this stuff
20 into the whole --
21 ANNA PENOLA: Yeah.
22 COMMISSIONER CLARK: Well, when --
23 CHAIRMAN MILLS: -- decision-making process --
24 COMMISSIONER CLARK: -- when --
25 CHAIRMAN MILLS: -- here.
26 COMMISSIONER WAITS: Well --
27 COMMISSIONER CLARK: When you do the repairs, they have to
28 be code.
29 ANNA PENOLA: Correct.
30 COMMISSIONER CLARK: Yeah. So --
31 COMMISSIONER ALLAN: One of my questions is -- I know that
32 we brought somebody in to look at the old courthouse, to, you
33 know, basically determine, you know, what needed to be -- or how
34 it could be fixed and whatnot is -- is there someone like that
35 that could look at this building and instead of, you know,
36 building a whole new one, is kind of sort of gutting it but
37 leaving the exterior and -- and determining how -- how to revive
38 it?
39 COMMISSIONER WAITS: A -- a couple things. If you're
40 talking about somebody of a historical nature to actually say,

1 this is historical -- because we're saying right now it's had so
2 many changes over a period of time that the structure itself is
3 not historical.

4 COMMISSIONER ALLAN: Well, I understand that. Is --
5 ANNA PENOLA: Get a structural engineer.
6 COMMISSIONER WAITS: Yeah. Is that --
7 COMMISSIONER ALLAN: I- -- is --
8 COMMISSIONER WAITS: -- is that what you were --
9 COMMISSIONER ALLAN: -- is --
10 COMMISSIONER WAITS: -- asking --
11 COMMISSIONER ALLAN: -- is --
12 COMMISSIONER WAITS: -- for?
13 COMMISSIONER ALLAN: -- a structural engineer that can --
14 can go in, and we can still maintain the -- the historical look
15 of it, you know, maybe the front.
16 COMMISSIONER WAITS: But the problem is -- is -- Judie, is
17 the roof. And --
18 COMMISSIONER ALLAN: Well, I -- I -- I mean, like I said,
19 you'd have to basically, you know, gut the whole thing in -- in
20 a sense, but still, you know, --
21 COMMISSIONER WAITS: But -- but --
22 COMMISSIONER ALLAN: -- reutilizing some of it.
23 COMMISSIONER WAITS: The roof problem is the fact that it
24 goes into rock. And he said if we started going into rock and
25 redid that, that's our big problem. It isn't the rest of the
26 building. It's --
27 CHAIRMAN MILLS: It's the --
28 COMMISSIONER WAITS: -- it's that --
29 CHAIRMAN MILLS: -- tying it --
30 COMMISSIONER WAITS: -- roof --
31 CHAIRMAN MILLS: -- tying it --
32 COMMISSIONER WAITS: -- and --
33 CHAIRMAN MILLS: -- to the --
34 COMMISSIONER WAITS: -- the rock.
35 CHAIRMAN MILLS: -- rock. Yeah.
36 COMMISSIONER WAITS: And that just kind of puts the kibosh
37 on --
38 COMMISSIONER ALLAN: But if you --
39 COMMISSIONER WAITS: -- things. So --
40 COMMISSIONER ALLAN: -- if you have --

1 CHAIRMAN MILLS: So --
2 COMMISSIONER ALLAN: -- if you, you know, basically --
3 CHAIRMAN MILLS: How much -- how much can you change on a
4 building and remodel and still say it's a historic building or
5 --
6 COMMISSIONER ALLAN: Well, it's not going to be a -- it's
7 not on the historical registry --
8 CHAIRMAN MILLS: Yeah.
9 COMMISSIONER ALLAN: -- so --
10 COMMISSIONER WAITS: Yeah.
11 COMMISSIONER ALLAN: -- it's not --
12 COMMISSIONER WAITS: -- it's not.
13 CHAIRMAN MILLS: But that's --
14 COMMISSIONER ALLAN: -- a historical --
15 CHAIRMAN MILLS: -- kind of the argument, though. It's an
16 old -- it's -- it's this --
17 COMMISSIONER ALLAN: It --
18 CHAIRMAN MILLS: -- old --
19 COMMISSIONER ALLAN: -- it --
20 CHAIRMAN MILLS: -- building.
21 COMMISSIONER ALLAN: -- it's historical, like Frank said,
22 in the historic district of Austin. It's not on the historical
23 registry, but it still is a historic building --
24 CHAIRMAN MILLS: Yeah.
25 COMMISSIONER ALLAN: -- because of -- of its age and -- and
26 whatnot.
27 But, you know, as far as the rock, I mean, can you -- can you
28 build a wall up next to the rock to -- I mean, you're going to
29 make the -- the building a little smaller, but --
30 COMMISSIONER WAITS: Well --
31 I -- I think if we have a meeting and look a little bit
32 further into it --
33 CHAIRMAN MILLS: Yeah.
34 COMMISSIONER WAITS: We -- we know what we're dealing with
35 anyway to start with.
36 CHAIRMAN MILLS: Right.
37 COMMISSIONER WAITS: But I --
38 CHAIRMAN MILLS: That's a -- and I think that's a good -- I
39 don't want to just sit here today and say, oh, tear it down. I
40 don't want to --

1 COMMISSIONER WAITS: No.
2 CHAIRMAN MILLS: -- do that.
3 COMMISSIONER WAITS: Certainly aren't going to make a
4 decision today. And we need more --
5 CHAIRMAN MILLS: But yeah.
6 COMMISSIONER WAITS: -- input from the community per se.
7 So --
8 CHAIRMAN MILLS: But let's -- let's --
9 FRANK WHITMAN: Frank Whitman, again, from Austin.
10 I -- I strongly suggest we get ahold of the state office of
11 preservation. You know, I've talked with those folks. And
12 there's all kinds of things you can do with these old buildings.
13 Codes can be made varied, you know -- you know, exceptions for
14 this. It doesn't -- not everything has to be modern to stay
15 modern.
16 It's -- it's the same thing when we -- when we were talking
17 about putting cul-de-sacs into -- into Austin's road systems. I
18 mean, this town was laid out when people used horses. And roads
19 are never going to be right, never going to be exact.
20 You know, we -- we have to work with what we have.
21 And if we want to preserve, I think, a very important piece
22 of -- of central Nevada's history.
23 Thank you.
24 COMMISSIONER BAKKER: Thanks, Frank.
25 Okay.
26 COMMISSIONER WAITS: Thank you, Anna.
27 ANNA PENOLA: Does Frank want to get ahold of these
28 people --
29 FRANK WHITMAN: Ray --
30 ANNA PENOLA: -- and --
31 FRANK WHITMAN: -- Williams --
32 ANNA PENOLA: -- get --
33 FRANK WHITMAN: -- is here.
34 ANNA PENOLA: -- this go- --
35 FRANK WHITMAN: Yeah. There's --
36 ANNA PENOLA: That would be helpful.
37 RAY WILLIAMS: In the past I think you may remember that
38 there was an effort by the adjoining property owner, the
39 Marshalls agreed to go in with partners with the county and
40 do -- do some work on the building when they did a portion of

1 the brick front.

2 And I -- I just kind of wonder why you didn't take Dessie
3 Smith here -- Dessie Skeath here locally to look at this building.

4 He's done several jobs on these old historical buildings
5 and probably -- probably one of the only Nevada contractors
6 that's really experienced in coping with some of those rock
7 walls and -- and different dimensions on the -- that's mentioned
8 on the trusses.

9 A few years back when it came down to rewiring that building,
10 it was at a considerable cost to putting in conduit and other
11 features that probably wasn't really necessary, but that was the
12 determination of the time. So there's been a lot of money spent
13 to preserve the building. And I think that you should proceed
14 to -- to bring it back up to standard again.

15 That's all -- about all I have to say.

16 I -- I don't think that we need to tear down another building
17 on main street. We'll just have another vacant lot.

18 Anyway, thanks for the opportunity to comment.

19 CHAIRMAN MILLS: Thank -- thank you.

20 COMMISSIONER BAKKER: Thanks.

21 COMMISSIONER WAITS: Thank you, --

22 DESSIE SKEATH: (Indiscernible.)

23 COMMISSIONER WAITS: -- Ray.

24 DESSIE SKEATH: (Indiscernible.)

25 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
26 That was Ray Williams from Austin.

27 RAY WILLIAMS: Des- -- Dessie Skeath --

28 CHAIRMAN MILLS: Oh.

29 RAY WILLIAMS: -- is here. He'd like to speak also.

30 COMMISSIONER BAKKER: Hey, Ray.

31 DESSIE SKEATH: If they come in here years ago and they
32 redone the town hall. It had fallen down. The floors had
33 fallen through, all that kind of stuff. We could have bulldozed
34 it down. Same thing with Gridley Store. We could have
35 bulldozed it down. Done the same thing. Spent all this money.

36 I think we're wasting a lot of money by (indiscernible).
37 That's all I got to say.

38 COMMISSIONER BAKKER: Thanks, Dessie.

39 Hey, Ray?

40 RAY WILLIAMS: Yes.

1 COMMISSIONER BAKKER: And could you state your name for the
2 record, please.
3 RAY WILLIAMS: Ray Williams, --
4 COMMISSIONER BAKKER: Thank --
5 RAY WILLIAMS: -- down here.
6 COMMISSIONER BAKKER: Thank you.
7 RAY WILLIAMS: Present.
8 FRANK WHITMAN: Thank you.
9 CHAIRMAN MILLS: Okay.
10 DESSIE SKEATH: See --
11 CHAIRMAN MILLS: Anna, I think you had -- you were having
12 a question for Frank?
13 ANNA PENOLA: If he -- if he wants -- you guys want to take
14 that direction, if he would call those -- the preservation
15 people.
16 CHAIRMAN MILLS: Okay.
17 COMMISSIONER BAKKER: Hey, Frank, can you call the
18 preservation -- the state preservation society?
19 FRANK WHITMAN: I'm sorry. Say again?
20 COMMISSIONER BAKKER: Can you call the state preservation
21 society?
22 FRANK WHITMAN: Absolutely. I'll -- I'll get ahold of them
23 and have them get ahold of -- either to come out for a meeting
24 or get ahold of somebody up there. What would you like?
25 COMMISSIONER BAKKER: Yeah. Call Keith and Anna.
26 FRANK WHITMAN: Very good. I'll do that.
27 COMMISSIONER BAKKER: And then we can set up a time when
28 they can come take a look at the building.
29 FRANK WHITMAN: Okay.
30 COMMISSIONER BAKKER: Okay.
31 FRANK WHITMAN: Very good.
32 CHAIRMAN MILLS: Okay. Do we have any public comment?
33 Anybody --
34 COMMISSIONER ALLAN: So I have a que- -- oh.
35 DAWN McCLARY: Sorry. Dawn McClary, --
36 CHAIRMAN MILLS: If you'll --
37 DAWN McCLARY: -- for the record.
38 CHAIRMAN MILLS: -- if you'll --
39 DAWN McCLARY: And I --
40 CHAIRMAN MILLS: -- come forward so the microphone will

1 pick up your voice. Thank you.
2 DAWN McCLARY: Dawn McClary, for the record.
3 I'm just curious. Is this building -- are you talking
4 about making it up to code so it can be used for the youth
5 program again? Or is this just a -- a building that's going to
6 be just on Main Street? Is it going to be occupied again?
7 CHAIRMAN MILLS: It's a --
8 COMMISSIONER WAITS: The youth --
9 CHAIRMAN MILLS: That's --
10 COMMISSIONER WAITS: -- center.
11 CHAIRMAN MILLS: -- the goal.
12 COMMISSIONER WAITS: Yes.
13 DAWN McCLARY: Right. And so the --
14 COMMISSIONER BAKKER: Yeah.
15 DAWN McCLARY: -- plan is --
16 COMMISSIONER BAKKER: But it needs a --
17 DAWN McCLARY: -- to --
18 COMMISSIONER BAKKER: -- new --
19 DAWN McCLARY: -- make it --
20 COMMISSIONER BAKKER: -- roof.
21 DAWN McCLARY: -- for the youth?
22 COMMISSIONER WAITS: Yeah.
23 COMMISSIONER BAKKER: Yes.
24 DAWN McCLARY: And so -- okay. That was --
25 COMMISSIONER WAITS: It would remain --
26 DAWN McCLARY: -- just --
27 COMMISSIONER WAITS: -- the youth center. Yes.
28 DAWN McCLARY: Right.
29 COMMISSIONER BAKKER: But it needs a new roof is the
30 problem.
31 DAWN McCLARY: Exactly. And so that's where I'm just
32 thinking that code is probably pretty important if the youth of
33 Austin are in it.
34 That's just my personal opinion.
35 COMMISSIONER WAITS: Well, they wouldn't --
36 DAWN McCLARY: So --
37 COMMISSIONER WAITS: -- let us get away with not --
38 DAWN McCLARY: Right.
39 COMMISSIONER WAITS: -- not doing code. So no.
40 DAWN McCLARY: Right. So just my two cents. I wasn't sure

1 if you were actually going to be making it back to the youth
2 center or if that was a location that was going to be different.
3 So just wanted clarification.
4 COMMISSIONER BAKKER: Cool.
5 DAWN McCLARY: Thank you.
6 CHAIRMAN MILLS: Okay.
7 COMMISSIONER BAKKER: Thanks, Dawn.
8 COMMISSIONER ALLAN: So I do have a question for Patsy,
9 then. And -- and you would like to get Austin involved in --
10 and would this be something you would have on a town board of
11 Austin meeting? Or would you --
12 COMMISSIONER WAITS: Yes.
13 COMMISSIONER ALLAN: -- like --
14 COMMISSIONER WAITS: Just -- just a community meeting
15 regarding the -- the youth center and -- and look into all these
16 other things and -- and see what we can do.
17 I -- I hesitate to set up a committee per se, because then we
18 have to follow all of the open law, meeting laws and all that type
19 of thing.
20 COMMISSIONER ALLAN: Absolutely. Yeah.
21 COMMISSIONER WAITS: And all we want is really input.
22 But -- so it'd be kind of just a general. But I -- but I like
23 the idea since it's in the Austin that Austin's the one that
24 should be involved. And -- and then we can bring it back to the
25 commissioners and see what --
26 COMMISSIONER ALLAN: So do we need to make --
27 CHAIRMAN MILLS: Right.
28 COMMISSIONER ALLAN: -- a motion that we --
29 COMMISSIONER WAITS: I don't think so. We're just going to
30 --
31 CHAIRMAN MILLS: No.
32 COMMISSIONER WAITS: -- defer it and --
33 COMMISSIONER ALLAN: Okay.
34 COMMISSIONER WAITS: -- let Austin run its course right now
35 and --
36 COMMISSIONER ALLAN: Okay.
37 COMMISSIONER WAITS: -- take care of it.
38 CHAIRMAN MILLS: Okay. Does anybody else have anything
39 they'd like to -- to say on this one?
40 Okay.

1 COMMISSIONER WAITS: Thank you.

2 COMMISSIONER BAKKER: Okay.

3 CHAIRMAN MILLS: Thanks.

4 COMMISSIONER BAKKER: (Indiscernible.)

5 CHAIRMAN MILLS: We'll move on.

6
7 **2) Discussion and possible action regarding off-street parking**
8 **regulations (LCC 17.08.020) and the future pavement of**
9 **alleyways in Battle Mountain, Nevada, and all other matters**
10 **properly related thereto.**
11

12 CHAIRMAN MILLS: Item 2. Discussion and possible action
13 regarding off-street parking regulations, LCC 17.08 -- is that
14 -020?

15 COMMISSIONER ALLAN: Yep. Yes.

16 CHAIRMAN MILLS: Copy's not great.

17 And the future pavement of alleyways in Battle Mountain,
18 Nevada, and all other matters properly related thereto.

19 ANNA PENOLA: I put this on the agenda because we have an
20 Overtime Bar & Grill that is being revamped -- the old building
21 being revamped to a new business. And going through the code,
22 it states that we -- that any bu- -- business for public use
23 needs to have paved parking. And the comment came that, what
24 about the HideAway?

25 Things have fallen through the cracks. I would like to take
26 things and move them forward.

27 I've talked to the HideAway. I've given them a year to
28 comply with parking. And they're in agreement.

29 But there are some businesses in town that have -- don't
30 have any paved parking. And it is in code. And as an
31 incentive, I would like for us, as a county, to budget to pave
32 the business alleyways for their food trucks. And -- and
33 actually after that, budget along the way and do the pr- --
34 alleyways all through town. I think it would beautify the
35 community and c- --

36 Bert, you want to help me out with some of this? Get up
37 here.

38 CHAIRMAN MILLS: Come on, Bert.

39 ANNA PENOLA: Bert -- I talked to Bert about it.

40 BERT RAMOS: (Indiscernible.)

1 ANNA PENOLA: He was in agreement with it. And I just -- I
2 wanted to bring it to your guys' attention and see what you
3 thought.

4 BERT RAMOS: Was a simple no okay?

5 ANNA PENOLA: Get up here.

6 COMMISSIONER BAKKER: How much we talking, Anna?
7 Bert?

8 CHAIRMAN MILLS: Have you come up with any numbers on that?

9 BERT RAMOS: Uh-uh. I -- Bert Ramos, for the record.

10 I was thinking that if -- you know, me and Anna had talked.
11 And if the businesses were paving their parking, that we
12 probably should focus on the business alleys first. And I don't
13 know if we need to go as far as to pave every alley. But the
14 alleys with businesses, you know, that have trucks coming and
15 going, probably would be a good gesture, if we're going to make
16 them pave their parking lot, to pave their alley.

17 ANNA PENOLA: The only paved parking lot is the Owl Club or
18 the alley behind the Owl Club.

19 COMMISSIONER BAKKER: Well, and that parking lot needs to
20 be paved too.

21 ANNA PENOLA: Yes, it does.

22 COMMISSIONER BAKKER: And that alley probably needs to be
23 redone too, though.

24 CHAIRMAN MILLS: Yeah. That alley's pretty tore up.

25 COMMISSIONER BAKKER: Uh-huh.

26 ANNA PENOLA: Yep.

27 CHAIRMAN MILLS: Got some --

28 COMMISSIONER WAITS: So if we require --

29 CHAIRMAN MILLS: -- water issues.

30 COMMISSIONER WAITS: -- the businesses to have a paved
31 parking lot, that means we require for them to have the -- the
32 ADA compliance and the whole thing in every one of them. It's
33 quite an added expense. There's no question about that.

34 ANNA PENOLA: Well, they adapt ADA as it is.

35 ADA is ADA now or tomorrow.

36 COMMISSIONER WAITS: Right. But there's -- there's some
37 that still don't have it. Right?

38 ANNA PENOLA: This was brought into effect 1994. So
39 anything 1994 to today --

40 CHAIRMAN MILLS: Is supposed to have a paved parking lot.

1 ANNA PENOLA: Supposed to have a paving lot. And if --
2 COMMISSIONER WAITS: No, I'm saying --
3 ANNA PENOLA: -- you look around at Maverik, dental --
4 Battle Mountain Dental.
5 And Bakker's Brew came to compliance, pa- --
6 Pa- -- it -- these professionals come in, and they give you
7 paved parking. It beautifies the -- the whole street. And it is
8 code.
9 So, anyway, that's what I wanted to bring to you.
10 COMMISSIONER CLARK: So if the building was -- if the
11 building was built before the code was written, are they
12 grandfathered in?
13 ANNA PENOLA: Yes.
14 COMMISSIONER WAITS: If the business was there before.
15 DISTRICT ATTORNEY HERRERA: Yes.
16 COMMISSIONER CLARK: Okay.
17 CHAIRMAN MILLS: If it changes ownership, does that change
18 it?
19 ANNA PENOLA: Yes.
20 COMMISSIONER WAITS: Uh-huh.
21 COMMISSIONER CLARK: So that --
22 ANNA PENOLA: For example, the Smith Plaza, when it sells,
23 it'll have to come up to code.
24 COMMISSIONER CLARK: Wasn't that built before --
25 CHAIRMAN MILLS: Hm.
26 COMMISSIONER CLARK: -- the code was put on the book?
27 ANNA PENOLA: It was. But with the new ownership that --
28 COMMISSIONER CLARK: Okay.
29 ANNA PENOLA: -- negates it.
30 COMMISSIONER WAITS: Yeah. Because the expense thing gets
31 me. It --
32 CHAIRMAN MILLS: It is expensive.
33 COMMISSIONER CLARK: Well, if we have a --
34 CHAIRMAN MILLS: I paved --
35 COMMISSIONER CLARK: -- paving --
36 CHAIRMAN MILLS: I mean, we paved our parking lot. And
37 it's not cheap.
38 COMMISSIONER CLARK: If we -- if we bring a paving company
39 in to do the alleys, that will negate some of the -- some of the
40 cost.

1 ANNA PENOLA: Yeah.
2 CHAIRMAN MILLS: Yeah. They could --
3 COMMISSIONER BAKKER: Yeah. We'll have to --
4 CHAIRMAN MILLS: -- and they could pick --
5 COMMISSIONER BAKKER: -- (indiscernible) --
6 CHAIRMAN MILLS: -- piggyback it a little bit off of --
7 COMMISSIONER BAKKER: Yeah.
8 CHAIRMAN MILLS: -- that.
9 COMMISSIONER BAKKER: Because the --
10 CHAIRMAN MILLS: I don't think you have (indiscernible) --
11 COMMISSIONER BAKKER: -- mobilization or whatever.
12 Bert, isn't that how that works?
13 BERT RAMOS: Yeah. That's up to the contractor.
14 CHAIRMAN MILLS: So they -- they might get something of a
15 deal if they did that.
16 ANNA PENOLA: I would think.
17 CHAIRMAN MILLS: And I didn't get that when I built my
18 business. But --
19 ANNA PENOLA: Sorry, Doug.
20 CHAIRMAN MILLS: I know.
21 COMMISSIONER CLARK: Well, I really --
22 CHAIRMAN MILLS: Do we get to --
23 COMMISSIONER CLARK: -- think -- I really think that we
24 should have some people get together and go through some of
25 these ordinances and see which fit where.
26 Because when we were in Austin, we agreed that we have four
27 unique communities. So one -- one size fit all, I don't think
28 that's -- that's a good approach.
29 So I'd like to see something done about going through these
30 and making sure that they really fit our communities.
31 CHAIRMAN MILLS: Yeah. This is one of these tough deals
32 because we have an ordinance and we either, as a body, we -- we
33 comply or we don't. Well, what good are they if we don't
34 comply?
35 But it -- it -- it affects people. It's expensive. And
36 how do -- who do we let off? And who to we make do it? And how
37 do -- it's either everyone or -- or no one, I suppose, if -- if
38 we're going to be --
39 COMMISSIONER CLARK: How do you -- how do you --
40 CHAIRMAN MILLS: -- following --

1 COMMISSIONER CLARK: -- enforce?
2 CHAIRMAN MILLS: -- rules and having rules in place.
3 COMMISSIONER BAKKER: To --
4 COMMISSIONER CLARK: How do you enforce all these rules?
5 COMMISSIONER BAKKER: Do you have money in your budget for
6 the alleyways?
7 BERT RAMOS: Not currently.
8 COMMISSIONER BAKKER: So we need --
9 CHAIRMAN MILLS: And this --
10 COMMISSIONER BAKKER: -- to budget more money.
11 CHAIRMAN MILLS: This is going to be a next-year budget
12 thing?
13 ANNA PENOLA: Yes.
14 COMMISSIONER BAKKER: Okay.
15 COMMISSIONER ALLAN: Anna, do you have any idea at this
16 time how many businesses are in noncompliance?
17 ANNA PENOLA: A handful.
18 I wouldn't say more -- more than seven, if that.
19 Isn't?
20 I -- I'd have to take a tally.
21 COMMISSIONER BAKKER: Okay. So do you -- you don't want to
22 do this this year. You want to wait till next budget year? Or
23 next year?
24 ANNA PENOLA: Next budget year.
25 COMMISSIONER BAKKER: Okay. So past next July?
26 ANNA PENOLA: I gave HideAway and Overtime Bar until two --
27 January 1st, 2020.
28 COMMISSIONER BAKKER: Oh. That good, Blanca?
29 BLANCA LOMELI: Okay. (Indiscernible.)
30 CHAIRMAN MILLS: Yeah. Come on up.
31 UNIDENTIFIED PARTICIPANT: State your name for the record.
32 BLANCA LOMELI: Thanks. Hi, guys. Blanca Lomeli at the
33 HideAway.
34 I did talk to Anna. And we were in -- when I had the
35 conversation with her, I was okay with it, giving a year. It is
36 in our plans.
37 However, the more I think about it, the more I actually look
38 into it, the more I realize how it's not feasible to do it within
39 a year.
40 ANNA PENOLA: We can work that out.

1 BLANCA LOMELI: Me, for example, my parking is huge. I
2 have a huge area.

3 And that's when I -- I came up -- or when I spoke to Anna
4 about the alleyway. If I have to have mine paved, then I feel the
5 alleyway should be paved as well. If not, it defies the purpose
6 of having a paved parking, in my opinion.

7 And then the more that I've -- this was brought to my
8 attention, the more I look around town, I see how many other
9 places aren't paved. And I wonder why only the restaurants are
10 being targeted.

11 Why is other business --

12 CHAIRMAN MILLS: Well, yeah. That's not -- that's not the
13 only thing. Because I understand there's some apartments that
14 have some dirt.

15 BLANCA LOMELI: There -- there's park- -- like --

16 CHAIRMAN MILLS: Lots.

17 BLANCA LOMELI: -- for exam- -- parking lots.

18 The -- like the Newmont ones that they aren't paved.

19 CHAIRMAN MILLS: Would that be required --

20 BLANCA LOMELI: I mean, I don't --

21 CHAIRMAN MILLS: -- also? The --

22 BLANCA LOMELI: -- want to go through --

23 CHAIRMAN MILLS: -- Newmont --

24 BLANCA LOMELI: -- every business --

25 CHAIRMAN MILLS: -- parking areas?

26 BLANCA LOMELI: -- because I don't want to be like, oh, you
27 know. But --

28 CHAIRMAN MILLS: I mean, if it's --

29 BLANCA LOMELI: If it's going to be one, I feel it has to
30 be all. And --

31 CHAIRMAN MILLS: Right.

32 BLANCA LOMELI: -- one year is not --

33 I mean, now that I look into the cost of it, one year is not
34 --

35 I mean, maybe five, honestly. Because it's a huge, huge --
36 It's something that would put me out of business.
37 Definitely.

38 COMMISSIONER CLARK: That's the concern.

39 COMMISSIONER ALLAN: Well, I --

40 CHAIRMAN MILLS: Right.

1 COMMISSIONER ALLAN: -- think that's something that, like
2 Anna said, definitely if you're -- you're showing the intent,
3 then, you know, that's -- you can work with that.

4 And it is a really good point. You have these other
5 businesses that, you know, maybe they're not storefront
6 businesses, but they still are, you know, utilizing land as a
7 business. So that's a really good question as far as, you know, a
8 lot --

9 COMMISSIONER WAITS: Well, --

10 COMMISSIONER ALLAN: -- of these --

11 COMMISSIONER WAITS: -- the other -- the --

12 COMMISSIONER ALLAN: -- other --

13 COMMISSIONER WAITS: -- other question that comes up is --
14 is the -- the one that -- that Art said. We've got places in
15 Kingston and Austin that still aren't too. So they need to
16 comply.

17 ANNA PENOLA: That was all before me. And -- and it was in
18 the code.

19 CHAIRMAN MILLS: Those are grandf- --

20 ANNA PENOLA: I just --

21 CHAIRMAN MILLS: We'll call those grandfathered in.

22 COMMISSIONER CLARK: This is --

23 COMMISSIONER BAKKER: So let's take a tally at least in
24 Battle Mountain area on --

25 CHAIRMAN MILLS: Yeah. Let's --

26 COMMISSIONER BAKKER: -- whether it's --

27 CHAIRMAN MILLS: -- find out --

28 COMMISSIONER BAKKER: -- apartments, --

29 CHAIRMAN MILLS: -- what the real impact is.

30 COMMISSIONER BAKKER: -- restaurants, all the businesses.
31 And I agree on what -- working on a timeline, showing intent.
32 It does probably not have to be in a year, but progression.

33 COMMISSIONER ALLAN: And I think als- --

34 COMMISSIONER BAKKER: And going from there because, like
35 The HideAway is going to need drains and everything else before
36 you even pave. And that's a big expense.

37 So I -- I don't -- I don't think maybe a year deadline. But,
38 say, in a year start working. And then two years or what -- and
39 move it on from there.

40 BLANCA LOMELI: And the -- the hardest thing is not

1 knowing. If -- I mean, these are things that if we knew before
2 we got into this, that maybe it would have stopped us from even
3 starting. Because it's -- it's huge. It's not something that's
4 going to be 20-, \$30,000. It's going to be up there. And for a
5 small business that are ran by, you know, normal people, those
6 are expenses that will put you out of business or put you in
7 bankruptcy, or we would just have to close, sadly.

8 COMMISSIONER BAKKER: Yeah. Because the coffee shop alone
9 was roughly 20-, between 15- and 20-. And it's not even half
10 the size of the HideAway parking lot. So --

11 ANNA PENOLA: Right.

12 BLANCA LOMELI: And that's -- and that's just, like, for
13 me. And I see, like, other buildings, --

14 CHAIRMAN MILLS: I don't --

15 BLANCA LOMELI: -- regardless.

16 CHAIRMAN MILLS: -- I don't know, according to what I was
17 reading in the ordinance that you'd have to pave your whole
18 property, though. You're just -- need to have enough parking
19 spaces for the size of your building, according to what I was
20 reading in here.

21 BLANCA LOMELI: (Indiscernible.)

22 CHAIRMAN MILLS: You wouldn't have to pave your whole lot.

23 BLANCA LOMELI: It'd be the majority.

24 CHAIRMAN MILLS: So --

25 COMMISSIONER BAKKER: And if you're going to do it, you
26 might as well do the whole thing anyway.

27 CHAIRMAN MILLS: Because there's something about how- --
28 however many square feet your building has, you have to have so
29 many spaces. And that's --

30 BLANCA LOMELI: Well, and I was -- I was looking through
31 it. It's -- I think it's -- goes by capacity.

32 It's like one --

33 ANNA PENOLA: Goes by square footage.

34 BLANCA LOMELI: Is it square footage?

35 ANNA PENOLA: Yes.

36 BLANCA LOMELI: Okay.

37 CHAIRMAN MILLS: Yeah.

38 BLANCA LOMELI: Because I saw that some were by capacity.
39 Some were by square footage that are -- yeah.

40 CHAIRMAN MILLS: So --

1 BLANCA LOMELI: So I'd have to look, you know, have to
2 actually get in there and look and see. But just roughly what I
3 can surmise, it's a huge, --

4 CHAIRMAN MILLS: Yeah.

5 BLANCA LOMELI: -- huge, huge expense.

6 COMMISSIONER BAKKER: So --

7 CHAIRMAN MILLS: It's interesting on this, even -- even if
8 we go out and find out what the impact of this really is and how
9 many businesses it's going to affect, we still are faced with
10 the idea, do -- do we follow the ordinances or do we not? And
11 what are we going to do as a county?

12 BLANCA LOMELI: Yeah.

13 COMMISSIONER CLARK: Well, see, and that's my concern with
14 the ordinance is that, you know, you -- there's some ordinances
15 written that you couldn't park a service truck at -- in a
16 residential area. And we have numerous people that work for
17 construction companies that need to park their service truck in
18 front of their house.

19 So that's why I think we should have some people look into
20 this, go through, make some recommendations of what fits where.

21 CHAIRMAN MILLS: Yeah.

22 COMMISSIONER BAKKER: And I'm not saying, let's not follow
23 the ordinance. I'm just saying there's a --

24 CHAIRMAN MILLS: Well, it's --

25 COMMISSIONER BAKKER: -- way we can all work together --

26 CHAIRMAN MILLS: Yeah.

27 COMMISSIONER BAKKER: -- to make it work for --

28 CHAIRMAN MILLS: Because --

29 COMMISSIONER BAKKER: -- everyone.

30 CHAIRMAN MILLS: -- we've already --

31 COMMISSIONER CLARK: Yeah.

32 CHAIRMAN MILLS: -- got -- we've got a -- a lot of
33 businesses that did pave their parking lots. And then we have
34 others that -- that haven't. And -- and where's -- well, those
35 that haven't paved now, they just don't even have to spend money
36 on paving their parking lot, and everybody else did. So where
37 do you make it equitable?

38 And it's --

39 COMMISSIONER CLARK: Well, some --

40 CHAIRMAN MILLS: -- a difficult --

1 COMMISSIONER CLARK: -- busine- --
2 CHAIRMAN MILLS: -- situation.
3 What do you -- what do we really do about it?
4 COMMISSIONER BAKKER: So let's --
5 COMMISSIONER CLARK: Some b- -- people -- some businesses
6 don't need to pave anything because it's already paved.
7 The streets around the Owl Club's paved, the parking lot's
8 paved.
9 CHAIRMAN MILLS: Well, like at the Owl Club has the lot in
10 the back of their building. They'd have to pave that. It
11 sounds like.
12 DISTRICT ATTORNEY HERRERA: Yes.
13 COMMISSIONER CLARK: Yeah. They would have --
14 CHAIRMAN MILLS: And then --
15 COMMISSIONER CLARK: -- to.
16 COMMISSIONER ALLAN: If it's their property, it is.
17 CHAIRMAN MILLS: Yeah.
18 COMMISSIONER BAKKER: So let's get all the properties that
19 go with the ordinance. And I do agree with paving the alleys
20 along with paving --
21 COMMISSIONER ALLAN: Well, I think the alleys --
22 CHAIRMAN MILLS: Did you have a -- do you have a --
23 COMMISSIONER ALLAN: -- that are --
24 CHAIRMAN MILLS: -- a comment for us?
25 LORI PRICE: I have a --
26 CHAIRMAN MILLS: If you'll come forward, --
27 LORI PRICE: -- a question.
28 COMMISSIONER ALLAN: Can I finish?
29 CHAIRMAN MILLS: Oh. Go ahead.
30 COMMISSIONER ALLAN: I think the alleys that are in
31 conjunction with the businesses. You know. I mean, yeah, it'd
32 be nice to pave all the alleys in the county.
33 Although I think, you know, a lot of these alleys, you know,
34 they're getting neglected now, you know. There's weeds growing in
35 them. They're not being maintained. The expense to pave the
36 alleys is -- is, you know, kind of more than we need to spend on
37 that.
38 But the alleys that are in conjunction with businesses, that
39 if we require a business to pave them, we definitely certainly
40 need to be incorporating the alleys into that area as well.

1 ANNA PENOLA: Okay.
2 COMMISSIONER ALLAN: And especially in the business
3 district.
4 CHAIRMAN MILLS: Okay. If you'll -- if you'll come forward
5 and state your name for the record, please.
6 ANNA PENOLA: Come sit by me, Lori.
7 COMMISSIONER ALLAN: I know what Lori's going to say.
8 LORI PRICE: It's a small little question.
9 COMMISSIONER ALLAN: She's a nonprofit.
10 CHAIRMAN MILLS: Yeah.
11 LORI PRICE: Lori Price. I would -- how hard is it to
12 change an ordinance?
13 CHAIRMAN MILLS: See, but that's --
14 LORI PRICE: I mean.
15 CHAIRMAN MILLS: -- the other thing about --
16 LORI PRICE: You --
17 CHAIRMAN MILLS: -- it, though, is --
18 LORI PRICE: -- you think about all the ordinances in -- in
19 this town about keeping --
20 CHAIRMAN MILLS: Yeah.
21 LORI PRICE: -- your property cleaned. You know, junk
22 everywhere. Is that being maintained?
23 ANNA PENOLA: Trying.
24 COMMISSIONER ALLAN: Yeah.
25 ANNA PENOLA: I'm working -- I work -- I've been working --
26 LORI PRICE: I mean.
27 ANNA PENOLA: -- on it for six years.
28 LORI PRICE: I -- it just --
29 COMMISSIONER BAKKER: You're talking residential
30 ordinance --
31 LORI PRICE: -- it just --
32 COMMISSIONER BAKKER: -- compared to --
33 LORI PRICE: -- worries me --
34 COMMISSIONER BAKKER: -- a commercial --
35 LORI PRICE: -- about these --
36 COMMISSIONER BAKKER: -- property --
37 LORI PRICE: -- businesses --
38 COMMISSIONER BAKKER: -- ordinance, though, --
39 LORI PRICE: -- and how much it's going to --
40 COMMISSIONER BAKKER: -- too.

1 LORI PRICE: -- cost. That's --
2 COMMISSIONER ALLAN: Well, I think that's a really good
3 point, Lori, because I know, you know, we've gone through and --
4 through different special interests and stuff have changed
5 ordinances. So that is a thought and -- and a good possibility
6 that, you know, --
7 CHAIRMAN MILLS: How --
8 COMMISSIONER ALLAN: -- do we --
9 CHAIRMAN MILLS: -- would you --
10 COMMISSIONER ALLAN: -- ha- --
11 CHAIRMAN MILLS: -- recommend --
12 COMMISSIONER ALLAN: -- do we want to have --
13 CHAIRMAN MILLS: -- we change --
14 COMMISSIONER ALLAN: -- that --
15 CHAIRMAN MILLS: -- the ordinance?
16 COMMISSIONER ALLAN: -- discussion to --
17 CHAIRMAN MILLS: I mean, what --
18 COMMISSIONER ALLAN: -- change that --
19 CHAIRMAN MILLS: -- would you want it --
20 COMMISSIONER ALLAN: -- ordinance?
21 CHAIRMAN MILLS: -- to say?
22 LORI PRICE: What would I want it to say? I don't --
23 CHAIRMAN MILLS: Yeah.
24 LORI PRICE: -- know. I -- I would look at all the
25 businesses and -- and see who is going to be affected. And I
26 don't know. You're talking --
27 CHAIRMAN MILLS: Because --
28 LORI PRICE: -- about alleys next. What am I doing?
29 Is it, like, reverberating or something? Am I talking too
30 loud.
31 COMMISSIONER CLARK: You're in your --
32 ANNA PENOLA: It's your teacher --
33 COMMISSIONER CLARK: -- teacher --
34 ANNA PENOLA: -- voice.
35 COMMISSIONER CLARK: -- voice.
36 LORI PRICE: I know. And then I get passionate about
37 something, I get louder.
38 But I know that's hard. And I know you can't just look at
39 every business. But you talk about the alleyways and -- and then
40 beautification?

1 Let's get rid of junk. Let's get rid of old trailers. Let's
2 get rid of weeds.
3 CHAIRMAN MILLS: Yeah.
4 LORI PRICE: I mean, things that we can beautify this --
5 CHAIRMAN MILLS: Well, that's --
6 LORI PRICE: -- town other ways.
7 CHAIRMAN MILLS: Yeah. But today's topic is the paving.
8 LORI PRICE: Well, I know.
9 CHAIRMAN MILLS: So --
10 LORI PRICE: But that's what I'm just saying. Is there a
11 way to change the ordi- -- or- -- ordinance?
12 COMMISSIONER CLARK: Oh, yeah.
13 COMMISSIONER ALLAN: Absolutely.
14 CHAIRMAN MILLS: And that's why I'm asking. How do you
15 change it and make it equitable?
16 LORI PRICE: I don't know.
17 CHAIRMAN MILLS: Because now we change --
18 LORI PRICE: I don't --
19 CHAIRMAN MILLS: -- the --
20 LORI PRICE: -- know.
21 CHAIRMAN MILLS: -- ordinance --
22 LORI PRICE: I mean --
23 CHAIRMAN MILLS: -- and now those people don't have to pay
24 the lot -- while everyone that's already did, they've already --
25 LORI PRICE: You'd have to --
26 CHAIRMAN MILLS: -- spent their --
27 LORI PRICE: -- really --
28 CHAIRMAN MILLS: -- money.
29 LORI PRICE: -- look at it and really talk --
30 CHAIRMAN MILLS: Right.
31 LORI PRICE: -- about it. But maybe it's something --
32 COMMISSIONER ALLAN: Well, I --
33 LORI PRICE: -- that --
34 COMMISSIONER ALLAN: -- guess one --
35 LORI PRICE: -- we need --
36 COMMISSIONER ALLAN: -- of my --
37 LORI PRICE: -- to do.
38 COMMISSIONER ALLAN: -- questions is, is those businesses
39 that have paved their -- their parking, who did it by the
40 ordinance?

1 I mean, most of the -- the paving was done prior or -- or --
2 or a decision.

3 I mean, Doug, did you know there was an ordinance that said
4 you had to pave your parking lot? Or did you just do it because
5 you wanted a paved parking lot?

6 CHAIRMAN MILLS: No. We did it because we wanted a parking
7 lot. And I wasn't aware of an ordinance pertaining --

8 COMMISSIONER ALLAN: So that's --

9 CHAIRMAN MILLS: -- to that.

10 COMMISSIONER ALLAN: So I guess the thing about it is, is
11 we're not enforcing --

12 CHAIRMAN MILLS: But it's still --

13 COMMISSIONER ALLAN: -- we're not enforcing this ordinance.
14 We never have enforced the ordinance.

15 ANNA PENOLA: This is my first round. And that's why I --
16 it's --

17 CHAIRMAN MILLS: Right.

18 ANNA PENOLA: -- brought to the table. Because this is
19 where I am today --

20 COMMISSIONER ALLAN: Right --

21 ANNA PENOLA: -- in my job.

22 COMMISSIONER ALLAN: And -- and -- and that's -- that's
23 great, Anna. And --

24 CHAIRMAN MILLS: Right.

25 COMMISSIONER ALLAN: But I think Lori's got a really good
26 point there too is we have never forced anyone to pave their
27 parking lots. And so they've been going, you know, against the
28 ordinance for so long that maybe we do need to -- to change the
29 ordinance.

30 LORI PRICE: Well, curb and gutters and -- and sidewalks.
31 I mean, that -- that's supposed to be something that -- that the
32 property owners are supposed to do. That doesn't always happen.

33 I mean -- and I -- I'm not saying that we shouldn't.

34 ANNA PENOLA: I'm -- I'm with you.

35 LORI PRICE: I'm -- you know, I definitely think people
36 should follow --

37 CHAIRMAN MILLS: Right.

38 LORI PRICE: -- what they need to follow.

39 But, boy, some of these businesses are going to be hurting.
40 Just like Blanca was saying. You know, it's going to be --

1 CHAIRMAN MILLS: Right.
2 LORI PRICE: It might put her out of business.
3 CHAIRMAN MILLS: And that's --
4 LORI PRICE: And are -- are we going to --
5 Is our county going to do that to people?
6 CHAIRMAN MILLS: Well, this -- that's the -- that's the
7 difficulty of governance and -- and all the stuff we're doing
8 here and the process we're going through as -- as --
9 LORI PRICE: Well, --
10 CHAIRMAN MILLS: -- we establi- --
11 LORI PRICE: -- I don't --
12 CHAIRMAN MILLS: -- this --
13 LORI PRICE: I just don't think that's right.
14 CHAIRMAN MILLS: And we -- it's not like this board
15 established those rules. But they're -- the ordinances are
16 there. And it's -- it's now, as a community, do we follow them
17 or not? Or what do we do?
18 And how --
19 LORI PRICE: (Indiscernible.)
20 CHAIRMAN MILLS: -- do we make it equitable for the --
21 LORI PRICE: Make it different.
22 CHAIRMAN MILLS: -- for the entire community?
23 LORI PRICE: Uh-huh.
24 CHAIRMAN MILLS: And those are difficult questions and
25 difficult things to -- to accomplish.
26 Let's -- let's go to Kathy real quick.
27 KATHY ANCHO: Kathy Ancho, for the record.
28 Double-edged sword. If you change your ordinance, then the
29 bigger businesses that come in that really should be paved, for
30 example, the Maverik. If you say Maverik doesn't have to be
31 paved, well, yeah, it needs to be paved for the type of
32 business. But you change your ordinance, then you're going back
33 and forth.
34 Instead of changing your or- -- and going backwards, you say,
35 okay, you have seven to eight years to get your business up to
36 code. Or the brand-new ones, when they're coming in, when they
37 get their business license application, okay, this is going to be
38 the decision you have to make. If you have so many spaces, you
39 have to have it paved. At that point, they have the idea of,
40 yeah, I'm going to go into business. No, I'm not.

1 So it doesn't hurt people like Bianca who didn't know back
2 then, want to go, I was not going to go into business because it
3 was going to cost me.

4 Well, if we try to move forward and say, okay, no, you have
5 more than a year, however the cost is going to be, you find out
6 it'll take you this long to pay for it, then we move forward
7 instead of regressing. Because you have big businesses like
8 McDonald's or a hotel come in and you have them in a dirt parking
9 lot?

10 That -- that -- that's not very good for our economy because
11 you have a dirt town, and it looks ridiculous.

12 So I would suggest not going backwards, going forward, but
13 doing it in steps that it is fair to these businesses that it's
14 going to impact.

15 COMMISSIONER BAKKER: And I agree. And I was thinking --

16 CHAIRMAN MILLS: Understood.

17 COMMISSIONER BAKKER: -- something long like a three- to
18 five-year plan. You -- you get a cost of what it's going to
19 cost you.

20 We -- first we got to get a tally of how many business and
21 contact them.

22 But whether you -- you'd look at the cost and you get a -- a
23 quote. And you say, well, it's going to take me three years to
24 pay this off or it's going to take me five years. And then you
25 submit that to the building department, saying, this is what it's
26 going to take me. This is how feasible it is for me. And then we
27 move forward that way.

28 CHAIRMAN MILLS: Keith, did you have something?

29 KEITH WESTENGARD: Yeah. So -- because it'll eventually
30 end up on my desk, --

31 CHAIRMAN MILLS: Yeah.

32 KEITH WESTENGARD: -- what is the direction of the
33 commission right now? Are we going to -- are we going to hold
34 off on enforcing the ordinance? Are we going to continue with
35 the enforcement of it? What -- what's the direction that you
36 would like the building official to --

37 COMMISSIONER CLARK: Here --

38 KEITH WESTENGARD: -- go?

39 COMMISSIONER CLARK: Here's --

40 COMMISSIONER BAKKER: Right now I'm just --

1 KEITH WESTENGARD: Because it'll come --
2 COMMISSIONER BAKKER: -- saying, --
3 KEITH WESTENGARD: -- to me.
4 COMMISSIONER BAKKER: -- pave the alleyways.
5 COMMISSIONER CLARK: Here -- here's --
6 KEITH WESTENGARD: Well -- well, okay. But what about
7 businesses?
8 COMMISSIONER CLARK: Here's --
9 KEITH WESTENGARD: What we --
10 COMMISSIONER CLARK: -- here's --
11 KEITH WESTENGARD: -- put in --
12 COMMISSIONER CLARK: -- the problem that we have is
13 scheduling the -- the paving for the private --
14 KEITH WESTENGARD: Right.
15 COMMISSIONER CLARK: -- businesses in conjunction with the
16 alleyways --
17 CHAIRMAN MILLS: We'll just have to see.
18 COMMISSIONER CLARK: -- and in conjunction with their
19 funds.
20 UNIDENTIFIED PARTICIPANT: Right.
21 COMMISSIONER CLARK: So paving is an issue in -- in this
22 area because you have to bring the company in, they have
23 expenses moving equipment. It -- it's -- it's a tough call
24 on -- on -- on this one.
25 KEITH WESTENGARD: It -- it -- it is.
26 COMMISSIONER CLARK: That's why I --
27 KEITH WESTENGARD: I agree.
28 COMMISSIONER CLARK: -- recommend that we have a -- a group
29 of people get together and go through these ordinances and see
30 which fit where.
31 KEITH WESTENGARD: Which is -- which is a good -- a good
32 way to go. I just want to know what we're going to do between
33 now and the time we -- we get to --
34 COMMISSIONER CLARK: Because it's expensive here, I can't
35 imagine what paving would be down in Kingston around the bar.
36 COMMISSIONER BAKKER: Well, I think we get a tally, and
37 then we'll put it --
38 UNIDENTIFIED PARTICIPANT: Each --
39 COMMISSIONER BAKKER: -- back on the agenda.
40 UNIDENTIFIED PARTICIPANT: Okay.

1 If you want to know right -- I mean, as far as enforcing it,
2 like I said, I'm -- where everyone's willing to work with the
3 businesses and whether -- if it takes them five years to pave
4 it --

5 I mean, as long as they submit a plan saying, we're moving
6 forward and it's going to be what it is.

7 KEITH WESTENGARD: Right. And th- -- this ordinance has
8 been around for -- what? -- twenty -- 24, --

9 ANNA PENOLA: Twenty-four.

10 KEITH WESTENGARD: -- twenty --

11 CHAIRMAN MILLS: Twenty-five years.

12 KEITH WESTENGARD: Not --

13 CHAIRMAN MILLS: Yeah.

14 KEITH WESTENGARD: Okay. Twenty-five years. So if we --
15 if we say we're going to follow it, but we're going to give
16 everybody ten years to do it, that's the plan right now.

17 And then maybe in the future the ordinance gets changed and
18 that goes away.

19 COMMISSIONER CLARK: But I would say that new businesses
20 should follow the ordinance.

21 KEITH WESTENGARD: Okay.

22 COMMISSIONER BAKKER: Oh. Right.

23 COMMISSIONER ALLAN: Dawn?

24 COMMISSIONER CLARK: That's --

25 CHAIRMAN MILLS: Do you have something for us, Dawn?

26 DAWN McCLARY: Dawn McClary, for the record.

27 I'm just curious. I know that this is talk around
28 business, but does the ordinance also say that it's supposed to
29 be nonprofits or churches? Are -- do they also fall in that
30 category? Because that affects -- that opens this up a lot
31 further.

32 COMMISSIONER ALLAN: Yes, it does.

33 DAWN McCLARY: And so --

34 CHAIRMAN MILLS: Right.

35 DAWN McCLARY: -- just being with nonprofit or being in a
36 church-type --

37 ANNA PENOLA: It says --

38 DAWN McCLARY: -- environment, --

39 ANNA PENOLA: -- any off-street parking other than provided
40 for residents having a capacity for more than three vehicles

1 should be hard surfaced, fitted with bumper guards, and
2 permanently maintained.

3 DAWN McCLARY: Okay.

4 COMMISSIONER ALLAN: So that does bring into account, you
5 know --

6 CHAIRMAN MILLS: Yeah, the effect is pretty far --

7 DAWN McCLARY: It makes the --

8 CHAIRMAN MILLS: -- reaching.

9 DAWN McCLARY: -- list a little bit longer.

10 COMMISSIONER ALLAN: It really does.

11 DAWN McCLARY: So I find --

12 COMMISSIONER ALLAN: And that -- that's a huge impact on
13 our businesses.

14 ANNA PENOLA: Sorry I opened a can of worms.

15 COMMISSIONER ALLAN: Yes, you did.

16 ANNA PENOLA: But I need direction.

17 I need --

18 CHAIRMAN MILLS: Yeah. It's --

19 ANNA PENOLA: -- direction.

20 CHAIRMAN MILLS: -- it's -- it's --

21 DAWN McCLARY: Thank you.

22 CHAIRMAN MILLS: -- one of those things we get to discuss.
23 So, you know.

24 COMMISSIONER ALLAN: Yeah.

25 COUNTY CLERK SULLIVAN: I have a few questions and comments
26 --

27 CHAIRMAN MILLS: Okay.

28 COUNTY CLERK SULLIVAN: -- I want to make.

29 Sadie Sullivan, --

30 CHAIRMAN MILLS: Go ahead.

31 COUNTY CLERK SULLIVAN: -- for the record.

32 Just some of my questions that I have as far as the
33 businesses and the alleyways being paved, there's apartments that
34 are businesses that those alleyways would need to be paved as well
35 behind them where they come in and park.

36 So that's something that -- it's just a reminder and give
37 you a heads-up on those type of things, you know, when we go
38 into the projects.

39 Also, something I -- I feel that Art's stating this is that
40 this is an ordinance for the whole county. And so how can we

1 enforce it just in Battle Mountain? And those businesses have to
2 do it, but not the southern or -- so I think as a whole, you know,
3 it is something that needs to be looked at as the whole county
4 because the ordinance is for the whole county.

5 So I feel, to be fair to the southern end, Battle Mountain
6 people will say, well, here, we have to come up to compliance
7 but not the south, and yet the ordinance was for the whole
8 county as well.

9 Just a -- a question or a comment. But possibly, Sean, with
10 you being on the corner for Bakker's Brew on that state highway to
11 where maybe there'd be some connections where Blanca or whomever
12 else is there in that area, the new business going in, if you have
13 to get with the state because of the easements and that type of
14 thing, I don't know if you have contacts or directions to where
15 that could help any businesses that are on those state highways
16 because of those easements and that type of deal.

17 And then, for Anna to be able to have this, you know, like
18 she said, to have direction, to have that timeline so then she has
19 the backing from the board and, you know, for her position,
20 whether it's three years, five years, ten years, whatever have you
21 to where it probably should be in writing to back her so then that
22 she's not the bad bear, you know, bad news bear.

23 So those are just some of my comments.

24 COMMISSIONER ALLAN: I think something else that these
25 businesses have to consider is, you know, certainly if we follow
26 the ordinance requires them to pave their parking lots.

27 And in doing so, that's also going to increase their tax --
28 taxes because it's improving the property.

29 So we're hitting double whammy on these guys, you know.
30 And as Blanca stated, you know, small business owners that
31 that's a large expense. And -- and then, you're going to have
32 to start paying more taxes on top of it.

33 It's -- it's just kind of, you know, we're not just talking
34 small businesses either now, you know. The -- the Cookhouse
35 Museum. Where's Lori going to get the money for that to -- to
36 pave that parking lot?

37 And the churches?

38 CHAIRMAN MILLS: What, do we have to pave the rodeo ground
39 parking lot?

40 ANNA PENOLA: Probably.

1 COMMISSIONER ALLAN: Yeah.
2 KATHY ANCHO: Yeah.
3 COUNTY CLERK SULLIVAN: You're the leaders. It'd look
4 nice.
5 COMMISSIONER BAKKER: Bert, get on it.
6 CHAIRMAN MILLS: I mean, that's -- this -- this just keeps
7 going on and on.
8 ANNA PENOLA: I know.
9 COMMISSIONER ALLAN: And -- and -- and -- and like Sadie
10 mentioned, I mean, Kingston.
11 You know, you've got one paved road in Kingston.
12 You know, how much of that? And -- and --
13 ANNA PENOLA: That's why we're talking about it.
14 COMMISSIONER ALLAN: Yeah. Oh, I know. I appreciate it,
15 Anna.
16 ANNA PENOLA: Thank you.
17 KATHY ANCHO: A suggestion is instead of not following the
18 ordinance, that you redo your ordinance, grandfathering people
19 in. Because if you say -- sit up there and say, I'm not going
20 to follow this ordinance, then you might as well throw all of
21 your ordinances away because you can't pick and choose which
22 ones you want to go by because that's not fair to people.
23 CHAIRMAN MILLS: Exactly.
24 KATHY ANCHO: So I think that people that are grand- -- you
25 decide to grandfather in or however you're going to do it, but
26 you don't say, I'm not -- we're not going to follow that --
27 an -- an ordinance because that's -- that's counterproductive as
28 a community to say that on any level.
29 COMMISSIONER CLARK: But still --
30 KATHY ANCHO: And --
31 COMMISSIONER CLARK: -- moving forward, you can use the
32 ordinances to direct new businesses.
33 KATHY ANCHO: Absolute- -- absolutely.
34 COMMISSIONER CLARK: They --
35 KATHY ANCHO: Absolutely.
36 COMMISSIONER CLARK: -- they can plan that in their
37 initial --
38 KATHY ANCHO: Absolutely.
39 COMMISSIONER CLARK: -- cost.
40 KATHY ANCHO: Agreed. And I say agree -- I --

1 CHAIRMAN MILLS: Yeah.

2 KATHY ANCHO: -- agree with that. And if you suggest it
3 and change it and say, any date from this date, these people are
4 grandfathered in and from this date forward, we're going to
5 follow our ordinance. But you make sure that you follow your
6 ordinance or they're not worth anything.

7 But absolutely. The people that have been here doing stuff
8 forever and it's going to cost them 300,000 to do their parking
9 lot, it's, you know, sickening to think. But from this day
10 forward, so people know when they get their business licenses or
11 they're going to do a nonprofit, that, yes, that there's going to
12 be this extra cost if you're going into a building with the pave-
13 -- it's not paved.

14 COMMISSIONER CLARK: Because the community --

15 COMMISSIONER ALLAN: Well --

16 COMMISSIONER CLARK: -- college would have to pave their
17 parking lot. I mean, --

18 COMMISSIONER ALLAN: Well --

19 COMMISSIONER CLARK: -- there's --

20 UNIDENTIFIED PARTICIPANT: Have fun with that.

21 COMMISSIONER ALLAN: And -- and I think that's a really
22 good point, Kathy, that we have not been enforcing that
23 ordinance since its inception.

24 And how can we all of sudden -- I mean, granted, we have --
25 we have a -- a book full of ordinances that we don't --

26 ANNA PENOLA: Well, this is what --

27 COMMISSIONER ALLAN: -- enforce.

28 ANNA PENOLA: -- hap- -- this is how it all started.
29 Because I was enforcing an ordinance on a business coming in and
30 it --

31 COMMISSIONER ALLAN: Right.

32 ANNA PENOLA: -- snowballs --

33 COMMISSIONER CLARK: Yeah.

34 ANNA PENOLA: -- into this.

35 CHAIRMAN MILLS: Yeah.

36 COMMISSIONER ALLAN: Right. And -- and -- and so --

37 CHAIRMAN MILLS: So you're trying to do exactly what we're
38 recommending --

39 COMMISSIONER CLARK: Right.

40 CHAIRMAN MILLS: -- and then -- then --

1 COMMISSIONER ALLAN: Well --
2 CHAIRMAN MILLS: -- here we --
3 COMMISSIONER ALLAN: -- so --
4 CHAIRMAN MILLS: -- are.
5 COMMISSIONER ALLAN: Can I finish?
6 CHAIRMAN MILLS: Go ahead.
7 COMMISSIONER ALLAN: Thank you.
8 Like Kathy's mentioned is, is we can go revamp these
9 ordinances. We can grandfather preexisting businesses now and --
10 and go through the -- the ordinance change process so that any new
11 businesses -- because we can't really, you know, go back and slam
12 everybody now that's been in business for -- for 20-some years
13 that hasn't had their parking lots paved. I mean, that's just
14 not -- that's not fair to them.
15 ANNA PENOLA: I agree. And that's why I'm here. You --
16 we're here is because I have --
17 COMMISSIONER ALLAN: And so --
18 ANNA PENOLA: -- to, but they don't.
19 COMMISSIONER ALLAN: Right.
20 ANNA PENOLA: And I can't go back. I can only go forward.
21 COMMISSIONER ALLAN: And so maybe that's something we do
22 need to do, then, is -- is to change that ordinance to
23 grandfather preexisting. But anybody from that point on is --
24 we're aware of it, you're aware of it. When they get their
25 permits, here's the deal is, yes, you have to have -- have it
26 paved.
27 ANNA PENOLA: Understand.
28 COMMISSIONER ALLAN: I -- I think that's probably about the
29 fairest thing we can do.
30 COMMISSIONER CLARK: I think so too.
31 CHAIRMAN MILLS: Ted, do you have any insights that you
32 could share with us on this? And on ways we could handle this?
33 DISTRICT ATTORNEY HERRERA: Well, I think you mentioned all
34 the possibilities that -- when Anna and I discussed this, and
35 we've discussed this quite a few times, we've decided that
36 only -- only thing we could come up with since it's a policy
37 decision, is to bring it in front of the board.
38 And, you know, there -- there's a lot of inequity and
39 equity in -- in what all five of you have said.
40 But -- but you can't ignore -- the ordinances are on the

1 book. When Anna came and asked my legal opinion on new
2 businesses, I said we have to follow the ordinance. But I don't
3 know what the policy considerations are for all the -- the older
4 businesses.

5 So if -- if you decide that it's the policy of the county,
6 for instance -- and this is for instance -- that you want to
7 change the grandfather clause from 19- -- or from --

8 COMMISSIONER CLARK: '94.

9 CHAIRMAN MILLS: In '96?

10 DISTRICT ATTORNEY HERRERA: -- 1994 to 2018, you can. We
11 can do it. You just tell me what to change.

12 I mean, I -- you're going to have to get -- you're going to
13 have to go through all these ordinances. Like Art said, we've got
14 four separate towns with different considerations.

15 You'd have to go through the ordinances for each one. This
16 is a --

17 COMMISSIONER CLARK: Time-consuming nightmare.

18 DISTRICT ATTORNEY HERRERA: -- time-consuming --

19 COMMISSIONER CLARK: Yeah. It is.

20 DISTRICT ATTORNEY HERRERA: But I don't know how you can
21 make a policy judgment unless you just grandfather in and say,
22 from now on we're following the ordinances.

23 I mean, that's the easiest. But it --

24 CHAIRMAN MILLS: Yeah.

25 DISTRICT ATTORNEY HERRERA: But you're going to have to
26 decide if that's what you want to do.

27 COMMISSIONER CLARK: Okay. Here's my question. Legally,
28 if you have a parking lot that belongs to a -- a private
29 business that's not ADA and we know about it, is that our
30 responsibility or is that the private business responsibility?

31 DISTRICT ATTORNEY HERRERA: It's the private business to --

32 COMMISSIONER CLARK: Okay.

33 DISTRICT ATTORNEY HERRERA: -- conform to ADA.

34 COMMISSIONER CLARK: Okay.

35 DISTRICT ATTORNEY HERRERA: Just like it's the county's,
36 has to be able to --

37 COMMISSIONER CLARK: Okay.

38 DISTRICT ATTORNEY HERRERA: -- conform our properties to
39 ADA. I think it's the state or federal --

40 COMMISSIONER CLARK: You know, I -- I always feel that --

1 DISTRICT ATTORNEY HERRERA: -- (indiscernible).
2 COMMISSIONER CLARK: -- if -- if a business is encumbered
3 and they're going to have lay people off or, you know, cutbacks
4 on -- on positions, that that's really -- that really hurts the
5 community as a whole.
6 DISTRICT ATTORNEY HERRERA: Oh. Absolutely.
7 COMMISSIONER CLARK: It hurts the business as far as
8 service. You know, there's taxes involved.
9 So being pro-business, would -- would be, you know, giving
10 them as much of a break as we can.
11 DISTRICT ATTORNEY HERRERA: Now even with the grandfather
12 clause, you -- you realize that if they sell it, then they have
13 to comply.
14 So anything after that, anything after what you guys decide
15 to do --
16 COMMISSIONER CLARK: Right.
17 DISTRICT ATTORNEY HERRERA: -- has to follow the ordinance
18 if the ordinance remain in its present shape.
19 That's all I have.
20 It's a -- I mean, it's a policy matter. It's -- it's 100
21 percent up to you guys.
22 CHAIRMAN MILLS: So my thoughts on it, I -- I don't -- I
23 don't mind the whole change the grandfather date. That doesn't
24 bother me too much. Because otherwise this is just a huge
25 problem.
26 The other problem, though, is that in the future as new
27 people -- as they buy and sell businesses, they don't -- they
28 don't -- same -- the same as others who have bought and sold
29 businesses. They don't know this ordinance is in place. And it's
30 still going to catch up with them down --
31 COMMISSIONER CLARK: Well, like --
32 CHAIRMAN MILLS: -- the road.
33 COMMISSIONER CLARK: -- Ka- -- like Kathy said, though,
34 when they come in for their license, they can be informed, this
35 is how it is from here on out.
36 CHAIRMAN MILLS: But, you know, when they come in for the
37 license, they could -- they could spend two days getting
38 educated on all the ordinances involved in owning a --
39 COMMISSIONER CLARK: Yeah.
40 CHAIRMAN MILLS: -- business in the --

1 COMMISSIONER CLARK: That's true.
2 CHAIRMAN MILLS: -- county.
3 COMMISSIONER CLARK: That's -- that's why I want to slim
4 them down and make them --
5 CHAIRMAN MILLS: Yeah.
6 COMMISSIONER CLARK: -- pertinent to each community.
7 COMMISSIONER ALLAN: Well, and --
8 CHAIRMAN MILLS: So, Rich, you have a comment? Come on up.
9 RICH RIPLEY: I do. Sorry, Bert, I've got to --
10 (indiscernible.) Well, I (indiscernible).
11 So Rich Ripley, Owl Club.
12 Question that brought up. Not that I plan on selling
13 anything, but that lot, that I think was priorly discussed, behind
14 the Owl Club, that's not owned by the Owl Club.
15 So what do you do when a business has no other parking?
16 Because if I was to sell -- say I sell the Owl Club but I keep
17 that because that's under my name personally, what -- what are you
18 going to do then?
19 I mean, they can park on the street; right? There's no --
20 there is no other parking; right?
21 COMMISSIONER CLARK: I don't know, Rich.
22 RICH RIPLEY: And -- and me as the Owl Club, I shouldn't
23 have to pave that parking lot because it's not owned by the Owl
24 Club. What if I want to put a business there? That'll be a
25 whole separate.
26 COMMISSIONER CLARK: Yeah.
27 RICH RIPLEY: -- deal.
28 COMMISSIONER CLARK: That would be.
29 RICH RIPLEY: Yeah. I just want to make sure that's, --
30 COMMISSIONER CLARK: Maybe you need to --
31 RICH RIPLEY: -- you know --
32 COMMISSIONER CLARK: -- build a parking garage in the
33 future.
34 RICH RIPLEY: Yeah.
35 COMMISSIONER ALLAN: Yeah.
36 RICH RIPLEY: Probably a good idea; right?
37 ANNA PENOLA: Pay for it.
38 RICH RIPLEY: Shuttle service back and forth.
39 So, yeah, I just wanted to make sure that that's --
40 If you plan on doing the businesses going forward, if they

1 sell or whatever -- and I don't sell that parking lot or that lot,
2 I should say. We won't call it a --
3 ANNA PENOLA: Right.
4 RICH RIPLEY: -- parking lot.
5 But that -- the Owl Club has no other parking other than
6 street-side parking.
7 COMMISSIONER CLARK: Now what about the -- the lot across
8 Front Treat?
9 RICH RIPLEY: You guys own that.
10 ANNA PENOLA: That's Lander --
11 COMMISSIONER CLARK: That's --
12 ANNA PENOLA: -- County.
13 COMMISSIONER CLARK: -- the county?
14 Oh, okay.
15 RICH RIPLEY: Yeah.
16 COMMISSIONER BAKKER: I think the railroad owns it, though,
17 don't they?
18 RICH RIPLEY: Or -- yeah.
19 ANNA PENOLA: The --
20 RICH RIPLEY: You guys might lease it --
21 ANNA PENOLA: We lease --
22 RICH RIPLEY: -- from them.
23 ANNA PENOLA: -- it.
24 RICH RIPLEY: Yeah.
25 COMMISSIONER BAKKER: Yeah.
26 CHAIRMAN MILLS: Yeah.
27 RICH RIPLEY: Yeah, yeah.
28 COMMISSIONER WAITS: Uh-huh.
29 COMMISSIONER CLARK: Okay.
30 COMMISSIONER BAKKER: So that's all railroad property.
31 RICH RIPLEY: Yep. Yep.
32 COMMISSIONER ALLAN: So I think --
33 COMMISSIONER BAKKER: Yeah.
34 COMMISSIONER ALLAN: -- you know, it's one of those things
35 that o- -- if -- if --
36 RICH RIPLEY: (Indiscernible.)
37 COMMISSIONER ALLAN: -- Blanca decided --
38 RICH RIPLEY: (Indiscernible.)
39 COMMISSIONER ALLAN: -- to sell --
40 RICH RIPLEY: (Indiscernible.)

1 COMMISSIONER ALLAN: -- the HideAway, the new business
2 coming in -- new owners coming in, you know, that's -- that's
3 also something that -- that your title company should be aware
4 of.

5 That's why you pay -- pay the insurance on that is -- is for
6 them to do the research. But, absolutely, as -- as new owners
7 coming in from -- from the date forward that, if we do decide to
8 change this to grandfather everyone, is with your building permits
9 to make sure that the people are aware. And that can be added to
10 the -- the price of the business.

11 But from this point on, you know, make it a requirement
12 that this is what you're going to have to do.

13 And it can, you know, be adjusted on the cost. However
14 owner, seller determines. But that's their business. But we have
15 notified and made -- made the ordinance available to the people
16 that need to know.

17 CHAIRMAN MILLS: Does -- does this --

18 COMMISSIONER CLARK: So what do we --

19 CHAIRMAN MILLS: -- apply to --

20 COMMISSIONER CLARK: -- need to --

21 CHAIRMAN MILLS: -- home --

22 COMMISSIONER CLARK: -- to do.

23 CHAIRMAN MILLS: -- businesses?

24 COMMISSIONER WAITS: So what's the pleasure of the board?
25 Do you want to direct our DA to look at --

26 COMMISSIONER ALLAN: No.

27 COMMISSIONER WAITS: -- updating them, --

28 COMMISSIONER ALLAN: Because you're not supposed to --

29 COMMISSIONER WAITS: -- the new grandfather time?

30 ANNA PENOLA: No.

31 COMMISSIONER ALLAN: I'll make a motion that we direct our
32 district attorney to work on changing the ordinance to change
33 the grandfather date to -- or -- or the date of approval for new
34 businesses to require off-street parking, paved off- --
35 off-street parking.

36 DISTRICT ATTORNEY HERRERA: To what date?

37 COMMISSIONER ALLAN: Whenever we approve the ordinance.

38 DISTRICT ATTORNEY HERRERA: On the date that's --

39 COMMISSIONER ALLAN: Yeah.

40 DISTRICT ATTORNEY HERRERA: -- that it's approved?

1 COMMISSIONER ALLAN: That we -- we start enforcing that
2 ordinance from the date it's approved. Because it'll take a
3 while.

4 DISTRICT ATTORNEY HERRERA: So from this time forward,
5 you -- you want Anna to follow the ordinance as is?

6 COMMISSIONER ALLAN: No. Not until we --

7 DISTRICT ATTORNEY HERRERA: I mean, on new businesses.

8 COMMISSIONER ALLAN: On new businesses. But not until we
9 -- yeah. I mean, new businesses. But --

10 DISTRICT ATTORNEY HERRERA: Right.

11 COMMISSIONER ALLAN: -- we're not going to get any in the
12 next couple of months, probably. So --

13 But from when- -- whenever we, you know, --

14 ANNA PENOLA: So for the Overtime --

15 COMMISSIONER ALLAN: -- approve --

16 ANNA PENOLA: -- Bar, they need parking.

17 BERT RAMOS: So --

18 CHAIRMAN MILLS: I think --

19 UNIDENTIFIED PARTICIPANT: (Indiscernible.)

20 CHAIRMAN MILLS: -- what she's saying is the o- -- it -- it
21 Overtime Bar would be dependent upon when we approve the new
22 change in the ordinance.

23 If they --

24 COMMISSIONER ALLAN: Right.

25 CHAIRMAN MILLS: -- get their business license before then
26 and open business before then, I guess they get to be
27 grandfathered in.

28 MICHELLE ROWAN: It's really got to be at the time of the
29 building permit being issued.

30 BERT RAMOS: Can --

31 COMMISSIONER ALLAN: Exactly.

32 COUNTY CLERK SULLIVAN: That's (indiscernible) --

33 CHAIRMAN MILLS: The permit?

34 COUNTY CLERK SULLIVAN: -- (indiscernible).

35 CHAIRMAN MILLS: -- or the business license?

36 COMMISSIONER BAKKER: Go, Bert.

37 BERT RAMOS: Bert Ramos, for the record. Maybe -- and I --
38 I don't know if I understood this correctly or not. But maybe
39 it should go off of occupancy as opposed to whatever their
40 occupancy permit is, as opposed to square footage. Because I

1 know some businesses have huge warehouses or -- or whatever else
2 may be included, and you'd have to pave the -- if you went on
3 square footage, you'd have pave a huge amount and you may never
4 have about one or two cars parked there.

5 CHAIRMAN MILLS: Well, the --

6 COMMISSIONER ALLAN: Well, isn't -- isn't --

7 CHAIRMAN MILLS: The ordinance --

8 COMMISSIONER ALLAN: -- occupancy --

9 CHAIRMAN MILLS: -- the ordinance --

10 COMMISSIONER ALLAN: -- kind of --

11 CHAIRMAN MILLS: -- has a --

12 COMMISSIONER ALLAN: -- based --

13 CHAIRMAN MILLS: -- whole list --

14 COMMISSIONER ALLAN: -- on --

15 CHAIRMAN MILLS: -- of different types of businesses and
16 the parking required for those types of businesses.

17 BERT RAMOS: Okay. I just --

18 CHAIRMAN MILLS: So I think --

19 BERT RAMOS: -- I just had --

20 CHAIRMAN MILLS: -- that's -- I think that's --

21 BERT RAMOS: -- the square -- I just heard --

22 CHAIRMAN MILLS: -- pretty well --

23 BERT RAMOS: -- the square --

24 CHAIRMAN MILLS: -- covered --

25 BERT RAMOS: -- footage --

26 CHAIRMAN MILLS: -- in there --

27 BERT RAMOS: -- over there. So I didn't --

28 CHAIRMAN MILLS: -- on the owners.

29 ANNA PENOLA: Well, it d- -- because it says --

30 COUNTY CLERK SULLIVAN: It does.

31 ANNA PENOLA: -- per one space per thousand square feet --

32 COUNTY CLERK SULLIVAN: Hey, Sean, --

33 ANNA PENOLA: -- depending on what the business --

34 COUNTY CLERK SULLIVAN: -- make sure you have --

35 ANNA PENOLA: -- is.

36 COUNTY CLERK SULLIVAN: -- paper (indiscernible) --

37 BERT RAMOS: I got you.

38 COUNTY CLERK SULLIVAN: -- project.

39 MICHELLE ROWAN: Michelle Rowan.

40 COMMISSIONER BAKKER: For the Maverik's working.

1 MICHELLE ROWAN: I'm with the Overtime Bar.
2 I would -- I would actually say that you would have to let
3 the owners or the people know at the time you issue the building
4 permit when we're asking for one so you know up front what the
5 cost is going to be. You can't approve plans and then change it
6 later.
7 That would what I --
8 ANNA PENOLA: The plans were approved. The --
9 Knowing it was supposed to paved.
10 MICHELLE ROWAN: No. It's not under plans.
11 It doesn't say anything.
12 ANNA PENOLA: That was the assumption of the plan review.
13 MICHELLE ROWAN: It doesn't say anywhere on the plans that
14 we have to have pavement, asphalt.
15 CHAIRMAN MILLS: Yeah. Well, that creates one of those
16 other difficulties is when -- when somebody's approving or -- or
17 wanting to build a -- a building and open a business and the
18 compliance to --
19 As -- as they go through the process of building that
20 building, as -- as they try to comply with all the ordinances,
21 there's a lot of ordinances.
22 MICHELLE ROWAN: Uh-huh.
23 CHAIRMAN MILLS: And I'm sure every time a building's built
24 something's missed.
25 And I don't know it's necessarily the county's responsibility
26 to let everybody all know all -- every ordinance as they build
27 their building.
28 Is that -- is --
29 MICHELLE ROWAN: We submitted a --
30 CHAIRMAN MILLS: -- that how we --
31 MICHELLE ROWAN: -- parking --
32 CHAIRMAN MILLS: -- do it?
33 MICHELLE ROWAN: -- plan.
34 ANNA PENOLA: I'm sorry?
35 CHAIRMAN MILLS: Is that how we do it? We -- we make --
36 we're -- the county's notifying them of all of our ordinances as
37 they go through this process?
38 I don't think we're --
39 ANNA PENOLA: I'm learning it --
40 CHAIRMAN MILLS: -- doing that.

1 ANNA PENOLA: -- as they are learning. Yes.
2 MICHELLE ROWAN: Yeah.
3 CHAIRMAN MILLS: Yeah.
4 So that's one of those difficulties is -- is like, you
5 know, Blanca buys a -- a business, had no idea there was a
6 parking lot ordinance to comply with. And ev- -- everybody
7 that's ever bought a building in this community for a business
8 didn't know that that existed.
9 And there's nobody telling them or -- and it's -- I don't
10 know that it's necessarily the county's responsibility to inform
11 everybody of this all -- stuff all the time.
12 I don't know.
13 ANNA PENOLA: I try hard.
14 KATHY ANCHO: Kathy Ancho, --
15 ANNA PENOLA: I do.
16 KATHY ANCHO: -- for the record. If you -- the county has
17 to notify people when they come to get their --
18 There's going to -- there should be a checklist that has
19 ordinances that need to be complied because there's no way that
20 anyone's --
21 CHAIRMAN MILLS: Yeah. Who's --
22 KATHY ANCHO: -- going to know --
23 CHAIRMAN MILLS: No one knows all the stuff.
24 KATHY ANCHO: Well, and I'm sure with -- with some research
25 that has to do with building codes and things like that, there
26 should be. Because that's not fair to anyone who comes to get a
27 business that halfway -- two-thirds down the road you pull out
28 this ordinance, oh, by the way, you have to do this, this, and
29 this.
30 So that it needs to be organized enough. If it takes a year
31 to organize that list to figure out what they need, then it needs
32 be there because that's --
33 CHAIRMAN MILLS: Yeah.
34 KATHY ANCHO: -- what's fair for new businesses coming in.
35 COMMISSIONER ALLAN: Absolutely. So I think what my
36 thought on the motion would be effective when the ordinance
37 is -- is approved.
38 So we go through the ordinance change process, which takes
39 some time. And obviously since the -- the new bar has already
40 gotten their building permits and whatnot that they would be

1 included in the grandfathering of it.
2 Because, yes, when you go in for a building permit, that
3 should be made aware. You know. You should be made aware of what
4 the requirements are.
5 I mean, you tell them, you know, this is what you have to do
6 for, you know, certain codes, structures, whatnot.
7 Okay. Yeah. And you also have to plan on paving it.
8 ANNA PENOLA: It didn't happen on day one, but it happened
9 in the early process.
10 COMMISSIONER ALLAN: And -- and -- and that's how we're
11 here now.
12 ANNA PENOLA: Yep.
13 COMMISSIONER ALLAN: So, like I said, I think -- I think
14 that it start effective when the ordinance is approved.
15 DISTRICT ATTORNEY HERRERA: You're just talking about one
16 clause, though, Judie; right?
17 COMMISSIONER ALLAN: Right.
18 COMMISSIONER BAKKER: Okay. I'll second the motion.
19 ANNA PENOLA: What is the motion?
20 COMMISSIONER BAKKER: To direct the DA's --
21 ANNA PENOLA: Okay.
22 COMMISSIONER BAKKER: -- Office to change the grandfather
23 date.
24 COMMISSIONER CLARK: I would -- I would say we need to
25 request, not direct. We can't direct public elected officials
26 --
27 COMMISSIONER BAKKER: I agree.
28 COMMISSIONER CLARK: -- to do what you want.
29 COMMISSIONER ALLAN: Yeah. Request.
30 DISTRICT ATTORNEY HERRERA: I understood.
31 COMMISSIONER ALLAN: Yeah. Sorry on the wording.
32 DISTRICT ATTORNEY HERRERA: That's all right.
33 CHAIRMAN MILLS: Okay.
34 Judie made a motion. Sean seconded.
35 Do we have any public comment?
36 COUNTY CLERK SULLIVAN: Doug?
37 BLANCA LOMELI: Blanca Lomeli, again, with the HideAway.
38 And in this motion, --
39 CHAIRMAN MILLS: She said --
40 BLANCA LOMELI: -- it is --

1 CHAIRMAN MILLS: -- her name.
2 BLANCA LOMELI: -- being revised; correct?
3 COMMISSIONER BAKKER: Yes.
4 BLANCA LOMELI: Okay.
5 CHAIRMAN MILLS: Okay.
6 BLANCA LOMELI: Just making sure.
7 COMMISSIONER ALLAN: So you are --
8 COMMISSIONER BAKKER: It'll be back --
9 COMMISSIONER ALLAN: -- getting --
10 COMMISSIONER BAKKER: -- on the --
11 COMMISSIONER ALLAN: -- grandf- --
12 COMMISSIONER BAKKER: -- agenda, though. So you -- you'll
13 be able to --
14 If you want to come back for comment about not moving the
15 date or moving the date.
16 BLANCA LOMELI: No, I just -- because I was just reading it
17 a little bit thorough -- or a little bit more to -- for like,
18 for example, restaurants it's 100 square feet, one parking spot.
19 That's a lot of parking, guys.
20 So just -- might be something that you guys want to look at
21 when you revise that to see if it's a -- that what's being
22 required is actually feasible --
23 COMMISSIONER BAKKER: Feasible?
24 BLANCA LOMELI: -- for the space that these businesses
25 have.
26 COMMISSIONER BAKKER: Okay.
27 Miss, will you state your name again, please?
28 MICHELLE ROWAN: Michelle Rowan.
29 COUNTY CLERK SULLIVAN: Rowan?
30 COMMISSIONER BAKKER: Yeah.
31 MICHELLE ROWAN: R-O-W-A-N.
32 COMMISSIONER BAKKER: Thank you.
33 COUNTY CLERK SULLIVAN: Thank --
34 CHAIRMAN MILLS: Okay.
35 COUNTY CLERK SULLIVAN: -- you.
36 CHAIRMAN MILLS: Other 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 WAITS: Aye.
3 COMMISSIONER CLARK: Can we take a break, Doug?
4 COMMISSIONER BAKKER: Yeah. You in favor?
5 CHAIRMAN MILLS: Sure.
6 COMMISSIONER CLARK: Yeah.
7 COMMISSIONER BAKKER: Okay.
8 COMMISSIONER CLARK: That'll do it.
9 COMMISSIONER BAKKER: Austin?
10 COMMISSIONER CLARK: (Indiscernible.)
11 CHAIRMAN MILLS: He's in favor of a break.
12 ANNA PENOLA: Thank you.
13 COMMISSIONER CLARK: Yeah.
14 CHAIRMAN MILLS: Five-minute break.

15
16 (Break taken between 10:14 a.m. and 10:30 a.m.)
17
18

19 **COMMISSIONERS**

20
21 3) **Discussion and possible action regarding retraction of the**
22 **Lander County burn ban and all other matters properly related**
23 **thereto.**
24

25 CHAIRMAN MILLS: Discussion and possible action regarding
26 retraction of the Lander County burn ban and all other matters
27 properly related thereto.

28 COMMISSIONER ALLAN: So I'll make a motion that we lift the
29 burn ban for Lander County.

30 COMMISSIONER CLARK: Second.

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

33 (No comment.)

34 CHAIRMAN MILLS: All in favor?

35 COMMISSIONER ALLAN: Aye.

36 CHAIRMAN MILLS: Aye.

37 COMMISSIONER CLARK: Aye.

38 COMMISSIONER BAKKER: Aye.

39 Patsy?

40 COMMISSIONER WAITS: Nay.

1 CHAIRMAN MILLS: Nay?
2 COMMISSIONER BAKKER: Okay.
3 CHAIRMAN MILLS: Okay.
4 We're going to table Item Number 4.

5
6 5) Discussion and possible action regarding a contract between
7 United Construction and Lander County for the remodel of the
8 Lander County sheriff's office to approve/disapprove/modify,
9 and all other matters properly related thereto.
10

11 CHAIRMAN MILLS: We're moving on to t- -- Item Number 5.
12 Discussion and possible action regarding a contract between
13 the United Construction and Lander County for the remodel of the
14 Lander County sheriff's office --

15 COMMISSIONER BAKKER: Hold on.

16 CHAIRMAN MILLS: -- to approve or disapprove, modify; and
17 all other matters properly related thereto.

18 KEITH WESTENGARD: So this is the -- the contract --

19
20 (Attempting to establish telephone contact with Casey
21 Gunther.)
22

23 COMMISSIONER BAKKER: Hold on.

24 CHAIRMAN MILLS: Are we going to call them?

25 KEITH WESTENGARD: No, go ahead. Go ahead. All right.
26 Come on, Robert.

27 UNDERSHERIFF ROBERT QUICK: Right now your name's on it.

28 KEITH WESTENGARD: Is it still on there?
29

30 (Attempting to establish telephone contact with Casey
31 Gunther.)
32

33 UNDERSHERIFF ROBERT QUICK: It will be (indiscernible).

34 KEITH WESTENGARD: Thanks.
35

36 (Attempting to establish telephone contact with Casey
37 Gunther.)
38

39 CASEY GUNTHER: Hello. It's Casey.

40 COMMISSIONER BAKKER: Casey, this is Sean.

1 CASEY GUNTHER: Hi, Sean.
2 COMMISSIONER BAKKER: Hey, we're in the commission meeting
3 on your Item Number 5 for United Construction. And --
4 CASEY GUNTHER: Okay.
5 COMMISSIONER BAKKER: -- got Keith and Robert sitting at
6 the table and then the rest of the commissioners, of course.
7 CASEY GUNTHER: Hello, everybody.
8 KEITH WESTENGARD: Good morning.
9 CHAIRMAN MILLS: Hi.
10 KEITH WESTENGARD: So we -- we've got the contract. We've
11 -- we've reviewed it. There are some things that the -- that
12 the -- that Robert wanted to be put in the contract regarding
13 equipment.
14 And, Casey, if you can point that out -- Ted, myself,
15 Robert, we've all looked through it. We -- we can't find
16 anything in there that shows the -- the equipment or the
17 generator that -- that we spoke of. Could --
18 CASEY GUNTHER: I don't have a copy of the revised
19 contract, Keith.
20 KEITH WESTENGARD: Okay.
21 CASEY GUNTHER: I'm in California.
22 When I got off the phone with you guys and Robert the other
23 day, I called my office and informed them of what you guys
24 wanted.
25 KEITH WESTENGARD: Okay.
26 CASEY GUNTHER: And they said that they put in there that
27 the -- the generator -- because that's what we had talked about
28 that day -- it'd be purchased by Lander County.
29 So I can't give you a -- an educated answer on where
30 exactly that is at in that new contract that was sent over.
31 KEITH WESTENGARD: Okay.
32 DISTRICT ATTORNEY HERRERA: And, Commissioners -- excuse me
33 for the interruption. But the contract you have in your books
34 is not the same contract he's referring to.
35 CHAIRMAN MILLS: Right.
36 DISTRICT ATTORNEY HERRERA: That just came over this
37 morning.
38 COMMISSIONER BAKKER: So we need to approve the contract
39 with the amend- --
40 KEITH WESTENGARD: So --

1 COMMISSIONER BAKKER: -- amendments.

2 COMMISSIONER ALLAN: Well, how can we -- we can't do that
3 unless we see the amended contract.

4 KEITH WESTENGARD: Well, I would -- I would call on the
5 undersheriff to clarify exactly what he's looking for. And
6 maybe between the D- -- between us three, we could get that
7 wording in there for --

8 COMMISSIONER BAKKER: We've done it before.

9 Robert?

10 UNDERSHERIFF ROBERT QUICK: Robert Quick for the sheriff's
11 office.

12 This -- this contract we have right here in front of us was
13 sent yesterday. I received it yesterday evening from FedEx.

14 I've compared this one compared to the draft version I had
15 prior. And I don't see any change between the two.

16 KEITH WESTENGARD: That's important.

17 UNDERSHERIFF ROBERT QUICK: So what we're -- what we're
18 looking for for the sheriff's office after many discussion with
19 Casey and so forth was that it potentially could be cheaper if
20 we, as the county, purchased some of the equipment for this
21 project ourselves and it'd be a cost savings to the county.

22 And then Casey said that the United Construction would be
23 willing to, then, provide us a credit memo back to the county
24 for the costs that we paid for that equipment, which then saves
25 us money, you know, potentially thousands of dollars depending
26 on the equipment.

27 COMMISSIONER WAITS: Is this versus renting it?

28 UNDERSHERIFF ROBERT QUICK: No, versus their vendors --

29 COMMISSIONER WAITS: Using theirs --

30 UNDERSHERIFF ROBERT QUICK: -- purchasing --

31 COMMISSIONER WAITS: -- and they're charging us.

32 UNDERSHERIFF ROBERT QUICK: No. Using their vendor to
33 purchase that piece of equipment and then upcharging it from
34 there.

35 COMMISSIONER ALLAN: Because they get a 5 percent profit --

36 UNDERSHERIFF ROBERT QUICK: So --

37 COMMISSIONER ALLAN: -- on --

38 UNDERSHERIFF ROBERT QUICK: -- it's -- and -- and it's not
39 going to be all equipment used or -- not rather used, but not
40 all equipment purchased. It's just going to be several items

1 that Casey and I would agree upon and the -- their particular
2 vendor agree upon. The first one being if we do this portion of
3 a generator replacement for the sheriff's office would be the
4 generator, saving quite a few thousands of dollars for the
5 county to purchase it, because we have to maintain it and the
6 warranty anyway.

7 But I was looking for some language in the contract that
8 allows for that credit memo back to the county, because I still
9 have to use the same line item to pay for it because I don't
10 have that money to pay for it. So that's what I -- the language
11 I was looking for in the contract. And I didn't see it in the
12 draft. And I still don't see it in this one.

13 COMMISSIONER WAITS: Okay. I have a couple questions on
14 it. And I -- I know that the time is certainly of the essence
15 on this one. It says they're going to begin work -- what? --
16 seven days after we sign the contract?

17 UNDERSHERIFF ROBERT QUICK: Well, it's -- it's to the point
18 now that, if my understanding from Casey's correct, it's a
19 little late to start stucco.

20 But the other portions of the -- the repairs and so forth
21 we can do over the winter months.

22 COMMISSIONER WAITS: Okay.

23 UNDERSHERIFF ROBERT QUICK: And then in spring we can do
24 the stucco.

25 COMMISSIONER WAITS: Right. And -- and it said they would
26 give us a schedule of work and everything. But with that, I
27 thought maybe you could at least give me an approximate
28 timeline. So if we're looking into spring -- what? -- six
29 months, maybe, that they expect to finish? Or --

30 UNDERSHERIFF ROBERT QUICK: That would be Casey's --

31 COMMISSIONER BAKKER: Casey, --

32 UNDERSHERIFF ROBERT QUICK: -- call.

33 COMMISSIONER BAKKER: -- did you --

34 UNDERSHERIFF ROBERT QUICK: I --

35 COMMISSIONER BAKKER: -- hear Patsy?

36 CASEY GUNTHER: I couldn't. It's breaking up.

37 COMMISSIONER WAITS: I was looking -- I know we don't have
38 your schedule of work yet, but just an approximate idea on how
39 long you expect before completion?

40 CASEY GUNTHER: I -- right now, rough estimate, I think

1 total's going to be about eight to nine months. And part of
2 that's going to be time when we're not actually on site due to
3 the -- the demo of the exterior, which is approximately two -- 2
4 months to 2 1/2 months and providing an adequate substrate. And
5 then four months for the new EIFS system.

6 So with -- with that, we can't do any of that until
7 probably starting off in -- in March or April.

8 COMMISSIONER WAITS: Okay. That --

9 CASEY GUNTHER: But --

10 COMMISSIONER WAITS: -- gives me --

11 CASEY GUNTHER: -- you have --

12 COMMISSIONER WAITS: -- an idea.

13 CASEY GUNTHER: -- items on the interior. And -- and
14 Robert's well aware of this. But we have items on the interior
15 that we could be doing that should take about two to three
16 months as well that'll take us through to that time frame.

17 COMMISSIONER WAITS: Okay. Thank you.

18 I had another question. And this is for our district
19 attorney. Because I'm -- I'm not familiar with the wording on
20 this. It says that -- that we have to obtain and maintain a
21 builder's risk policy?

22 DISTRICT ATTORNEY HERRERA: Yes.

23 COMMISSIONER WAITS: Do we do --

24 DISTRICT ATTORNEY HERRERA: There --

25 COMMISSIONER WAITS: -- that on all of them?

26 DISTRICT ATTORNEY HERRERA: That's standard.

27 COMMISSIONER WAITS: With -- with all those people names?
28 Subcontractors and everything? I was kind of surprised.

29 DISTRICT ATTORNEY HERRERA: No, that's -- I think that --

30 COMMISSIONER WAITS: Okay.

31 DISTRICT ATTORNEY HERRERA: -- that's pretty standard.

32 COMMISSIONER WAITS: We're okay with that?

33 DISTRICT ATTORNEY HERRERA: We're -- no. It -- it's just
34 that -- yeah, the only thing that it's my understanding that
35 they were waiting for is -- is the language that Keith and
36 Robert asked them to do. And -- and none of the three of us can
37 find it in the new contract that -- that I just received this
38 morning. So --

39 UNDERSHERIFF ROBERT QUICK: Then, Commissioners, for the --
40 Robert Quick. Just for the record, I'm not looking for specific

1 equipment lined out in the contract. I'd like just a provision
2 that allows us to --

3 COMMISSIONER BAKKER: But --

4 UNDERSHERIFF ROBERT QUICK: -- county to purchase equipment
5 with the agreeance of United Construction. That way if there's
6 more than the one piece of equipment, then we can go ahead and
7 do it but still provide for the credit memo that we'll be
8 guaranteed --

9 COMMISSIONER ALLAN: Equipment --

10 UNDERSHERIFF ROBERT QUICK: -- a credit --

11 COMMISSIONER ALLAN: -- or --

12 UNDERSHERIFF ROBERT QUICK: -- on.

13 COMMISSIONER ALLAN: -- materials.

14 UNDERSHERIFF ROBERT QUICK: Yes. Yes, Commissioner.

15 COMMISSIONER ALLAN: So I --

16 COMMISSIONER BAKKER: Okay.

17 COMMISSIONER ALLAN: -- have -- I do have some questions
18 about the contract.

19 So on page 48, under "tests and inspections." And
20 basically it's stating that the owner is to bear the costs of
21 testing.

22 KEITH WESTENGARD: Excuse --

23 COMMISSIONER BAKKER: That's --

24 KEITH WESTENGARD: -- what --

25 COMMISSIONER BAKKER: -- standard.

26 KEITH WESTENGARD: What page was that again, Commissioner?

27 COMMISSIONER ALLAN: Forty-eight.

28 KEITH WESTENGARD: Forty-eight?

29 COMMISSIONER ALLAN: Yeah.

30 COUNTY CLERK SULLIVAN: Could be six on the contract,
31 forty-eight from the packet.

32 KEITH WESTENGARD: Oh.

33 COMMISSIONER ALLAN: Yeah. Actually --

34 KEITH WESTENGARD: Is it all?

35 COMMISSIONER ALLAN: And -- and I don't know building
36 contracts. I do know, you know, heavy highway and other
37 contracts like that, that is included. That is the -- the
38 contractor's responsibility.

39 So, you know, I really don't see as an owner why we should
40 be responsible for -- for the cost of the tests, the testing.

1 COMMISSIONER BAKKER: Casey, can you elaborate on that?
2 CASEY GUNTHER: Yeah. I'm having a hard time hearing
3 Commissioner Allan. Could you -- could you repeat that? Or at
4 least summarize it for me?
5 COMMISSIONER BAKKER: She wants to know why in the contract
6 on -- what page was that?
7 UNDERSHERIFF ROBERT QUICK: Six.
8 COMMISSIONER ALLAN: It's page 6 of the contract.
9 COMMISSIONER BAKKER: Page 6 of the contract, why the owner
10 has to pay for the testing.
11 CASEY GUNTHER: That's actually quite typical. Testing
12 and --
13 COMMISSIONER BAKKER: We did it with the rec --
14 CASEY GUNTHER: -- things like that --
15 COMMISSIONER BAKKER: -- center --
16 CASEY GUNTHER: -- and third-party exceptions are usually
17 --
18 COMMISSIONER BAKKER: -- and this building.
19 CASEY GUNTHER: -- carried by the -- by the owner.
20 COMMISSIONER BAKKER: Uh-huh.
21 We did it with the rec center and the courthouse.
22 COMMISSIONER ALLAN: Doesn't mean I agree with it. Just
23 stating that.
24 COMMISSIONER BAKKER: Okay.
25 COMMISSIONER WAITS: And you're okay with the contract?
26 Right? With just the -- the --
27 COMMISSIONER BAKKER: We've got the --
28 COMMISSIONER WAITS: -- provisions --
29 COMMISSIONER BAKKER: -- amendments in there.
30 COMMISSIONER WAITS: -- that we want to change here.
31 DISTRICT ATTORNEY HERRERA: With the board, we'll put --
32 COMMISSIONER WAITS: Okay.
33 DISTRICT ATTORNEY HERRERA: -- it.
34 COMMISSIONER WAITS: The rest --
35 DISTRICT ATTORNEY HERRERA: Yes.
36 COMMISSIONER WAITS: -- is okay?
37 DISTRICT ATTORNEY HERRERA: It's --
38 COMMISSIONER WAITS: Because I know the -- the money's been
39 in the budget. We've been waiting and waiting for somebody to
40 -- to finally jump up and do this. So this --

1 COMMISSIONER BAKKER: Whose --
2 COMMISSIONER WAITS: -- is --
3 COMMISSIONER BAKKER: -- name's on that --
4 COMMISSIONER WAITS: -- exciting.
5 COMMISSIONER BAKKER: -- contract?
6 COMMISSIONER ALLAN: Keith's.
7 COMMISSIONER BAKKER: Who's authorized to sign?
8 COMMISSIONER WAITS: Keith.
9 COMMISSIONER BAKKER: Keith?
10 Because you guys were just joking a minute ago. So I don't
11 know if you actually --
12 COMMISSIONER WAITS: It --
13 COMMISSIONER BAKKER: -- changed it or --
14 COMMISSIONER WAITS: -- it says --
15 COMMISSIONER BAKKER: -- not.
16 COMMISSIONER WAITS: -- owner, Lander County. So that's
17 county manager.
18
19 (Indiscernible side conversation between Keith Westengard and
20 Undersheriff Quick.)
21
22 COMMISSIONER BAKKER: Okay.
23 COMMISSIONER ALLAN: So then also on -- on page 16 of the
24 contract, page 58 in the packet, --
25 COMMISSIONER WAITS: Do you have the amount?
26 COMMISSIONER ALLAN: I know --
27 COMMISSIONER BAKKER: Three point something.
28 COMMISSIONER ALLAN: -- because this is a design build, it
29 -- it -- it's a little bit --
30 COMMISSIONER WAITS: Three million six thousand.
31 COMMISSIONER ALLAN: -- different, but I just -- I still
32 believe in liquidated damages even though we don't enforce them,
33 that that should be included, that there should be -- you know,
34 we'll be provided a schedule. And it will have -- have a
35 schedule with a --
36 COMMISSIONER WAITS: Yeah.
37 COMMISSIONER ALLAN: -- timeline.
38 COMMISSIONER WAITS: (Indiscernible) this. Sean?
39 COMMISSIONER ALLAN: And I would like something in there
40 that holds them to that. And -- and I would like to have the

1 liquidated damages included in that.
2 COMMISSIONER BAKKER: (Indiscernible) to adjustments.
3 Okay.
4 CASEY GUNTHER: Is it -- I can talk to my office about
5 that. This -- this is basically a maintenance contract is what
6 this kind of comes down to. But I can certainly bring that up
7 to my office, Commissioner Allan.
8 COMMISSIONER BAKKER: Okay.
9 COMMISSIONER ALLAN: So on page 20 of the contract, 62 in
10 the packet, it talks about retainage and zero retainage. And I
11 believe that there should be retainage. Standard contracts do
12 often have retainage, typically.
13 And then my next question is, Casey, are you providing the
14 county with a bond?
15 COMMISSIONER WAITS: Oh, yes.
16 CASEY GUNTHER: What was that?
17 COMMISSIONER ALLAN: Are you providing Lander County with a
18 bond?
19 CASEY GUNTHER: No.
20 COMMISSIONER ALLAN: Well, that's another --
21 COMMISSIONER WAITS: (Indiscernible.)
22 COMMISSIONER ALLAN: -- thing I'd like to see is a bond.
23 CASEY GUNTHER: I think that might be more of a discussion
24 between the DA and -- and -- and my upper management. I mean,
25 like again, this is more of a maintenance contract.
26 COMMISSIONER ALLAN: Well, I don't really care what kind of
27 contract you want to call it. Is there's certain protections
28 I'd like for Lander County. And if, you know, you're -- you --
29 your supervisor and our DA want to discuss this more --
30 I'm just pointing out that these are things that I'd like
31 to see in this contract.
32 CASEY GUNTHER: Sure.
33 COMMISSIONER BAKKER: Are you good with the contract? With
34 your amendments?
35 Okay.
36 I'm going to make a motion to approve the contract between
37 United Construction and Lander County for the remodel of the
38 Lander County sheriff's office with the amendments that Robert
39 Quick wanted in there, not to exceed the \$3,006,000 and
40 authorize Keith to sign.

1 COMMISSIONER CLARK: Second.
2 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
3 Do we have any public comment?
4 COMMISSIONER CLARK: Yeah. I did want an addition, Robert,
5 but we didn't get that for you. Your west wall.
6 COMMISSIONER BAKKER: He just --
7 COMMISSIONER CLARK: I wanted that --
8 COMMISSIONER BAKKER: -- needs more money.
9 COMMISSIONER CLARK: -- to come out.
10 I know you got a lot of stuff in there.
11 CHAIRMAN MILLS: Any other 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 CHAIRMAN MILLS: Opposed?
19 COMMISSIONER ALLAN: Nay.
20 CHAIRMAN MILLS: Okay. Motion carries. Thanks, Casey.
21 COMMISSIONER BAKKER: Thanks, Casey.
22 CHAIRMAN MILLS: Thank you, guys.
23 CASEY GUNTHER: Thank you, guys. Appreciate it.
24 CHAIRMAN MILLS: We're going to move on to Item Number 6.
25 We've got some people in the call to get on the line for this
26 one.
27 COMMISSIONER BAKKER: Casey, did you hang up?
28 I hope so. Yep. There you go.
29
30 (Attempting to establish telephone contact with Dave Chase.)
31
32 COMMISSIONER WAITS: Who is it that we're calling?
33 CHAIRMAN MILLS: Somebody from --
34 COMMISSIONER BAKKER: Dave?
35 CHAIRMAN MILLS: -- NV Energy?
36 COUNTY CLERK SULLIVAN: Do you have Linda from Nevada
37 Energy as well?
38
39 (Attempting to establish telephone contact with Dave Chase.)
40

1 COMMISSIONER BAKKER: Caroline?
2 COUNTY CLERK SULLIVAN: I have a Linda.
3 DAVE CHASE: This is Dave Chase.
4 COMMISSIONER BAKKER: Hey, Dave. This is Sean Bakker,
5 Lander County.
6 DAVE CHASE: Hey, Sean. How are you?
7 COMMISSIONER BAKKER: Good. You? Hey, give me a minute.
8 I've got to phone some more people in.
9 DAVE CHASE: Yep. Absolutely.
10 COUNTY CLERK SULLIVAN: Do you have that number? The 813?
11 COMMISSIONER BAKKER: Yep.
12 COUNTY CLERK SULLIVAN: Okay.
13 COMMISSIONER BAKKER: And this one.
14 COMMISSIONER WAITS: So we have Dave from Nevada Energy.
15 COUNTY CLERK SULLIVAN: Oh, this says Linda.
16 COMMISSIONER WAITS: And then --
17 COUNTY CLERK SULLIVAN: (Indiscernible.)
18 COMMISSIONER WAITS: -- who else?
19 COMMISSIONER BAKKER: Carolyn Barbash.
20
21 (Attempting to establish telephone contact with Carolyn
22 Barbash.)
23
24 COMMISSIONER WAITS: And who is she with?
25 COMMISSIONER BAKKER: NV Energy.
26 COUNTY CLERK SULLIVAN: This will make it --
27 COMMISSIONER WAITS: NV Energy?
28 COUNTY CLERK SULLIVAN: -- switch to Linda.
29
30 (Attempting to establish telephone contact with Carolyn
31 Barbash.)
32
33 COMMISSIONER BAKKER: Yeah. Barbara -- Carolyn's with NV
34 Energy.
35 COUNTY CLERK SULLIVAN: Because it might be Linda now.
36 COMMISSIONER WAITS: And Dave's --
37 CAROLYN BARBASH: Hello.
38 COMMISSIONER WAITS: -- from -- from --
39 CAROLYN BARBASH: This is Carolyn. Hello.
40 COMMISSIONER BAKKER: Carolyn? Hi. This is Sean --

1 CAROLYN BARBASH: Yes.
2 COMMISSIONER BAKKER: -- Bakker --
3 CAROLYN BARBASH: Hi.
4 COMMISSIONER BAKKER: -- hey -- with Lander County. Give
5 me a minute. I've got to phone Madonna Long in too.
6 I'll ask --
7 CAROLYN BARBASH: Okay.
8 COMMISSIONER BAKKER: -- him here in a minute, Patsy.
9 Hey, Dave, are you still there? Dave, are you there?
10 DAVE CHASE: I am.
11 COMMISSIONER BAKKER: Hey, what organization are you with?
12 DAVE CHASE: We're with the -- the Yes on Question 3.
13 COMMISSIONER BAKKER: Yes on Question 3?
14 DAVE CHASE: Yep.
15 COMMISSIONER BAKKER: Okay. Hold on. I've got to call one
16 more person.
17 DAVE CHASE: Sure.
18
19 (Attempting to establish telephone contact with Madonna
20 Long.)
21
22 COMMISSIONER BAKKER: Madonna?
23
24 (Attempting to establish telephone contact with Madonna
25 Long.)
26
27 COMMISSIONER BAKKER: Oh. Never mind.
28 CHAIRMAN MILLS: It's still ringing.
29 COMMISSIONER BAKKER: Still ringing.
30 MADONNA LONG: Hello. Madonna.
31 COMMISSIONER BAKKER: Madonna? Hey, this is Sean with
32 Lander County.
33 MADONNA LONG: Hey, Sean.
34 COMMISSIONER BAKKER: How are you?
35 MADONNA LONG: Hey, Sean.
36 COMMISSIONER BAKKER: Hey, there's --
37 MADONNA LONG: How's it going?
38 COMMISSIONER BAKKER: Austin's on the line.
39 Dave Chase is on the line with Yes for Question 3. And
40 Caroline with NV Energy is on the line and you.

1 MADONNA LONG: Oh, awesome.
2 COMMISSIONER WAITS: And --
3 COMMISSIONER BAKKER: So --
4 COMMISSIONER WAITS: -- who is this?
5 COMMISSIONER BAKKER: This is Madonna Long. Madonna, what
6 organization are you with?
7 COMMISSIONER CLARK: Disabilities ad- -- advocate.
8 MADONNA LONG: So I'm with the No on 3 Campaign. I'm a
9 co-chair.
10 COMMISSIONER BAKKER: Okay.
11 COMMISSIONER WAITS: Thank you.
12 COMMISSIONER BAKKER: Just to clarify --
13 CHAIRMAN MILLS: Okay.
14 COMMISSIONER BAKKER: -- that. You got everyone, Sadie?
15 COUNTY CLERK SULLIVAN: As long as -- are they supposed to
16 have two NV Energies or just one?
17 COMMISSIONER BAKKER: Just one NV Energy.
18 CHAIRMAN MILLS: Just one.
19 So we got everybody on the line?
20 COMMISSIONER BAKKER: Sound off.
21 COMMISSIONER WAITS: Who first?
22 DAVE CHASE: Dave Chase is here.
23 CHAIRMAN MILLS: Okay.
24 COMMISSIONER BAKKER: Okay.
25 CAROLYN BARBASH: Carolyn Barbash is here.
26 CHAIRMAN MILLS: Okay.
27 COMMISSIONER WAITS: Tell them who you want to speak first.
28 COMMISSIONER BAKKER: Okay.
29 CHAIRMAN MILLS: All right. Well, I've got to -- I've got
30 to read the agenda item into the record first.
31 COMMISSIONER WAITS: Yep.
32 COMMISSIONER BAKKER: Okay.
33
34 6) Discussion and possible action regarding Question 3 on the
35 upcoming 2018 ballot, and all other matters properly related
36 thereto.
37
38 CHAIRMAN MILLS: Okay. We're on Item Number 6. Discussion
39 and possible action regarding Question 3 on the upcoming 2018
40 ballot, and all other matters properly related thereto.

1 So, actually, who's -- who's bringing this ballot question
2 to the public?
3 MADONNA LONG: I --
4 CHAIRMAN MILLS: Who's --
5 MADONNA LONG: -- believe --
6 CHAIRMAN MILLS: -- who's --
7 MADONNA LONG: -- that was --
8 CHAIRMAN MILLS: -- who's originated --
9 MADONNA LONG: -- me.
10 CHAIRMAN MILLS: -- this?
11 COMMISSIONER WAITS: Madonna was the one who sent the email
12 to all the commissioners and asked us to take a look at it.
13 And --
14 MADONNA LONG: I did.
15 COMMISSIONER WAITS: And because we had the discussion at
16 NACO and felt it was -- it was so informational that it -- and
17 so confrontational --
18 CHAIRMAN MILLS: Yeah.
19 COMMISSIONER WAITS: -- that we would have it available to
20 our -- our citizens here. That was the whole point behind it.
21 So with that, I'm -- I might recommend if you're going to ask
22 each one to speak that you limit the time frame.
23 CHAIRMAN MILLS: Yeah, I already do that.
24 But I was -- I was thinking whoever -- whoever initiated the
25 -- the ballot question would -- we would have them speak first.
26 COMMISSIONER WAITS: Oh. Well, who initiated it would
27 probably be Dave, Yes on Question --
28 CHAIRMAN MILLS: Okay.
29 COMMISSIONER WAITS: -- 3.
30 CHAIRMAN MILLS: So --
31 COMMISSIONER WAITS: On ballot --
32 CHAIRMAN MILLS: -- Dave, --
33 COMMISSIONER WAITS: -- question.
34 CHAIRMAN MILLS: -- Dave, why don't you go ahead and start.
35 We'll give you four or five minutes to -- to state your side and
36 fill us in on your opinion of why you brought this forward to
37 the -- to be on the ballot?
38 COMMISSIONER WAITS: Sadie, will you --
39 DAVE CHASE: Sure. Absolutely.
40 COMMISSIONER WAITS: -- will you do the --

1 DAVE CHASE: I appreciate --

2 COMMISSIONER WAITS: -- timing for us.

3 DAVE CHASE: What was that?

4 KEITH WESTENGARD: I got it. I got it.

5 COMMISSIONER BAKKER: Okay. Go ahead, Dave.

6 DAVE CHASE: Yeah. Thanks.

7 I appreciate you guys taking the time. My name's Dave Chase.
8 I'm the campaign manager for Yes on Question 3.

9 If you guys haven't had a chance to -- to read the ballot --
10 I should have rapidly sent around -- hopefully you get a chance to
11 take a look it.

12 But it's really quite simple. What it does is enshrine in
13 Nevada's constitution the right for every Nevadan to have
14 meaningful choice in their electric provider. And it requires the
15 legislature to enact by 2023 laws to enact that competitive energy
16 marketplace.

17 So just by way of background, the way our energy market is
18 structured right now is essentially the same way that our energy
19 market has been structured for the last hundred years.

20 NV Energy is a monopoly. They control not only the poles
21 and wires but the generation of electric power.

22 There are a few other providers in -- in a number of
23 counties, a number of rural co-ops who have sort of the same
24 authority. It's under the same statutes. But essentially you
25 have no choice for electric generation here in -- in Nevada. You
26 use whoever the service provide in your -- your area is.

27 What energy choice would do, it would maintain those same
28 service providers for the poles and wires so that the actual
29 infrastructure of the grid wouldn't change. But the generation
30 of that power would be put into a competitive marketplace.

31 So retail providers would be able to attract customers by
32 offering better deals, better prices, better structures.

33 In virtually every state that has enacted energy choice,
34 we've seen prices go down.

35 In fact, if you look over the 2008 -- '07-'15 period,
36 choices -- states with energy choice saw their prices go down 14
37 percent while states with monopolies saw their prices go up 5
38 percent.

39 It's basic economics. Competition will lower the prices.

40 So that's the -- the gist of the -- the initiative.

1 We think it's a -- a great thing. It's the right choice for
2 Nevadans.

3 The (indiscernible) was 72 percent in 2016. Obviously that's
4 passed again since this constitutional amendment. I guess that's
5 sort of the overview.

6 Nilla said that you guys wanted to ask questions. I don't
7 know if there's any specific topics you guys want -- want me to
8 cover. Happy to -- happy to do that.

9 CHAIRMAN MILLS: Okay.

10 COMMISSIONER CLARK: Yeah. I -- I have a question.

11 I heard --

12 DAVE CHASE: (Indiscernible.)

13 COMMISSIONER CLARK: -- that -- that the reason this is
14 coming forward is because the casinos in Las Vegas are pushing
15 this issue because they can buy large quantities of cheap
16 electricity. So therefore the casinos will get a break, but the
17 other residents and small businesses are going to get two bills:
18 one for transmission and one from electric services. So I don't
19 see how this is a benefit for Nevada.

20 It's been working. It's been working fine. Why do you want
21 to break it?

22 DAVE CHASE: Sure.

23 So there's -- there's a couple of pieces to that.

24 First, under Nevada law today, large energy users are able
25 to already leave NV Energy and purchase electricity on the
26 wholesale market. That -- that's essentially the large casinos,
27 some of the mining operations, et cetera.

28 Eighty-five percent of those that are eligible to leave have
29 either already left or filed to leave.

30 So the idea that energy choice is only benefiting the big
31 customers is a little crazy since all the big customers have
32 already left. There's that piece.

33 In terms of the two bills -- so the way it works, the poles
34 and wires will stay with either NV Energy or the -- the co-op in
35 your area. The price that they charge for -- let's call it a
36 transmission fee -- transmission distribution fee, that's already
37 built into your bill today. That's federally regulated. That
38 price doesn't change. So you already pay that amount. Yes, it'll
39 be a different line item under energy choice, but it's -- it's no
40 more money. Right? Like that is -- that is federally regulated

1 based on the entire cost of the grid and the structure. So that
2 really doesn't cost anything different.

3 The difference is, is you, as a consumer, can say, hey, I'm
4 not happy with the -- the term of my bill. I'm not happy with
5 the cost of my bill. Let me see if I can find a cheaper deal.

6 If you look at the state of Texas whose done this very
7 successfully, they have a website that you can actually go to
8 right now. It's powertochoose.org. Enter your zip code. Comes
9 up with all of the different plans, you know, that you -- you
10 might be -- might be eligible for.

11 And so those plans range from, you know, plans that will lock
12 your price in for five years. They range from plans that let you
13 do -- you know, if you're a nomad like me, you might want
14 month-to-month. You might want a three-month lea- -- contract.
15 You can do all of those things.

16 There's actually a plan out there that gives you free
17 nights and weekends for your energy. So you sign up for that
18 plan, do all your laundry, do, you know, any sort of large
19 energy use on the nights and weekends, doesn't cost you anything
20 at all.

21 That's the real power of this.

22 So where it's benefiting consumers is, is you get to choose a
23 lower price. And that competition is going to -- going to be
24 the -- the driver of that price.

25 But -- but, yeah, to answer your question, the large
26 casinos have by and large already left NV Energy. So it's sort
27 of a -- it's a -- it's a talking point NV Energy likes to put
28 out there, but these guys have already left.

29 Energy choice is really benefiting the rest of us. And --
30 and I think --

31 CHAIRMAN MILLS: Okay.

32 DAVE CHASE: -- as customer, I -- we should all have the
33 same opportunity to choose our energy -- energy providers out of
34 large (indiscernible) providers.

35 I don't know understand why we would say it's okay for MGM
36 and Caesars and these other companies to go save money in a
37 competitive market, but the rest of us are locked into a monopoly
38 who's been overcharging us, you know, for years.

39 CHAIRMAN MILLS: Okay.

40 Thanks, Dave.

1 Let's go to Madonna as --
2 If I've got it right, you are the vote no on 3?
3 Why don't you -- why don't you take --
4 MADONNA LONG: Hi.
5 CHAIRMAN MILLS: -- a few minutes and tell us --
6 MADONNA LONG: (Indiscernible.)
7 CHAIRMAN MILLS: -- your point of view on this. We'll give
8 you five minutes.
9 MADONNA LONG: So that's -- so that's correct.
10 So Question 3 is a constitutional amendment, which will be on
11 the November ballot. We'll -- which will absolutely de- --
12 deregulate Nevada's existing electric system.
13 So one of the things about deregulation is, first of all, is
14 it's going to be in our constitution. And that's going to be
15 costly. And I -- and I feel as a consumer that's risky.
16 Number 2 is that we have the -- it'll eliminate the PUC's
17 ability to regulate our electric rates.
18 Which I -- I'm a consumer advocate for people with
19 disabilities. And for most consumers -- I work all over the
20 country doing different things, as a lot of the people there --
21 since I live in Battle Mountain -- know.
22 This isn't good. If we don't have the PUC there to regulate,
23 you know, our energy rates, we're -- we're losing that ability.
24 So I don't like that about this amendment.
25 And the other thing, I came from Pennsylvania. I lived in
26 Pennsylvania for 11 years. My electric bill in Pennsylvania,
27 which is deregulated, was \$250.
28 When I moved back to Battle Mountain, got my first electric
29 bill from Nevada Energy, it was \$50. I thought, oh, it's my first
30 bill. Got the second bill. It was \$53. The third bill was 54.
31 I thought, oh, my God. I better look over --
32 CHAIRMAN MILLS: Carolyn --
33 MADONNA LONG: -- my bill.
34 CHAIRMAN MILLS: -- got disconnected.
35 MADONNA LONG: -- something's wrong.
36 So those states that deregulated, they're -- we get all these
37 (indiscernible) say, hey, we're going to have all kinds of energy
38 companies selling this.
39 Well, in Texas a lot of them actually got fined for a lot
40 of bad business behavior.

1 So I don't like that for Nevada.
2 And -- and our -- we have the second lowest energy provider
3 in the country. Why do we want to fix something that's not
4 broken? And then put -- make it a constitutional amendment, let
5 alone give away, you know, not having a regulatory authority to be
6 able to make sure that our rates don't go up.
7 COMMISSIONER BAKKER: Hey, --
8 MADONNA LONG: And I'll tell you --
9 COMMISSIONER BAKKER: -- Madonna, --
10 MADONNA LONG: -- something else --
11 COMMISSIONER BAKKER: -- Madonna, I don't want to --
12 MADONNA LONG: Yeah.
13 COMMISSIONER BAKKER: -- cut you off, but I -- give me one
14 second. Hold that thought.
15 MADONNA LONG: Okay.
16 COMMISSIONER BAKKER: I dropped Carolyn off the line. So
17 --
18
19 (Attempting to establish telephone contact with Carolyn
20 Barbash.)
21
22 CAROLYN BARBASH: Hi. This is Carolyn.
23 COMMISSIONER BAKKER: Carolyn, this is Sean again.
24 CAROLYN BARBASH: Hi.
25 COMMISSIONER BAKKER: Hi. Hey. Hold on.
26 Madonna, go ahead.
27 CHAIRMAN MILLS: Carolyn, we're taking comment --
28 CAROLYN BARBASH: Okay.
29 CHAIRMAN MILLS: -- from Madonna right now. When she gets
30 done --
31 MADONNA LONG: So --
32 CHAIRMAN MILLS: -- we'll get to you next?
33 CAROLYN BARBASH: Okay.
34 MADONNA LONG: Oh.
35 CHAIRMAN MILLS: Okay. Madonna, go ahead.
36 MADONNA LONG: Hi, Carolyn.
37 So anyway I was talking about Pennsylvania and about the
38 people that were -- that were selling those --
39 COMMISSIONER BAKKER: Start the timer.
40 MADONNA LONG: -- the -- the energy to people were like the

1 Kirby vacuum salesman. I mean, you never knew what you were
2 getting, when you were getting it.

3 So, I mean, to me this is not right for Nevada.

4 The other thing is some of our rural utilities have already
5 weighed in on -- against Question 3, which is we have Wells
6 Rural Electric Company, Mount Wheeler Power Company, Harney
7 Electric Cooperative, and the Raft River Rural Electric co-op.
8 So, I mean, for rural Nevada and for us in Nevada, I don't
9 believe that this is going to help any- -- anything.

10 And not only that, some of the states that the fellow before
11 me had mentioned, the deregulated states like Texas and
12 Massachusetts, you know, and those -- those consumers have already
13 faced increased predatory practices in marketing and sales scams.

14 So, I mean, consumers, you know, in Nevada, know where
15 they're getting their electric. They know where to call. And
16 I'll tell you another thing for seniors and people with
17 disabilities that will go away. We -- Nevada Energy has programs
18 that help seniors and people with disabilities for their costs.

19 These guys and all these other companies will not have those
20 programs. And that's why I'm against Question 3.

21 COMMISSIONER CLARK: And it's a great commercial that you
22 made, Madonna.

23 MADONNA LONG: Yeah.

24 COMMISSIONER BAKKER: Okay.

25 MADONNA LONG: Well, I mean it, you know. I'm serious
26 about this.

27 CHAIRMAN MILLS: Okay.

28 So, Madonna, we -- if -- if you want to have equal time, you
29 got about one more minute if there's anything else you want to --
30 to bring up.

31 I -- I think -- I think I pretty much stated, you know,
32 basically, you know, like I said, that -- and also in Nevada the
33 Public Utilities Commission found on an average monthly electric
34 bill would likely increase for at least the first ten years if
35 Question 3 were to pass. And that's why, you know, I'm against
36 also -- I'm against Question 3.

37 COMMISSIONER CLARK: Thanks, --

38 COMMISSIONER BAKKER: Okay.

39 COMMISSIONER CLARK: -- Madonna.

40 CHAIRMAN MILLS: Okay. Thank you.

1 Carolyn? Are you still on the line?

2 CAROLYN BARBASH: I am. Thank you. Sorry about --

3 CHAIRMAN MILLS: Okay.

4 CAROLYN BARBASH: -- that. Just (indiscernible) there.

5 CHAIRMAN MILLS: That's all right. Sorry to drop you off.
6 We'll give you -- we'll give you five minutes, like we did
7 everyone else, to give us your opinions on this.

8 CAROLYN BARBASH: Okay.

9 My name is Carolyn Barbash. I'm not a public speaker. So
10 I'm an engineer so I don't talk very fast. So I might not get
11 through everything I want to say.

12 I do have 30 years of electric industry experience, though,
13 in a wide variety of things. And I'm currently doing a lot of
14 market design.

15 So I can go as deep as you want to on the Q&A.

16 Question 3, as Dave stated, is a statewide ballot
17 initiative that would put utility deregulation in Nevada's bill
18 of rights. It would be the first state to do that.

19 I'm going to make four points.

20 It would dismantle and deregulate our current efficient
21 system we have in place and disrupt clean energy growth. It
22 would cost Nevada consumers billions.

23 As Madonna just stated, it would lock it into the
24 constitution, making it if something's wrong with it, making a
25 -- taking at least four or five years to change. And it's going
26 to reduce local control of electric services.

27 So the first point, dismantling and deregulating and
28 disrupting clean energy. NV Energy would no longer be a choice.

29 The constitutional -- the ballot initiative language is very
30 vague, but it is very explicit that it prohibits an inclusive
31 franchise to serve. So NV Energy won't be a choice as when
32 deregulation has occurred in other states, which is why energy
33 prices went down because the utility was still there serving folks
34 with natural gas prices behind or holding them stable as they went
35 up. (Indiscernible) forces like that to not be in the energy
36 business anymore, just a wires company.

37 It would also disrupt the plans that NV Energy recently
38 announced to double renewables by 2023 without raising rates. And
39 that includes the Battle Mountain solar plant, which would have
40 been, you know, provided some economic stability to the Battle

1 Mountain area as folks move there and work at that plant. It's a
2 hundred megawatt solar plant with a hundred megawatts of -- with
3 25 megawatts battery storage on it.

4 Costing consumers millions of dollars. I think Madonna
5 covered that. The PUC covered that report very well. And I --
6 you can ask me questions on that. I was there every day of that
7 investigation.

8 You know, our rates are 30 percent lower, than the states
9 that -- on average than the states that have deregulated here in
10 Nevada. As much as 120 percent lower in states like
11 Massachusetts, Connecticut, and Rhode Island.

12 It hasn't worked in other states. No one's done this in 20
13 years. You know, the states that did do it -- you saw what
14 happened in California before they called it off. Nevada tried
15 it, but saw what was happening in California. And our governor at
16 the time was able to stop the train wreck from happening because
17 it wasn't a constitutional amendment.

18 The third point that locks it -- the third point, it locks it
19 into the -- into the constitution. It's very vague language.
20 It's going to be decided by the legislature and probably the
21 Nevada courts. With over 2,000 statutes that have been identified
22 to change, I don't think the legislature will have time to do
23 anything else but deregulate the energy market.

24 And then the fourth point, reducing local control of
25 electricity and supply. What Dave says is inaccurate. Currently
26 the PUC states what NV Energy's customers pay for transmission.
27 (Indiscernible) that the federal government sets for everybody
28 except NV Energy customers. The federal government would now be
29 deciding what NV Energy -- old customers would pay for
30 transmission. All that would go to the federal government.

31 It's also much more likely that we would get challenges to
32 our state policy. If we wanted to have domestic renewables and
33 there was an out-of-state provider that wanted to bring in
34 out-of-state renewables and we wanted -- and Nevada wanted to have
35 domestic development, you know, that they would challenge that
36 that is a violation of the commerce clause or the federal --
37 Federal Energy Regulatory Pricing Authority.

38 So that's kind of it in a nutshell.

39 (Indiscernible) would have been partisan. There's a wide,
40 diverse group of folks coming out against Question 3. And I

1 encourage you to visit the No on 3 website if you'd like to see
2 the Democrats, Republicans, rural, metro, chambers, the Farm
3 Bureau, the Cattlemen's Association, firefighters, AARP. It's --
4 it's the most -- clean energy groups -- it's the most diverse
5 group of any -- of anything I've ever seen in Nevada against a
6 ballot initiative --

7 CHAIRMAN MILLS: Okay.

8 CAROLYN BARBASH: -- or any issue.

9 COMMISSIONER BAKKER: Rebuttal. Two minutes rebuttal.

10 CAROLYN BARBASH: Thank you.

11 COMMISSIONER BAKKER: Ask him if he wants to give any
12 rebuttal time.

13 CHAIRMAN MILLS: You want him to have rebuttal? Two
14 minutes each?

15 COMMISSIONER WAITS: Well, you -- we -- we --

16 COMMISSIONER BAKKER: It'd be --

17 COMMISSIONER WAITS: -- should offer it.

18 CHAIRMAN MILLS: Okay.

19 COMMISSIONER BAKKER: Anybody want a rebuttal for two
20 minutes? Dave?

21 CHAIRMAN MILLS: So we'll go -- we'll go through and do
22 a re- -- a rebuttal -- give each of you two minutes for
23 rebuttal. So we'll start again with Dave if you want to take
24 two minutes. Are you still there?

25 COMMISSIONER BAKKER: He's still there.

26 DAVE CHASE: Yep. I'm still here.

27 CHAIRMAN MILLS: Okay.

28 DAVE CHASE: Yeah. I mean, I -- you know. It's -- it's
29 hard to go through all of the -- the sort of misinformation
30 that -- that's coming from the No on 3 Campaign.

31 You know they like to point to -- to California.

32
33 (Commissioner Clark left the commissioner chambers.)

34
35 DAVE CHASE: California doesn't have energy choice. So,
36 again, it's a -- a strange comparison.

37 You know, one of the things they love to talk about is
38 Question 3 will somehow affect reliability of electricity in
39 Nevada.

40 You know, Paul Caudill did an interview with Jon Ralston.

1 Paul Caudill's the CEO of NV Energy and said Question 3 would have
2 no impact on reliability in -- of energy in the state of Nevada.

3 So, again, just a -- just a mistruth there.

4 You know, I guess the -- the broad point I would -- I would
5 make here is NV Energy is a remarkably profitable company. The
6 way their -- their rates are structured, they're guaranteed a
7 9.8 percent profit margin, which is -- if any business was
8 guaranteed a 9.8 percent profit, that would be a pretty good
9 business.

10 On yet on top of that, since 2014 they've overcharged
11 Nevadans by \$346 million. It's just a staggering amount of
12 money.

13 They're now spending -- they said they were going to spend
14 \$30 million to defeat energy choice. Our calculation has it at
15 least at -- at 50 million, perhaps more. And that certainly
16 doesn't include what NV Energy itself is spending obviously you
17 have an -- an NV Energy representative on the phone. All of that
18 is time and money that they're -- they're investing in this
19 campaign.

20 And -- and I guess the -- the question I would throw out is
21 why is this energy monopoly spending this much money to protect
22 their monopoly? It's a cash cow --

23 COMMISSIONER WAITS: Just Carolyn.

24 DAVE CHASE: -- for them. That's why they're doing it.

25 And the idea that that -- that monopoly is --

26 COMMISSIONER WAITS: (Indiscernible.)

27 DAVE CHASE: -- somehow good or -- or better for Nevadans
28 than a -- a competitive marketplace defies economics. It defies
29 common sense. You know. And -- and it really is no surprise
30 that they will say or do anything in order to -- to stop this,
31 stop us from having choice and protect their monopoly.

32 CHAIRMAN MILLS: Okay. Thank you.

33 Madonna, did you want to take two minutes for a rebuttal?

34 COMMISSIONER WAITS: No, just Carolyn, Nevada Energy's the
35 one that needs to respond.

36 MADONNA LONG: So I do want to say also that the -- the
37 Nevada Mining Association also supports No on 3.

38 And one of the interesting things I think that Dave said
39 about the -- the bigger casinos that left and the people that
40 left. And those people left obviously. And they -- they paid the

1 exit fee. I mean, I'm thinking the guy that put this on there --
2 this is just me -- doesn't want to pay the exit fee.

3 And I believe -- and Carolyn can maybe go into this a little
4 bit better -- is that the reason that we charge the exit fee for
5 those bigger companies -- because, you know, that -- that it --
6 that it actually protects the rate that -- of all Nevadans. So in
7 those consumers -- and I'm going to tell you again, I know we're
8 talking about choice here. We're talking about choice.

9 But, like I said, I -- I experienced choice in
10 Pennsylvania. And for consumers and older Amer- -- older
11 Nevadans and those people, it is crazy. You don't know who's
12 telling you the truth, what kind of plan you're getting. And it
13 is absolutely crazy.

14 So that's --

15 Thank you.

16 CHAIRMAN MILLS: Okay.

17 Carolyn?

18
19 (Commissioner Clark returned to commissioner chambers.)
20

21 CAROLYN BARBASH: I thank you.

22 Yes. That's -- that's not all the large customers have left.
23 And when they do leave, they pay an exit fee so that they pay for
24 facilities that were built in bulk for -- for -- for everybody.

25 And so it's the smaller customers that are still with the
26 utilities now who don't -- their rates don't go up.

27 And California does -- they -- they called -- the choice
28 didn't work so they stopped it. And -- and their customers are
29 still paying for it, to Dave's point.

30 You know, the --

31 And -- and they -- they started these (indiscernible) and I
32 was just listening to a hearing at the CPUC with everybody arguing
33 about what the exit fees should be as customers exit
34 (indiscernible) these customer choice programs.

35 And really what's happened is the low-income customers
36 and -- and folks that want to stay with stable rates or
37 regulated rates are paying the subsidy for the -- for the folks
38 that are able to leave and choose.

39 And so that's what's going on now in California.

40 Reliability. We're not talking about the reliability of the

1 wires. NV Energy would be retain those and deliver the energy
2 that -- that (indiscernible) secure for their customers.

3 You see this happening. You see this in California is when
4 the responsibility for who's procuring what and for who gets so
5 fragmented that nobody is securing enough energy. And that's why
6 you see in the summertime these emergency requests for curtailment
7 and rolling blackouts still this summer in California.

8 NV Energy's not guaranteed a profit. In fact, the portion
9 that would be deregulated and no regulated -- no regulation of a
10 price is the very portion of your bill that there is no profit on.
11 It's passed through at-cost.

12 So the out-of-state retailers that come here to sell to
13 Nevadans will need to make a profit in order to stay in business.
14 So something that is being passed through today at cost will need
15 to have a profit on it. And that's just on top of all the other
16 costs of implementing this deregulated market.

17 CHAIRMAN MILLS: Okay.

18 CAROLYN BARBASH: Have I used my time? I could --

19 CHAIRMAN MILLS: Yep. That's -- that was two minutes.

20 CAROLYN BARBASH: Okay.

21 CHAIRMAN MILLS: So let me -- I'm going to open up for
22 public comments and see if anybody in the public here has any
23 questions for you guys.

24 So do we have any public comment? Any questions to ask?

25 FRANK WHITMAN: Frank Whitman from Austin.

26 CHAIRMAN MILLS: Go ahead, Frank.

27 FRANK WHITMAN: So the things I'm concerned about is I
28 think it's fraudulent to bring up Texas as a poster boy for the
29 market of what can happen.

30 If you look at a national map of the various national
31 grids -- power grids, you'll see that Texas has energy all of its
32 own. It's not connected to the rest of the states.

33 To use it as an example of what can happen, it's not the
34 same as what's going to happen to Nevada. Nevada is connected
35 to all the western states.

36 I'm concerned about -- for the last 20 years, no other state
37 has gone to deregulation. Other states have looked at it. And
38 other states have said, no, this is not the best for our citizens.

39 And lastly, even with the lower rates, the lady did talk
40 about rolling blackouts in California. So let's say I pick a

1 lower rate and my neighbor picks a -- a higher rate because he has
2 a -- a medical condition and needs electricity 24/7, and he can't
3 take a rolling blackout. Well, if you think about it, at the end
4 of the day, the only way you can guarantee true price competition
5 is when the electrical company puts two different lines to my
6 house and I can choose today this outfit and the next day the
7 other outfit. I'm in support of -- I think of going for a Yes on
8 3 is a disaster for the state and a disaster for the county.

9 Thank you.

10 CHAIRMAN MILLS: Thanks, Frank.

11 COMMISSIONER CLARK: Run for governor, Frank.

12 COMMISSIONER BAKKER: Okay.

13 CHAIRMAN MILLS: Does anyone else have a question?

14 COMMISSIONER WAITS: Thank you to all three --

15 CHAIRMAN MILLS: Yeah.

16 COMMISSIONER WAITS: -- of you for being -- being half
17 present, certainly by telephone. We appreciate the time that
18 you've taken to spend with us this morning.

19 CHAIRMAN MILLS: Yeah.

20 COMMISSIONER BAKKER: Okay.

21 CAROLYN BARBASH: Thanks for --

22 DAVE CHASE: Thanks for having --

23 CAROLYN BARBASH: -- your time.

24 DAVE CHASE: -- us.

25 COMMISSIONER BAKKER: Thank you, guys.

26 CHAIRMAN MILLS: Appreciate your input.

27 CAROLYN BARBASH: Bye.

28 MADONNA LONG: Thank you.

29 COMMISSIONER BAKKER: Thank you.

30 CHAIRMAN MILLS: Uh-huh.

31 Okay. Any -- any other last comments on this one? Or --

32 COMMISSIONER WAITS: I -- I -- I personally don't -- don't
33 believe that our commission probably wants to take a -- a stand.

34 Many of the counties have. And they've done a resolution.
35 But that's totally up to you.

36 I -- I know it's contentious. I -- I think that -- that
37 people are getting a lot of misinformation. And hopefully this
38 helped a little bit. I think some of us have our own opinions,
39 for sure, and have our minds made up already.

40 But I don't know whether we want to make it a commission

1 thing.

2 CHAIRMAN MILLS: I don't -- I don't --

3 COMMISSIONER CLARK: I -- I --

4 CHAIRMAN MILLS: -- necessarily --

5 COMMISSIONER CLARK: -- don't like --

6 CHAIRMAN MILLS: -- want to do that.

7 COMMISSIONER CLARK: I don't like messing --

8 COMMISSIONER WAITS: They're going to vote on it. It's
9 already on the ballot. Let's see where it goes.

10 COMMISSIONER CLARK: I don't -- I don't like breaking --
11 changing the constitution, even with Question 1. I don't like
12 that. I'm going to have to really talk with some attorneys
13 whether or not I want to vote for Question 1 or not.

14 So -- I -- I --

15 COMMISSIONER BAKKER: Okay.

16 COMMISSIONER CLARK: -- I think -- especially we have
17 people that live here that work at the power plant. I think we
18 need to support our people too.

19 CHAIRMAN MILLS: Okay.

20 COMMISSIONER BAKKER: Okay.

21 Let's move on.

22 COUNTY CLERK SULLIVAN: I have a comment.

23 CHAIRMAN MILLS: Go ahead, Sadie.

24 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.

25 When the petition came from the secretary of state over to
26 our office for verifications, when people have signed, but we did
27 get back for the raw count for it to be able to go onto the
28 ballot. You can see in here, of course, the numbers are large in
29 -- in Clark County, of course, Carson City, and Washoe. In the
30 rural counties you do not see those numbers as large for it to be
31 (indiscernible), which we all know that.

32 But I do have copies of that if anybody's interested. It's
33 public knowledge. And then it's also in your sample ballot, the
34 (indiscernible). So if you do not receive your sample ballot,
35 please holler, and that way you can go over those questions.

36 COMMISSIONER BAKKER: Okay.

37 COMMISSIONER CLARK: Thank you, Sadie.

38 CHAIRMAN MILLS: Okay. Thank you.

1 BOARD APPOINTMENTS

2
3 7) Discussion and possible action to approve/disapprove an
4 individual to fill one of two vacancies on the Austin Airport
5 Advisory Board, a Category III board that serves a two-year
6 term per NRS 244.1945, with term expiring June 30, 2020, and
7 to consider the following: a) Tom Andersen. And all other
8 matters properly related thereto.
9

10 CHAIRMAN MILLS: Okay. We'll move on to Item Number 7.

11 Discussion, possible action to approve/disapprove an ind-
12 -- individual to fill one of two vacancies in the Austin Airport
13 Advisory Board, a Category III board that serves a two-year term
14 per NRS 244.1945, with term expiring June 30, 2020, and to
15 consider the following: a) Tom Andersen. And all other matters
16 properly related thereto.

17 COMMISSIONER CLARK: Is this -- did he used to be justice
18 judge down there?

19 COMMISSIONER WAITS: No. No. That was Jim Anderson.

20 COMMISSIONER CLARK: Okay. The same family?

21 COMMISSIONER WAITS: No.

22 COMMISSIONER CLARK: Same family?

23 COMMISSIONER WAITS: No. No.

24 COMMISSIONER CLARK: Okay.

25 COMMISSIONER WAITS: None -- none at all.

26 COMMISSIONER CLARK: Okay.

27 COMMISSIONER WAITS: Actually, I -- I do have a quick
28 comment on this because according to the agenda items -- it's a
29 little bit confusing -- it says that we are filling one of two
30 vacancies. One is for the board member. And one is -- now we
31 have a vacancy for the alternate. So I just wanted to be clear
32 on that for the record.

33 And with that, I make a motion that we appoint Tom Andersen
34 to the Austin Airport Advisory Board with the term expiring
35 June 30th, 2020.

36 COMMISSIONER BAKKER: Second.

37 COMMISSIONER CLARK: Second.

38 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
39 seconded.

40 Do we have any public comment?

1 COUNTY CLERK SULLIVAN: I have a question. Sadie Sullivan,
2 for the record.

3 Once he's sworn in, do have whomever send an oath our
4 direction to have it on file.

5 COMMISSIONER WAITS: We can do it at the next board
6 meeting, I suppose, when he comes. Or -- or if he -- or when he
7 goes through town.

8 COUNTY CLERK SULLIVAN: Okay.

9 COMMISSIONER WAITS: But, yes, we'll have to -- Frank?

10 FRANK WHITMAN: Austin here. Yes.

11 COMMISSIONER WAITS: Yeah. Did you hear that?

12 Sadie says we need to be sure to swear him in. If he's not
13 going to be at the next board meeting to swear him in in person,
14 we need to make sure we catch him somewhere in between --

15 COMMISSIONER CLARK: Well, can't --

16 COMMISSIONER WAITS: -- on one of his trips up. A notary
17 can swear him in too.

18 FRANK WHITMAN: Okay. We can do that.

19 COMMISSIONER WAITS: Yeah. Thank you.

20 COMMISSIONER CLARK: Gandolfo can't swear him in?

21 COMMISSIONER WAITS: Oh, sure.

22 COMMISSIONER CLARK: Oh. Okay.

23 CHAIRMAN MILLS: Okay. Other public comment?

24 All in f- --

25 FRANK WHITMAN: Austin here. We would sure -- we -- we're
26 in support here of Tom Andersen. And it would sure help us
27 conduct our business. Thank you.

28 COMMISSIONER BAKKER: Okay.

29 CHAIRMAN MILLS: Thanks, Frank.

30 Okay. All in favor?

31 COMMISSIONER BAKKER: Aye.

32 COMMISSIONER ALLAN: Aye.

33 CHAIRMAN MILLS: Aye.

34 COMMISSIONER CLARK: Aye.

35 COMMISSIONER WAITS: Aye.

36 CHAIRMAN MILLS: Okay. We need to call Joe for the next
37 one.

38
39 (Attempting to establish telephone contact with Joe.)
40

1 COMMISSIONER WAITS: (Indiscernible) isn't there all the
2 time. And they have --
3 COMMISSIONER CLARK: Oh.
4 COMMISSIONER WAITS: -- a notaries in Kingston too. So
5 they can -- see, he lives in Kingston. And he goes --
6
7 (Attempting to establish telephone contact with Joe.)
8
9 COMMISSIONER CLARK: Oh. Okay. Yeah.
10 COMMISSIONER WAITS: It's just easier.
11 COMMISSIONER CLARK: Yeah. Because you've got to be sworn
12 in.
13 JOSEPH RAMOS: Hello, brother.
14 COMMISSIONER BAKKER: Joe? This is Sean.
15 JOSEPH RAMOS: Hey, Sean. How are you?
16 COMMISSIONER BAKKER: Good. You've got the commission
17 here. We're in the commission chamber.
18 Doug's going to read your item number in.
19 JOSEPH RAMOS: Great. Thanks so much for letting me attend
20 by phone. Weather's bad here. I appreciate that.
21 COMMISSIONER BAKKER: No problem. And your --
22 CHAIRMAN MILLS: No problem.
23 COMMISSIONER BAKKER: -- brother's sitting up here at the
24 table.
25 JOSEPH RAMOS: Okay.
26 CHAIRMAN MILLS: Okay.
27 JOSEPH RAMOS: Great. Excellent.
28 CHAIRMAN MILLS: So I'm going to go ahead and read this
29 agenda item in.
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1 COMMISSIONERS

- 2
- 3 8) Discussion and possible action to award a medical marijuana
4 cultivation facility license and a medical marijuana
5 production facility license to Rural Remedies, a prequalified
6 applicant located in northern Lander County, and all other
7 matters properly related thereto.
- 8

9 CHAIRMAN MILLS: We're on Item Number 8.

10 Discussion and possible action to award a medical marijuana
11 cultivation facility license and a medical marijuana production
12 facility license to Rural Remedies, a prequalified applicant
13 located in northern Lander County, and all other matters
14 properly related thereto.

15 So I understand the application's been submitted and
16 reviewed?

17 KEITH WESTENGARD: Yes. Myself and the -- the DA, Ted, we
18 -- we went through the application. The application does meet
19 all the requirements set forth through ordinance in the county.

20 And we -- we would recommend that you would approve this --
21 this application for Rural Memories -- or this license.

22 COMMISSIONER ALLAN: So my comment on this is it would be
23 nice to have had some backup material in the packet as far as
24 locations and further information regarding --

25 KEITH WESTENGARD: Okay. So the -- the location was -- was
26 already disclosed in the -- in a previous meeting with the
27 planning commission.

28 The application itself is confidential. And that's why it
29 was just two of us that have gone through it.

30 There are -- there are per- -- personal -- it's -- there's
31 personal information in there that's -- that's not rel- -- or
32 public information.

33 COMMISSIONER ALLAN: Okay. But the -- the location went
34 through the planning commission, but it did not come through the
35 commission?

36 COMMISSIONER WAITS: It was on last time.

37 KEITH WESTENGARD: Yeah. I believe it was --

38 COMMISSIONER CLARK: Yeah.

39 KEITH WESTENGARD: -- on last --

40 COMMISSIONER CLARK: La- --

1 KEITH WESTENGARD: -- time.
2 COMMISSIONER WAITS: Yeah. We --
3 COMMISSIONER CLARK: -- last time.
4 COMMISSIONER WAITS: -- had it --
5 KEITH WESTENGARD: I -- I --
6 COMMISSIONER WAITS: -- last time.
7 KEITH WESTENGARD: -- apologize. I meant the
8 commissioners, not the --
9 COMMISSIONER ALLAN: Last we discussed the zoning. But --
10 COMMISSIONER BAKKER: Okay.
11 With that, I'll make a motion to award the medical marijuana
12 cultivation facility license and medical marijuana production
13 facility licensed to Rural Remedies.
14 And does the chair need to sign?
15 DISTRICT ATTORNEY HERRERA: Yes.
16 COMMISSIONER BAKKER: And authorize the chair to sign.
17 DISTRICT ATTORNEY HERRERA: Take this up to
18 (indiscernible).
19 COMMISSIONER CLARK: Second.
20 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
21 Do we have any public comment?
22 COUNTY CLERK SULLIVAN: Can he -- can he state his full
23 name? Just for clarification --
24 CHAIRMAN MILLS: Oh.
25 COUNTY CLERK SULLIVAN: -- on here.
26 COMMISSIONER BAKKER: Who? Joe?
27 CHAIRMAN MILLS: Joe, we need you to state your full name
28 for the record.
29 JOSEPH RAMOS: Joseph Ramos, Jr.
30 CHAIRMAN MILLS: Okay.
31 COMMISSIONER BAKKER: Thank you.
32 CHAIRMAN MILLS: You got that?
33 COUNTY CLERK SULLIVAN: Yeah. It's for Tiffany. I knew --
34 CHAIRMAN MILLS: All right.
35 COUNTY CLERK SULLIVAN: -- who it was, but --
36 CHAIRMAN MILLS: Other public comment?
37 (No comment.)
38 CHAIRMAN MILLS: All in favor?
39 COMMISSIONER BAKKER: Aye.
40 CHAIRMAN MILLS: Aye.

1 COMMISSIONER CLARK: Aye.
2 COMMISSIONER WAITS: Aye.
3 CHAIRMAN MILLS: Opposed?
4 COMMISSIONER ALLAN: Nay.
5 CHAIRMAN MILLS: Okay.
6 COMMISSIONER BAKKER: Okay.
7 Sounds good, Joe. You -- you got any other comments or
8 anything?
9 CHAIRMAN MILLS: Que- -- I have a --
10 JOSEPH RAMOS: No, I --
11 CHAIRMAN MILLS: -- question.
12 JOSEPH RAMOS: -- appre- -- I appreciate all the time the
13 commission's put into this. And -- and again, thank you for
14 letting me attend remotely given our weather here in Denver
15 today. Much appreciated and Rural Remedies is (indiscernible)
16 to doing a good job for you guys out in Lander County.
17 CHAIRMAN MILLS: So I've got a quick question on --
18 there's -- there's a deadline for completion of getting the
19 business going. Where -- where are you at on that? How -- what
20 is the deadline and how are things going on that?
21 JOSEPH RAMOS: So we -- we have 18 months from the original
22 issuance date, which I believe was back in April. And we're
23 right on schedule as far as we go now. We just held from
24 breaking ground or doing anything until, of course, we had these
25 approvals. We didn't prematurely want to spend money without
26 knowing that we were approved.
27 So now that we're approved, Bert's ready to roll forward
28 with getting our application in for power and make sure we have
29 the appropriate power at the premises. And you guys will be
30 seeing us, you know, reach out here for building permits and --
31 and so on and so forth here in the next couple weeks.
32 CHAIRMAN MILLS: Okay. Sounds great.
33 COMMISSIONER BAKKER: Awesome.
34 CHAIRMAN MILLS: Thanks.
35 COMMISSIONER BAKKER: Sounds good, Joe. Thank you.
36 JOSEPH RAMOS: Thank you so much.
37 You guys take care and have a great day.
38 COMMISSIONER BAKKER: You too.
39 JOSEPH RAMOS: Bye-bye.
40 COMMISSIONER BAKKER: Bye.

1 9) Discussion and possible action to approve the appointment of
2 Elizabeth Barela as human resource assistant at a salary of
3 \$35,000 a year plus benefits, which would be in addition to
4 her present position as office manager for the district
5 attorney, and all other matters properly related thereto.
6

7 CHAIRMAN MILLS: Okay. We're on Item Number 9. Discussion
8 and possible action to approve the appointment -- appointment of
9 Elizabeth Barela as --

10 COMMISSIONER BAKKER: Hold on.

11 CHAIRMAN MILLS: -- human resource assistant at a salary of
12 \$35,000 a year plus benefits, which would be in addition to her
13 present position --

14 COMMISSIONER BAKKER: Hold on.

15 CHAIRMAN MILLS: -- as office manager for district
16 attorney, and all other matters properly related thereto.

17 KEITH WESTENGARD: So as the commission knows, the week
18 before last, the HR person did --

19 CHAIRMAN MILLS: Can --

20 KEITH WESTENGARD: -- resign.

21 CHAIRMAN MILLS: -- can we -- hold on. Did you drop
22 Austin?

23 COMMISSIONER BAKKER: I don't know.

24 Frank, are you still there?

25 FRANK WHITMAN: Austin here.

26 COMMISSIONER BAKKER: Okay.

27 COMMISSIONER CLARK: Okay.

28 COMMISSIONER BAKKER: Just making sure.

29 CHAIRMAN MILLS: Okay. Sorry.

30 KEITH WESTENGARD: Okay.

31 CHAIRMAN MILLS: Go ahead.

32 KEITH WESTENGARD: As you know, week before last, the HR,
33 Mr. Gould did resign the position. His, position within the
34 county.

35 We've gone down this road before with -- with HR.

36 I feel that -- that Liz is a good fit in the position. She's
37 very well qualified. She'll do us a good job.

38 I did seek a -- a third party just to see the cost of the
39 third party. The third party came in at \$2500 a month, which is
40 \$30,000 per year, not even in the building. That's all going to

1 be a remote -- remote access. They were out of Reno.

2 That's -- that's how I -- I came up with the salary. She
3 would be in the building available to the employees as needed.

4 I did meet with Ted, Hy, and the chair, vice chair, to
5 discuss my -- my plan. And I believe it to be a -- a good fit.

6 I think it's a benefit to the county. It saves the county
7 money.

8 She -- as far as the salary goes, this commission did put a
9 hundred thousand dollar cap plus benefits on the previous
10 position.

11 We didn't put it at that with -- with the previous person
12 that was in the position. But that's potentially \$140,000 plus or
13 minus a year.

14 So I'm -- that's where I'm at.

15 The commission did put me in this position. And I -- I feel
16 that it's a good -- it's a good -- it's a good -- you've got me
17 messed up, Ted -- my train of thought. I feel it's a good fit for
18 the county.

19 So --

20 COMMISSIONER ALLAN: Keith?

21 KEITH WESTENGARD: Yes.

22 COMMISSIONER ALLAN: Are you done?

23 KEITH WESTENGARD: I don't know. Depends on what you ask.

24 COMMISSIONER ALLAN: So why does it say human resource
25 assistant?

26 KEITH WESTENGARD: Human resources falls under me. So I'm
27 actually -- I -- I oversee HR. So she is the assistant to me in
28 HR.

29 She will do the HR responsibilities. And there are about
30 fif- -- twelve -- twelve different responsibilities that fall to
31 HR that have to do with payroll, health benefits, a variety of --
32 of responsibilities. And that's -- that's what she'll fall into.

33 COMMISSIONER ALLAN: Okay. Because I know Matt was -- was
34 director.

35 KEITH WESTENGARD: Which we were going to actually change
36 that ti- -- we were in the process of changing the -- the
37 director title.

38 And -- and we feel, through discussion -- I feel that this is
39 going to be a much better fit to the county.

40 COMMISSIONER BAKKER: Okay.

1 COMMISSIONER WAITS: My -- my big problem is I really think
2 HR should be full-time.

3 And I think we certainly have enough employees that -- that
4 should do that.

5 So if this is something you wanted to do, I'd say maybe on a
6 temporary basis or something.

7 I'm still having a problem with the salary too. And, yes,
8 I know we went up that much, but we went up that much for a --
9 for a true HR person who had been not just credentialed but had
10 been in HR.

11 And we hired the last one at -- what? -- \$70,000 or --

12 KEITH WESTENGARD: Six --

13 COMMISSIONER WAITS: -- close to that.

14 COMMISSIONER CLARK: Sixty-five.

15 KEITH WESTENGARD: Sixty-five.

16 COMMISSIONER WAITS: He had a full master's and working on
17 his doctorate. And I go, I don't think we could even compare
18 that.

19 So if we're going to do part-time for her, she's still
20 getting a full office manager salary, but she's not going to do an
21 office manager's work full-time. She's going to do it part-time.

22 KEITH WESTENGARD: I would refer that to --

23 COMMISSIONER WAITS: If she was doing a full-time, then she
24 has no part-time for us.

25 So I -- I'm con- -- confused on how we think we can justify
26 this.

27 DISTRICT ATTORNEY HERRERA: Are you asking me? Or --

28 COMMISSIONER WAITS: I'm asking --

29 KEITH WESTENGARD: (Indiscernible) --

30 COMMISSIONER WAITS: -- anyone.

31 KEITH WESTENGARD: -- (indiscernible).

32 I think we both have some -- some input on that, but since
33 the full-time is related to your office --

34 DISTRICT ATTORNEY HERRERA: Well, she'll be able to -- to
35 do my -- do the work for my office full-time.

36 She's been doing this --

37 KEITH WESTENGARD: That's what I was going to --

38 DISTRICT ATTORNEY HERRERA: -- before Matt for over a year.
39 She's been working full-time in my office and -- and helping
40 Keith for a year --

1 COMMISSIONER WAITS: I know, but --
2 DISTRICT ATTORNEY HERRERA: -- as --
3 COMMISSIONER WAITS: -- when --
4 DISTRICT ATTORNEY HERRERA: -- an assistant.
5 Now other counties have -- have people with two -- two jobs.
6 Winnemucca, they have --
7 KEITH WESTENGARD: That's right.
8 DISTRICT ATTORNEY HERRERA: -- what? -- HR and --
9 KEITH WESTENGARD: And -- and the assistant county manager.
10 DISTRICT ATTORNEY HERRERA: And assistant county man- -- I
11 mean, there -- there's -- we even did this before with Nan
12 Ancho. We gave her two different positions.
13 COMMISSIONER WAITS: Well, maybe we should look at an
14 assistant county manager if that's where we have to go with that
15 and HR. That's something certainly we want to -- I mean,
16 there's -- there's lots of things to look at. But it's still
17 hard --
18 KEITH WESTENGARD: Commissioner --
19 COMMISSIONER WAITS: -- to compare as I'm going, when Matt
20 came in, we were so far behind. And I know some of the comments
21 that were made were, we haven't done personnel files. He had
22 personnel files he worked on for -- for the first -- what? --
23 and it still never actually even caught up and got them done.
24 I do believe HR, with this number of employees, could be
25 pretty well a full-time position.
26 KEITH WESTENGARD: Let -- let me -- let me just say that --
27 that the -- the last 18 months plus have been a challenge.
28 There -- there's things that are -- that I -- I'm not going
29 to speak about in a public meeting -- related to the past.
30 I would be happy to sit down individually if you would like.
31 But it's -- it's not something I want to put out there.
32 Liz was part of this since previous to Mr. Gould. That year
33 and a half break we had, she was there helping me consistently,
34 constantly with -- with different things.
35 I don't know -- you talk about the salary. I think it's a
36 fair salary of 35,000 in a -- in a year.
37 We can -- we can look at the third party. It's -- the third
38 party's starts at 30,000 and they're not --
39 COMMISSIONER WAITS: I'm not --
40 KEITH WESTENGARD: -- here.

1 COMMISSIONER WAITS: -- happy with a third party. I -- I
2 really think we need to go back out -- I'm sorry --
3 KEITH WESTENGARD: Well --
4 COMMISSIONER WAITS: -- and get a full HR person.
5 KEITH WESTENGARD: And -- and -- and I don't want to argue
6 with you, Commissioner. I -- I -- I don't.
7 But you put me in a position to run a department. I feel
8 that this is the best way to go. I think it's good for the
9 county. It -- you know, give it ten months. Give it eight
10 months. Give it some time to -- to -- to settle in and start
11 working for the county.
12 I -- I did follow your direction last time. And with -- with
13 all the respect there is, it was a failure, a huge --
14 COMMISSIONER WAITS: It didn't --
15 KEITH WESTENGARD: -- failure.
16 COMMISSIONER WAITS: -- work out.
17 KEITH WESTENGARD: Pardon me?
18 COMMISSIONER WAITS: Right. It --
19 KEITH WESTENGARD: It --
20 COMMISSIONER WAITS: -- didn't work out. But --
21 KEITH WESTENGARD: Well, it --
22 COMMISSIONER WAITS: -- I'm saying --
23 KEITH WESTENGARD: -- didn't work out beyond it didn't
24 work. I mean, it was -- it was bad.
25 Have some trust in -- in me in this position.
26 COMMISSIONER WAITS: It -- it isn't a matter of -- of
27 trust, Keith. Because we -- we do. We trust you to do a lot of
28 things for us.
29 What I'm saying is we have a full-time office manager, and
30 that's what he wants. And -- and now we're going to -- to
31 put -- and we do need more time in HR. We truly do.
32 So if you're going to take somebody part-time, she's going to
33 not -- she's not doing full-time office manager. So why does she
34 need \$95,000 to do both jobs when she's not doing time and a half?
35 She's still doing half of one and half of the other.
36 KEITH WESTENGARD: She's still doing her full-time job.
37 She is just an assistant to me -- to -- for HR.
38 She's still doing her full-time job upstairs.
39 COMMISSIONER WAITS: Yeah. At \$3,000 a month, that's more
40 than an assistant.

1 I just -- I'm having a --
2 KEITH WESTENGARD: That's all we'd get out of a third
3 party. We wouldn't even get that much out of a third --
4 COMMISSIONER WAITS: No, but --
5 KEITH WESTENGARD: -- party.
6 COMMISSIONER WAITS: -- I don't want a third party.
7 KEITH WESTENGARD: I'm -- I'm -- I'm just trying to make
8 some --
9 COMMISSIONER WAITS: I know.
10 KEITH WESTENGARD: -- comparisons here.
11 How long did it take us to get the last person in HR? We
12 went through months and months and months.
13 COMMISSIONER WAITS: That's true. But you can't give up.
14 I mean, just because something doesn't work one time, you
15 can't say, --
16 KEITH WESTENGARD: What if they --
17 COMMISSIONER WAITS: -- Lander County doesn't need an HR --
18 KEITH WESTENGARD: No, --
19 COMMISSIONER WAITS: -- anymore.
20 KEITH WESTENGARD: -- I -- I'm not saying that. I'm saying
21 that this is a better -- this is a better road to take.
22 This is -- in my opinion, this is the best road to take.
23 COMMISSIONER WAITS: Okay.
24 KEITH WESTENGARD: And I'm --
25 COMMISSIONER ALLAN: So --
26 KEITH WESTENGARD: -- I'm asking for eight, ten months,
27 whatever time to give it a chance.
28 COMMISSIONER WAITS: I'm -- I'm --
29 KEITH WESTENGARD: I think it'll be --
30 COMMISSIONER WAITS: -- okay --
31 KEITH WESTENGARD: -- good.
32 COMMISSIONER WAITS: -- temporarily.
33 I'm not okay --
34 KEITH WESTENGARD: Well, I don't --
35 COMMISSIONER WAITS: -- with --
36 KEITH WESTENGARD: -- want --
37 COMMISSIONER WAITS: -- \$95,000 --
38 KEITH WESTENGARD: -- to --
39 COMMISSIONER WAITS: -- a year.
40 KEITH WESTENGARD: -- call it temporary. If it works, I

1 want to continue. I want it to continue. I think it's going to
2 work good for the county.
3 COMMISSIONER WAITS: Okay. Instead of temporary you want a
4 trial.
5 COMMISSIONER ALLAN: So I'd like to hear --
6 COMMISSIONER WAITS: It's a --
7 COMMISSIONER ALLAN: -- from Liz.
8 COMMISSIONER WAITS: -- pilot program.
9 But -- but --
10 KEITH WESTENGARD: All right.
11 COMMISSIONER WAITS: Look. Anyway, that's --
12 KEITH WESTENGARD: I -- I --
13 COMMISSIONER WAITS: -- that's --
14 KEITH WESTENGARD: -- I --
15 COMMISSIONER WAITS: -- that's how I feel. I think we need
16 full-time. Go ahead.
17 COMMISSIONER BAKKER: It's Judie.
18 COMMISSIONER ALLAN: So my question is, Liz, is are you
19 flexible on the salary?
20 ELIZABETH BARELA: No.
21 This is my understanding. Elizabeth Barela.
22 I am not HR. I'm not being hired as HR. I'm being hired
23 as an assistant to Keith.
24 Keith is your HR. I am only helping him. That's it.
25 COMMISSIONER ALLAN: Okay.
26 KEITH WESTENGARD: I -- I -- sorry. I thought I put that
27 out there. But --
28 COMMISSIONER ALLAN: Well, I --
29 KEITH WESTENGARD: I'm --
30 COMMISSIONER ALLAN: -- I just --
31 KEITH WESTENGARD: -- going on a couple different --
32 COMMISSIONER ALLAN: Okay.
33 COMMISSIONER BAKKER: Okay.
34 COMMISSIONER ALLAN: And -- and -- and I actually -- I have
35 to disagree with Patsy on --
36 I think that -- that Liz is very competent and qualified,
37 that HR doesn't necessarily have to be a full-time position.
38 You know, you look at Matt and the things he was doing and
39 not doing. And he was full-time. And he had a master's degree,
40 which to me doesn't mean diddley jack.

1 I think that, like I said, Liz is qualified. She'll do a
2 good job and whether it's part-time or not.
3 ELIZABETH BARELA: Thank you.
4 COMMISSIONER ALLAN: I think that -- that a part-time
5 position is satisfactory in HR.
6 CHAIRMAN MILLS: I think, Paula, did you --
7 COMMISSIONER WAITS: I -- I --
8 CHAIRMAN MILLS: -- have a --
9 COMMISSIONER WAITS: -- know --
10 CHAIRMAN MILLS: -- comment?
11 COMMISSIONER WAITS: I know we can certainly agree to
12 disagree because I think we have been behind the eight ball.
13 And we've been really, really lucky that -- that we haven't had
14 incidents. In fact, incidents have happened that haven't been
15 properly handled because we haven't had somebody in HR.
16 KEITH WESTENGARD: Now I have to disagree. Everything that
17 has come through has -- has been handled properly.
18 I -- I don't see any improper management of any of the claims
19 or anything that's come through.
20 It's been a challenge. But we've got things taken care of.
21 We -- the -- we have not put the county -- and I say I have
22 not put the county through HR in any -- in any peril. We -- we --
23 COMMISSIONER WAITS: No. And I -- I appreciate what you're
24 saying, but --
25 KEITH WESTENGARD: Okay.
26 COMMISSIONER WAITS: -- but what you are saying is those
27 things that you are aware of that have been handled.
28 KEITH WESTENGARD: What -- what -- I should be aware of
29 everything --
30 COMMISSIONER WAITS: Yeah.
31 KEITH WESTENGARD: -- that's been --
32 COMMISSIONER WAITS: No. No.
33 KEITH WESTENGARD: -- going on.
34 COMMISSIONER WAITS: There's a lot more that is going on
35 because people have not stepped forward. And we haven't had an
36 HR.
37 KEITH WESTENGARD: And that's their fault. If they don't
38 want to come and -- and --
39 COMMISSIONER WAITS: Okay.
40 KEITH WESTENGARD: -- discuss things --

1 COMMISSIONER WAITS: I understand that.
2 KEITH WESTENGARD: I can't fix something --
3 COMMISSIONER WAITS: My point is --
4 KEITH WESTENGARD: -- if I don't know.
5 COMMISSIONER WAITS: -- we haven't had an HR person for
6 them to come to. And so --
7 KEITH WESTENGARD: I understand, Commissioner.
8 COMMISSIONER WAITS: -- I think we should --
9 KEITH WESTENGARD: I understand.
10 COMMISSIONER WAITS: -- have that.
11 KEITH WESTENGARD: I do.
12 COMMISSIONER WAITS: That's all.
13 KEITH WESTENGARD: Okay. I understand.
14 COMMISSIONER ALLAN: And that's what we're working towards
15 now.
16 CHAIRMAN MILLS: Paula?
17 PAULA TOMERA: So Paula Tomera.
18 I had an assistant who had worked for me for about a year.
19 And I could only offer a part-time salary to her.
20 So she applied within the county. And she was told that she
21 could not hold a -- two jobs within the county. So she was denied
22 that job. And she left me to go to a full-time job.
23 Ha- -- has this been brought before POOL/PACT. Can we do
24 that? You have someone have two jobs within the county, one being
25 a full-time and a part-time?
26 ELIZABETH BARELA: Yes.
27 KEITH WESTENGARD: Thank you.
28 PAULA TOMERA: I'm just asking, because my employee could
29 not get that job because you couldn't have two jobs within the
30 county --
31 COMMISSIONER BAKKER: And it's --
32 PAULA TOMERA: -- is what --
33 COMMISSIONER BAKKER: -- I think that's --
34 PAULA TOMERA: -- they were told.
35 COMMISSIONER BAKKER: -- county policy. It's in the
36 policies and procedures, isn't it? For the county?
37 ELIZABETH BARELA: It doesn't say anything about interim in
38 the policies and procedures, but according to POOL/PACT you can
39 do it.
40 COMMISSIONER BAKKER: Okay.

1 COMMISSIONER ALLAN: So I think basically what this is, is
2 Liz will maintain her title as -- as office manager for the DA's
3 Office but be working under Keith as assistant HR. So she's --
4 she's getting an increase in salary for her --

5 KEITH WESTENGARD: Assistant.

6 COMMISSIONER ALLAN: -- assistant --

7 Well --

8 PAULA TOMERA: So, again, Paula Tomera, for the record. Is
9 it assistant HR? Or is it assistant to Keith?

10 COMMISSIONER ALLAN: Assistant HR to Keith who is the HR
11 director.

12 MARLA SAM: Okay. Marla Sam, for the record.

13 This is a big problem with me. The union representative --
14 (indiscernible) --

15 COMMISSIONER WAITS: Marla, I'm sorry. You need to come --

16 COMMISSIONER CLARK: Can't --

17 COMMISSIONER WAITS: -- up.

18 COMMISSIONER CLARK: -- hear you, --

19 COMMISSIONER WAITS: Austin --

20 COMMISSIONER CLARK: -- Marla.

21 COMMISSIONER WAITS: -- can't hear you.

22 MARLA SAM: -- couldn't -- couldn't be here today. And he
23 has a problem with this as well as the rest of us.

24 Number one is HR is personal, confidential.

25 She works -- and it's nothing against Liz personally. It's
26 the position. She has a job upstairs. She's a district
27 attorney's employee. She has access to all things that go on in
28 the DA's office. And she is HR for up there is what I've heard.
29 Don't know for sure. I've heard that.

30 If I have a problem and she's the assistant, who has ac- --
31 who has access to my records besides an HR, full-time HR person
32 should not.

33 Keith's been appointed that. I'm not going to go to her.

34 If I'm bringing a charge against Doug or Sean and I get --

35 CHAIRMAN MILLS: Not again.

36 MARLA SAM: -- and I have to go see them and she has acc-
37 -- I'm watching you, man.

38 And she -- and I bring it up there, she has access to both
39 sides of the -- of the issue because she's in my records.

40 Those are my records. Those are my confidential records that

1 I believe only an HR person that is a full-time HR person has to
2 have access to.

3 And number 2, it's not been advertised. It's not been
4 posted. This is a position. This is a county position. There's
5 no job description. There's not been out to us in the county. It
6 hasn't went around to anyone.

7 You just cannot pick and choose in this -- that you can just
8 make a position, have it, and here you go \$35,000.

9 Really? Of time and a half?

10 COMMISSIONER ALLAN: I think you have a good point in that
11 respect.

12 CHAIRMAN MILLS: I believe actually --

13 COMMISSIONER ALLAN: I'm not sure.

14 CHAIRMAN MILLS: -- there's an NRS that indicates that the
15 county manager can appoint.

16 ELIZABETH BARELA: It should be in your backup.

17 COMMISSIONER ALLAN: And --

18 MARLA SAM: But --

19 KEITH WESTENGARD: NRS 244- --

20 COMMISSIONER ALLAN: Yeah.

21 KEITH WESTENGARD: -- -.1- --

22 MARLA SAM: It doesn't --

23 KEITH WESTENGARD: -- -35.

24 MARLA SAM: -- matter. Those -- if -- if -- do think
25 anybody's going to go to HR?

26 Hell, no, they're not.

27 COMMISSIONER ALLAN: Marla --

28 MARLA SAM: And they won't.

29 COMMISSIONER ALLAN: It --

30 MARLA SAM: It's an issue. It's a problem. It's
31 problematic.

32 CHAIRMAN MILLS: I believe the confidentiality part was
33 also addressed in our meeting we had.

34 COMMISSIONER ALLAN: And I understand what you're saying.

35 ELIZABETH BARELA: And both --

36 COMMISSIONER ALLAN: And -- and --

37 ELIZABETH BARELA: -- the departments are --

38 COMMISSIONER ALLAN: -- I know --

39 ELIZABETH BARELA: -- confidentiality.

40 COMMISSIONER ALLAN: And I know a lot of people have those

1 concerns.
2 MARLA SAM: Oh, a lot.
3 COMMISSIONER ALLAN: Well --
4 MARLA SAM: And not just --
5 And I'm going to tell you, it's not just the -- the workers.
6 There's other people above us that have issues with all this too.
7 COMMISSIONER ALLAN: Then they should be here.
8 MARLA SAM: Well, --
9 COMMISSIONER ALLAN: And I appreciate --
10 MARLA SAM: -- some of --
11 COMMISSIONER ALLAN: -- you --
12 MARLA SAM: -- them can't be --
13 COMMISSIONER ALLAN: -- voicing --
14 MARLA SAM: -- here.
15 COMMISSIONER ALLAN: -- your opinion.
16 The thing is that I want to say is -- is, you know, I -- I
17 understand your concerns.
18 And -- and if -- if people have those concerns, then maybe
19 they should have come and sat before us and --
20 MARLA SAM: Some of them aren't here today. They cannot.
21 COMMISSIONER ALLAN: Well --
22 MARLA SAM: But it doesn't matter. The concern is it's not
23 the right thing to do. There's doing things right and doing --
24 COMMISSIONER ALLAN: Well, can --
25 MARLA SAM: -- the right thing.
26 COMMISSIONER ALLAN: Let me finish, please.
27 Is -- is the fact of the matter is -- and -- and not to upset
28 anybody. I know there's personality issues. But you have to
29 trust new people you work with.
30 I mean, you can -- you can put anybody in HR and not trust
31 them. Just because --
32 MARLA SAM: Nobody said anything about trust. It's
33 knowledge.
34 COMMISSIONER ALLAN: It's the -- the --
35 MARLA SAM: It's knowledge.
36 COMMISSIONER ALLAN: -- knowledge.
37 But you have to trust her to keep the confidentiality, to be
38 able to differentiate herself, separate herself --
39 MARLA SAM: I --
40 COMMISSIONER ALLAN: -- from the DA's office and the HR.

1 MARLA SAM: That -- I don't believe. I don't believe that
2 that is a possibility for anybody at any point in time in
3 certain circumstances to do that. And you -- and you know that
4 yourself with what you've been through.

5 COMMISSIONER ALLAN: Human nature. I -- I -- I get it. I
6 understand.

7 But I'm just saying, let's give her a chance.

8 MARLA SAM: I say no. It's not right. Ninety-five
9 thousand dollars a year.

10 Well, I think that 5 percent ought to be -- or 10 percent for
11 the union people should be no problem for you.

12 So thank you.

13 COMMISSIONER ALLAN: Thank you, Marla.

14 MARLA SAM: You're welcome.

15 SHANNON BERUMEN: Shannon Berumen, --

16 KEITH WESTENGARD: That's fine.

17 SHANNON BERUMEN: -- for the record.

18 KEITH WESTENGARD: That's fine.

19 SHANNON BERUMEN: I too -- and again, nothing personal
20 against Liz because I really don't know her that well, but I do
21 have a concern about the conflict of interest that it could
22 cause. If there's a problem with our HR that would require the
23 DA's assistance that could be a conflict with her being in both
24 positions and both offices. Regardless of whether the title
25 says HR assistant or county manager assistant, it's still a
26 conflict of interest.

27 Other things too is that, I mean, my position is two
28 different positions. I'm a full-time county employee, but I don't
29 make that. And I do all those things as well.

30 I've done HR for the university. I've -- I've done all those
31 things. How are we justifying \$95,000 with an appointment of a
32 position without it being put out to other county employees that
33 may be just as qualified or more qualified?

34 Position -- the -- the actual job description. Where is that
35 job description? Where was it created? Where is it at? Because
36 I don't even have a job description according to county records.

37 So where is the -- where is that at?

38 Yeah. I -- there -- there are issues that need to be
39 addressed. And I don't think we should be making a decision today
40 based on where it stands.

1 COMMISSIONER BAKKER: Okay.

2 Oh.

3 BERT RAMOS: Bert Ramos, for the record.

4 So myself and Keith, I think we deal with most employees
5 outside of the sheriff's office as far as Lander County and HR
6 issues. And Liz has done an outstanding job voluntarily for the
7 county in keeping everybody out of hot water for a long time.

8 The HR that we just currently had if anything put us further
9 behind. And I don't -- and as qualified and as many degrees and
10 everything else as -- as may have been had -- and a lot of the
11 stuff that -- that goes on doesn't come to you guys because that's
12 not the way that it works.

13 So with that said, with everything that happens behind closed
14 doors, I hope that this goes through today because it's a big
15 thing for the county and for us that are dealing with -- with our
16 employees. And if it's just temporary until the next commission
17 gets on, so be it. But at least -- at least we have something
18 to -- to go with until then.

19 The workload that Keith already deals with is -- is heavy.

20 The one thing that Liz does have going for her with being
21 with the DA's office, she knows the laws. She knows a lot
22 about -- a lot more about HR than anybody in here can even
23 imagine. And she's saved us a lot of headaches and you guys a lot
24 of headaches and lot of people from being sitting in front of you
25 guys in closed meetings because of her knowledge.

26 So I just hope that you guys consider that when going
27 forward.

28 MARLA SAM: Marla Sam, for the record.

29 If she's been doing this for a year, how come we're just
30 finding out now that this has been going on for a year?

31 KEITH WESTENGARD: That was my decision to call her in
32 and -- and have her assist me on different things because she
33 has the background for it. I was not --

34 And -- and I -- may I speak, Mr. Chairman?

35 CHAIRMAN MILLS: You were speaking.

36 KEITH WESTENGARD: No.

37 CHAIRMAN MILLS: Do you want to speak freely?

38 COMMISSIONER CLARK: I was asked --

39 KEITH WESTENGARD: Yes.

40 COMMISSIONER CLARK: I was going to ask --

1 KEITH WESTENGARD: I'm very fa- --
2 COMMISSIONER CLARK: -- you about that.
3 KEITH WESTENGARD: So, Marla, you said the union has a --
4 an issue with it.
5 I just spent three days with Mr. Herring. This was never
6 even brought up by him.
7 MARLA SAM: We didn't because we were in negotiations. He
8 was going to be here today. (Indiscernible.)
9 KEITH WESTENGARD: I was outside of negotiations with him
10 on several occasions --
11 MARLA SAM: He told -- he -- him and I talked about this
12 yesterday before I came in here. And he -- he said, I have an
13 issue with this.
14 KEITH WESTENGARD: Well, he can have an issue. It's a
15 nonunion position. I have a --
16 MARLA SAM: We didn't say it --
17 KEITH WESTENGARD: -- phone.
18 MARLA SAM: -- was a union position.
19 KEITH WESTENGARD: And he's called me at 10:00 o'clock at
20 night --
21 MARLA SAM: Well, I'll have --
22 KEITH WESTENGARD: -- on before.
23 MARLA SAM: -- him call you again.
24 KEITH WESTENGARD: Okay.
25 COMMISSIONER BAKKER: Okay.
26 KEITH WESTENGARD: He's -- can call me.
27 COMMISSIONER BAKKER: Okay. I'm going to make a motion to
28 approve the appointment of Elizabeth --
29 KEITH WESTENGARD: I wasn't --
30 COMMISSIONER BAKKER: -- Barella --
31 KEITH WESTENGARD: -- done yet.
32 COMMISSIONER BAKKER: -- as human resource assistant at a
33 salary of 35,000 a year plus benefits, which would be in
34 addition to her present position as the office manager for the
35 district attorney.
36 COUNTY CLERK SULLIVAN: I have a couple questions.
37 COMMISSIONER BAKKER: I need a second.
38 COMMISSIONER ALLAN: Well, I -- I would --
39 COUNTY CLERK SULLIVAN: It could be after.
40 COMMISSIONER ALLAN: -- kind of like Keith to be able to

1 finish what he was saying.
2 KEITH WESTENGARD: So -- so you -- thanks.
3 I -- I had some questions for you too, Shannon. You made a
4 comment that you did HR for UNR. I'd like to know a little bit
5 more about that. You're a county employee and you're doing HR
6 for a state agency? I would like to know about --
7 UNIDENTIFIED PARTICIPANT: That's not --
8 KEITH WESTENGARD: -- that.
9 UNIDENTIFIED PARTICIPANT: -- on the record.
10 COMMISSIONER BAKKER: Yeah. That --
11 COUNTY CLERK SULLIVAN: That's not --
12 COMMISSIONER BAKKER: We're going to --
13 COUNTY CLERK SULLIVAN: -- agendized on the --
14 COMMISSIONER ALLAN: -- have to --
15 COUNTY CLERK SULLIVAN: -- (indiscernible).
16 COMMISSIONER BAKKER: We can agendize that for the next
17 meeting.
18 COMMISSIONER WAITS: Yeah.
19 KEITH WESTENGARD: Okay.
20 COMMISSIONER WAITS: That's --
21 KEITH WESTENGARD: Fine.
22 COMMISSIONER WAITS: -- not --
23 CHAIRMAN MILLS: No. That's --
24 KEITH WESTENGARD: We will.
25 CHAIRMAN MILLS: No. We don't want --
26 COMMISSIONER BAKKER: We'll --
27 CHAIRMAN MILLS: -- to --
28 COMMISSIONER BAKKER: -- agendize that --
29 SHANNON BERUMEN: I've already --
30 CHAIRMAN MILLS: We don't want to --
31 COMMISSIONER BAKKER: -- from us.
32 SHANNON BERUMEN: -- have asked --
33 CHAIRMAN MILLS: -- jump into --
34 SHANNON BERUMEN: -- you --
35 CHAIRMAN MILLS: -- that.
36 SHANNON BERUMEN: -- to discuss my position and how --
37 CHAIRMAN MILLS: That's --
38 SHANNON BERUMEN: -- that works in any --
39 CHAIRMAN MILLS: -- not on the --
40 SHANNON BERUMEN: -- (indiscernible) and the county and --

1 CHAIRMAN MILLS: Shannon --
2 SHANNON BERUMEN: -- clarify --
3 KEITH WESTENGARD: Absolutely.
4 SHANNON BERUMEN: -- that --
5 CHAIRMAN MILLS: That's not on the --
6 SHANNON BERUMEN: -- completely.
7 CHAIRMAN MILLS: -- agenda. We can't --
8 COMMISSIONER BAKKER: We'll -- we'll do that --
9 CHAIRMAN MILLS: We can't --
10 COMMISSIONER BAKKER: -- at the --
11 CHAIRMAN MILLS: -- go --
12 COMMISSIONER BAKKER: -- ne- --
13 CHAIRMAN MILLS: -- over that.
14 SHANNON BERUMEN: I've been waiting for this moment. Yes.
15 Let's clarify that.
16 COMMISSIONER BAKKER: Okay. We'll put that on the next
17 agenda, though.
18 CHAIRMAN MILLS: We can take care of that another time.
19 COMMISSIONER BAKKER: I need a second.
20 KEITH WESTENGARD: I'm done.
21 CHAIRMAN MILLS: Sadie, did you have a question?
22 COUNTY CLERK SULLIVAN: I just have a couple questions.
23 A couple of questions I have and my employees have asked me
24 how many people have been in their HR records since they have came
25 on. So they're just concerned, you know, how many people have had
26 to assist. They don't know who's been in our records. Because
27 you have needed to have that assistance. And I'm not asking for
28 names or numbers. But that's just something that has been talked
29 of is that because you haven't had the --
30 KEITH WESTENGARD: They're welcome to come talk --
31 COUNTY CLERK SULLIVAN: -- personnel.
32 KEITH WESTENGARD: -- to me in my office. And I will
33 certainly give them that information.
34 COUNTY CLERK SULLIVAN: Okay. And they just want that
35 confidentiality.
36 ELIZABETH BARELA: I'd actually like to state that I've
37 never been in anybody's files. Never.
38 COUNTY CLERK SULLIVAN: Yeah. And I just wanted that out
39 there and several employees of the county just wanted --
40 CHAIRMAN MILLS: And I'll --

1 COUNTY CLERK SULLIVAN: -- to confirm their files are --
2 CHAIRMAN MILLS: I'll put on the record too --
3 COUNTY CLERK SULLIVAN: -- confidential.
4 CHAIRMAN MILLS: -- that as the -- as the chairman of this
5 board that I have many times taken Keith into that office to --
6 to take care of some items. And it wasn't -- it wasn't a whole
7 going through people's files and anything like that ever going
8 on.
9 COUNTY CLERK SULLIVAN: Yeah, I haven't --
10 CHAIRMAN MILLS: It was very --
11 COUNTY CLERK SULLIVAN: -- heard --
12 CHAIRMAN MILLS: -- tightly --
13 COUNTY CLERK SULLIVAN: -- that. I haven't heard that.
14 COMMISSIONER BAKKER: It was very --
15 COUNTY CLERK SULLIVAN: But I have --
16 CHAIRMAN MILLS: -- tightly controlled and very --
17 COUNTY CLERK SULLIVAN: Yeah. I'm not throwing accusations.
18 CHAIRMAN MILLS: Yeah.
19 COUNTY CLERK SULLIVAN: I'm just saying that employees in
20 the county have said, you know, are -- who has seen our files?
21 Are they secure? So I'm just --
22 CHAIRMAN MILLS: They are -- they are --
23 COUNTY CLERK SULLIVAN: I'm stating --
24 CHAIRMAN MILLS: -- secure.
25 COUNTY CLERK SULLIVAN: -- that as an overall.
26 And then my other question is with this -- if there's that
27 second. So my staff and I have a staff member that will be on
28 leave, do we -- does she come to you? And then --
29 KEITH WESTENGARD: She can come --
30 COUNTY CLERK SULLIVAN: -- you will --
31 KEITH WESTENGARD: -- to me.
32 COUNTY CLERK SULLIVAN: -- direct her to Liz? Or --
33 KEITH WESTENGARD: Let's talk about this after the meeting.
34 COUNTY CLERK SULLIVAN: Okay.
35 KEITH WESTENGARD: I don't --
36 COUNTY CLERK SULLIVAN: Because --
37 KEITH WESTENGARD: -- think we need to talk about it in
38 an --
39 COUNTY CLERK SULLIVAN: Right. But --
40 KEITH WESTENGARD: -- open meeting.

1 COUNTY CLERK SULLIVAN: -- I think a memo needs to --
2 ELIZABETH BARELA: Keith is your --
3 COUNTY CLERK SULLIVAN: -- go out.
4 ELIZABETH BARELA: -- county HR.
5 COUNTY CLERK SULLIVAN: Okay. And I think a memo probably
6 needs to go out to not just elected officials, department heads,
7 the employees to let them know the steps after the decision's
8 made here today --
9 KEITH WESTENGARD: And I believe --
10 COUNTY CLERK SULLIVAN: -- of what they --
11 KEITH WESTENGARD: -- my email did say once a plan was in
12 place, everybody would be notified.
13 COUNTY CLERK SULLIVAN: Right.
14 KEITH WESTENGARD: Right?
15 COUNTY CLERK SULLIVAN: Right. And I'm just --
16 KEITH WESTENGARD: Okay.
17 COUNTY CLERK SULLIVAN: -- I'm just --
18 KEITH WESTENGARD: Okay.
19 COUNTY CLERK SULLIVAN: -- asking that --
20 KEITH WESTENGARD: Thank you.
21 COUNTY CLERK SULLIVAN: -- follow through on it. I'm not
22 saying that you're not going to. I just want it clarified for
23 everybody. That's all.
24 KEITH WESTENGARD: Very good. Thank you.
25 SHANNON BERUMEN: Shannon Berumen, for the record, again.
26 And I think falling under what Sadie said that there's
27 employees that want to know questions -- answers to questions is
28 because some are afraid to come forward, afraid of the reprisal
29 that might happen because of coming forward because of issues
30 that are going on -- or -- or because of our own -- own issues.
31 I mean, that is a question of what -- what's going to happen
32 to me because I've come up here and now spoke up and -- and need
33 my clarification of my position.
34 So -- and the fact that someone else is going to be able to
35 have access to my HR file that probably should be nonexistent
36 because there is no position for me because I have no job
37 description and that people forgot I'm a county employee.
38 COMMISSIONER ALLAN: I think --
39 COMMISSIONER BAKKER: I think --
40 COMMISSIONER ALLAN: -- to answer --

1 COMMISSIONER BAKKER: -- that's --
2 COMMISSIONER ALLAN: -- that, --
3 COMMISSIONER BAKKER: Oh.
4 COMMISSIONER ALLAN: -- is what difference does it make who
5 the HR person is? You'd still have those issues. Is what I'm
6 seeing is -- is attacking an individual.
7 MARLA SAM: That's not true.
8 SHANNON BERUMEN: No. No.
9 We all said --
10 MARLA SAM: That is not --
11 SHANNON BERUMEN: -- that it had --
12 MARLA SAM: -- true.
13 SHANNON BERUMEN: -- nothing to do personally against Liz.
14 COMMISSIONER ALLAN: Then --
15 SHANNON BERUMEN: It's the idea --
16 MARLA SAM: That is not --
17 SHANNON BERUMEN: -- of --
18 MARLA SAM: -- true.
19 SHANNON BERUMEN: -- an overall position and the -- and the
20 privacy and the consequences that it could have, even for you,
21 like I said, as a liability. If there's a problem and the DA
22 needs to be involved, that is a conflict, having her in that
23 office and in helping Keith with HR and being involved in our HR
24 conflicts.
25 COUNTY CLERK SULLIVAN: And for mine, for the record --
26 Sadie Sullivan -- it's for a clarification. So I don't want to
27 be thrown in that situation, saying I'm -- saying Liz is not the
28 correct person. Mine was clarification of what we're going to
29 do.
30 COMMISSIONER BAKKER: Sha- -- yeah. Shannon, you got a
31 whole lot more problems that's not on this agenda item that
32 we're going to need to agendize and figure that out.
33 SHANNON BERUMEN: But it has to do with this agenda item --
34 COMMISSIONER BAKKER: So --
35 SHANNON BERUMEN: -- as well.
36 COMMISSIONER BAKKER: Oh. Right. But --
37 KATHY ANCHO: Kathy Ancho, for the record.
38 It has -- Liz, this actually has absolutely nothing to do
39 with you.
40 However, with you guys, when you get upset when people come

1 forward to speak to you and you make issues and comments like
2 that, that's what prohibits people from speaking out. And this
3 has gone on forever in this county.

4 When people get angry when somebody voices their opinion or
5 they're afraid, that's what makes people afraid to come to you.
6 Because you get angry. Because they see it one way and you see
7 it another. You just have to come together calmly --

8 COMMISSIONER BAKKER: Someone's going --

9 KATHY ANCHO: -- and not do --

10 COMMISSIONER BAKKER: -- (indiscernible).

11 KATHY ANCHO: -- this because that's what causes people not
12 to come to you --

13 KEITH WESTENGARD: And -- and I have --

14 KATHY ANCHO: -- and not to trust you.

15 KEITH WESTENGARD: I have no -- I have no issues with that.
16 Why does -- nobody has come to me in -- in two weeks, into my
17 office and say, other than I talked with Marla, other -- to say,
18 I've got a problem with this. What are you doing?

19 KATHY ANCHO: I'll give you an example why. I'm going to
20 give you an example why in this community alone.

21 When that whole thing went with -- where they were trying
22 to do the recall and people signed their names. And everybody
23 found out whose names they were signed and everybody was angry
24 and they were going to do this to them and that with them.

25 In this community, it being so small, everyone knows that if
26 you talk to the wrong person and you say the wrong things, they
27 feel like they're on a chopping block. Instead of everybody just
28 being civilized to one another and listening to what they have to
29 say, everybody gets personally offended. You were personally
30 offended. You were personally offended. And it has nothing to do
31 with you guys. It has to do with all the county employees and
32 hearing what they have to say and their concerns.

33 They're not digging at her. They're just afraid. And it
34 doesn't do any good for us as -- all -- everyone to get all
35 angry and start yelling at each other, because then you're
36 really not going to have anybody come forward.

37 KEITH WESTENGARD: All people have to do is come to my --

38 KATHY ANCHO: I know.

39 KEITH WESTENGARD: -- office and talk to me.

40 KATHY ANCHO: But they're --

1 KEITH WESTENGARD: They can call --
2 KATHY ANCHO: -- afraid --
3 KEITH WESTENGARD: -- me on the phone.
4 KATHY ANCHO: -- because of stuff that happens just like
5 this --
6 KEITH WESTENGARD: Because --
7 KATHY ANCHO: -- in the meeting.
8 KEITH WESTENGARD: Why does it need --
9 KATHY ANCHO: But, Keith, --
10 KEITH WESTENGARD: -- to --
11 KATHY ANCHO: -- you're not --
12 KEITH WESTENGARD: -- happen?
13 KATHY ANCHO: -- see -- you're seeing it one --
14 KEITH WESTENGARD: No.
15 KATHY ANCHO: -- way.
16 KEITH WESTENGARD: No. I -- I understand what you're
17 saying, Kathy.
18 CHAIRMAN MILLS: Okay.
19 KEITH WESTENGARD: Clearly understand what you're --
20 CHAIRMAN MILLS: We're getting --
21 KEITH WESTENGARD: -- saying.
22 KATHY ANCHO: I'm going to finish this, please.
23 CHAIRMAN MILLS: We're getting pretty far --
24 KATHY ANCHO: I know.
25 CHAIRMAN MILLS: -- afield from our --
26 KATHY ANCHO: We're going to figure --
27 CHAIRMAN MILLS: -- agenda --
28 KATHY ANCHO: I'm going to --
29 CHAIRMAN MILLS: -- item.
30 KATHY ANCHO: -- finish what I have to say, and I'll be
31 done.
32 KEITH WESTENGARD: Okay.
33 KATHY ANCHO: -- because it's -- it does mean something.
34 Okay.
35 And I know you think I've gone off the track. But why people
36 don't come up -- and it doesn't have to do with her or just you or
37 just you. But as a group when you come together and people start
38 picking at one another and they're not civilized, then they --
39 everybody feels like they've been running around with a torch.
40 And nobody's going to come forward to you and say stuff. They

1 want to be able to say stuff. And then you be, okay, I may --
2 just like she did earlier. I may have to agree to disagree with
3 you, but this.

4 That's all they want to do is have -- be heard and not have
5 to be so emotionally driven by it and feel like they're being tore
6 apart. And they will come to you once -- and her -- once they
7 feel that there's a trust. But if you -- they feel like you're
8 stuffing something down their throat, they're never going to come
9 to you.

10 They'll gain her trust. She will gain their trust, but it
11 has to be all in the way that you present it to them. And they
12 will jump on board, but you can't stuff it down their throat.

13 That's all I'm trying to say.

14 COMMISSIONER BAKKER: Thank you, Kathy.

15 COUNTY CLERK SULLIVAN: And, Keith, I -- I don't want you
16 to take that personal, what I was asking. I'm just telling you
17 what has --

18 KEITH WESTENGARD: I --

19 COUNTY CLERK SULLIVAN: -- been stated --

20 KEITH WESTENGARD: All --

21 COUNTY CLERK SULLIVAN: -- so you know.

22 KEITH WESTENGARD: -- I'm a -- all I have ever asked is if
23 anybody has an issue to come to my --

24 COUNTY CLERK SULLIVAN: Right.

25 KEITH WESTENGARD: -- office before it comes out in an open
26 meeting and it turns into this.

27 COUNTY CLERK SULLIVAN: Right.

28 KEITH WESTENGARD: And I do take offense to that.

29 COUNTY CLERK SULLIVAN: Okay. Well, it's --

30 KEITH WESTENGARD: I would sure like to have --
31 (indiscernible).

32 COUNTY CLERK SULLIVAN: No, the question --

33 KEITH WESTENGARD: I'm sorry. I'll shut --

34 COUNTY CLERK SULLIVAN: My question --

35 CHAIRMAN MILLS: Okay.

36 KEITH WESTENGARD: -- up.

37 COUNTY CLERK SULLIVAN: -- was an overall --

38 COMMISSIONER BAKKER: Can -- can --

39 COUNTY CLERK SULLIVAN: -- question just --

40 CHAIRMAN MILLS: So --

1 COUNTY CLERK SULLIVAN: -- they've said how many people
2 have been in their files. Not against you, Keith. Not against
3 whomever. I'm just saying that they want the commissioners to
4 be aware or asked or however, you know. Because we have
5 struggled. And we do need to have a good, you know, person in
6 HR.

7 So it's not -- what I've stated today was not to attack
8 anybody personally. It's the concerns. And they just want to be
9 able to have --

10 CHAIRMAN MILLS: Right.

11 COUNTY CLERK SULLIVAN: -- somebody available.

12 CHAIRMAN MILLS: And so just also in answer to that -- that
13 as a -- as the chair of the commission, I've been aware of those
14 things. And I've been following that.

15 And -- and it -- in -- in my opinion has been very secure and
16 very well cared for.

17 COUNTY CLERK SULLIVAN: Okay.

18 CHAIRMAN MILLS: So I just want that on the public record.

19 COMMISSIONER ALLAN: And I want --

20 CHAIRMAN MILLS: So --

21 COMMISSIONER ALLAN: -- to reiterate -- I'm sorry -- is you
22 talk about giving someone a chance and letting -- letting the
23 employees, you know, learn to trust. And -- and that's what
24 we're asking is, you know. It -- it's not -- you look at
25 conflict of interest. It's a confident, intelligent person that
26 can separate themselves from a situation. And I think that --
27 that she is capable of doing that.

28 And that's what we're asking is for our county employees to
29 give Liz the opportunity to prove that she can do that and do a
30 good job.

31 We need a good HR. She's -- she's qualified and has been
32 doing it. And --

33 CHAIRMAN MILLS: Okay.

34 COMMISSIONER ALLAN: -- and that's what we want. And --
35 and we want the employees to be able to trust her and let her
36 prove that she can do it.

37 CHAIRMAN MILLS: So at this point, Sean has made a motion.
38 Do we have a second?

39 COMMISSIONER ALLAN: I'll second.

40 SHANNON BERUMEN: Shannon Berumen, for the record, real

1 quick.

2 In no way was implying or -- I -- I would hope anyone
3 else -- that Liz would be incompetent or not intelligent enough
4 to do the position. But at this point in this process is not
5 being done to the way it should be done. And in no way should
6 we be putting this as a permanent solution to our HR issues.

7 It should be being done in a more agreeable -- a full-time HR
8 position. And if Mr. Gould did not have enough to do as a
9 full-time person, I can tell you it's because he never talked to
10 me about my HR issues.

11 So I -- they -- the HR needs to be a full-time position. It
12 does need to be addressed differently. And it should not being
13 addressed like this at this point.

14 ELIZABETH BARELA: I'm --

15 SHANNON BERUMEN: (Indiscernible.)

16 ELIZABETH BARELA: -- not HR. He is. And that is a
17 full-time --

18 SHANNON BERUMEN: Right here --

19 ELIZABETH BARELA: -- position.

20 SHANNON BERUMEN: -- this says human resource assistant.

21 ELIZABETH BARELA: Assistant. I'm not the full-time HR.
22 That is him.

23 COMMISSIONER BAKKER: Okay.

24 COUNTY CLERK SULLIVAN: I --

25 MARLA SAM: I --

26 COUNTY CLERK SULLIVAN: -- have a question.

27 MARLA SAM: Marla Sam, for the record.

28 I think you should just go out. I think next week in the
29 paper I believe that you should have an advertisement out there
30 for HR again. Because you're -- how long can this go on?
31 Six months? What?
32 Go out. Find another person. We've been this long without.
33 We're -- why? What the heck?

34 CHAIRMAN MILLS: Sadie?

35 COUNTY CLERK SULLIVAN: That was -- that was kind of along
36 my questions. Will we be publishing for a full-time HR? Or
37 it'll just -- for now it's just through Keith in -- in --

38 CHAIRMAN MILLS: Right.

39 COUNTY CLERK SULLIVAN: -- the motion?

40 CHAIRMAN MILLS: Paula?

1 PAULA TOMERA: I was just going to agree with Marla that,
2 yes, I -- I would think put it out and then you could come back
3 and apply for the full-time position if that's -- if that's
4 where they want to go.

5 CHAIRMAN MILLS: Okay.

6 Any other public comment?

7 LAKEN MARINE: I would like to make a comment.

8 I just ask that, Laken Marine, for the record.

9 I have no issues working with Liz. And I ask that you guys
10 please consider doing this at least for right now. And if you
11 guys want to come back and discuss advertising it later. But we
12 do need somebody in there now to do the work.

13 COMMISSIONER BAKKER: Thanks, Laken.

14 LAKEN MARINE: It makes a lot of difference for our office.

15 ELIZABETH BARELA: Thank you.

16 MARLA SAM: It hasn't made any difference.

17 LAKEN MARINE: Not for you, but it has for us.

18 COMMISSIONER BAKKER: Okay.

19 Call for a vote.

20 CHAIRMAN MILLS: Has everybody had an opportunity to make
21 their comments that they'd like to make?

22 Okay.

23 All in favor?

24 COMMISSIONER BAKKER: Aye.

25 COMMISSIONER ALLAN: Aye.

26 CHAIRMAN MILLS: Aye.

27 Opposed?

28 COMMISSIONER WAITS: Nay.

29 COMMISSIONER CLARK: I have a possible conflict. So I'm
30 not going to vote.

31 COMMISSIONER ALLAN: You have to disclose it, Art.

32 COMMISSIONER CLARK: Pardon me.

33 CHAIRMAN MILLS: What's your conflict?

34 COMMISSIONER ALLAN: You have to disclose if you're not.

35 COMMISSIONER CLARK: You don't.

36 COMMISSIONER ALLAN: I --

37 COMMISSIONER CLARK: You have --

38 COMMISSIONER ALLAN: -- have.

39 COMMISSIONER CLARK: -- not.

40 COMMISSIONER ALLAN: Yes, I have.

1 COMMISSIONER CLARK: No, you haven't.
2 No, you haven't.
3 Is -- do I need to --
4 COMMISSIONER WAITS: Legal --
5 COMMISSIONER CLARK: -- go any --
6 COMMISSIONER WAITS: -- question?
7 COMMISSIONER CLARK: -- further, --
8 CHAIRMAN MILLS: Okay.
9 COMMISSIONER CLARK: -- Counselor?
10 DISTRICT ATTORNEY HERRERA: Well, you could explain that
11 you have a conflict of interest because of certain things.
12 COMMISSIONER CLARK: I have a conflict of interest because
13 I talked to Ted about this. And it wound up on the agenda. And
14 possible conflict. I -- I've talked to Keith about it too. And
15 I don't want to --
16 CHAIRMAN MILLS: Okay.
17 DISTRICT ATTORNEY HERRERA: Right. That's a --
18 COMMISSIONER CLARK: -- have an ethical violation on my
19 record.
20 COMMISSIONER BAKKER: Okay.
21 CHAIRMAN MILLS: All right. Thank you, all, --
22 COMMISSIONER BAKKER: Moving on.
23 CHAIRMAN MILLS: -- for your input.
24 ELIZABETH BARELA: Thank you.
25
26 10) Discussion and possible action to approve/disapprove the
27 Lander County Credit Card/Charge Account Agreement and the
28 Policy and Procedures for County Credit Card/Charge Account
29 Use and Accountability for Lander County Department Heads and
30 Elected Officials, and all other matters properly related
31 thereto.
32
33 CHAIRMAN MILLS: Moving to Item Number 10.
34 Discussion and possible action to approve/disapprove the
35 Lander County Credit Card/Charge Account Agreement and the
36 Policy and Procedures for County Credit Card/Charge Account Use
37 and Accountability for Lander County Department Heads and
38 Elected Officials, and all other matters properly related
39 thereto.
40 COMMISSIONER BAKKER: Keith?

1 (Commissioner Clark left commissioner chambers.)
2
3 KEITH WESTENGARD: When would you guys like to have your
4 Nov- -- November meeting? The week of the 12th --
5 COMMISSIONER WAITS: No.
6 COMMISSIONER BAKKER: We're on the --
7 COMMISSIONER WAITS: No.
8 COMMISSIONER BAKKER: -- credit cards.
9 CHAIRMAN MILLS: We're on credit cards.
10 KEITH WESTENGARD: Oh.
11 COMMISSIONER WAITS: Number 10.
12 COMMISSIONER ALLAN: We can skip it if you'd like.
13 KEITH WESTENGARD: Sorry. Sorry, I --
14 COMMISSIONER BAKKER: What's wrong with the credit cards?
15 KEITH WESTENGARD: No. No. There's nothing wrong with the
16 credit cards.
17 What we're doing is we want to put a policy in place that
18 is -- that outlines how county employees use credit cards, how
19 backup is put into place and submitted. There's nothing wrong
20 with them.
21 COMMISSIONER BAKKER: How many county employees have a
22 credit card?
23 KEITH WESTENGARD: The -- well -- county -- the county
24 employees and elected officials, I would say we're in the
25 neighborhood of -- 15?
26 COMMISSIONER WAITS: So this copy that we signed would all
27 go in our HR records?
28 KEITH WESTENGARD: Yes.
29 DISTRICT ATTORNEY HERRERA: This is basically a policy and
30 then the agreement between the county and the credit card
31 holder. So there's two pieces of paper.
32 COMMISSIONER BAKKER: Okay.
33 KEITH WESTENGARD: And this has been reviewed by the DA
34 and -- and worked on. Worded to his satisfaction.
35 COMMISSIONER WAITS: And the wording's okay with our
36 district attorney; right?
37 DISTRICT ATTORNEY HERRERA: Yes.
38 COMMISSIONER WAITS: I'm surprised we haven't had it
39 before. I think it's excellent.
40 I'll make a motion that we adopt the policy and procedures

1 for the county credit card charge account use and accountability
2 and the charge account agreement that is to be signed by the card
3 holder.

4 COMMISSIONER BAKKER: Second.

5 CHAIRMAN MILLS: Okay. Patsy made a motion. Sean
6 seconded.

7 Do we have any public comment?

8 SHANNON BERUMEN: Shannon Berumen, for the record.

9 I don't know if Lisa was made aware that this is on the
10 agenda for today. But I know there's been some issue with our
11 department having a county credit card because of auditing
12 issues and things like that. We're not allowed to use Keith's
13 credit card like we had been making purchases --

14 COMMISSIONER WAITS: Right. But --

15 SHANNON BERUMEN: -- with --

16 COMMISSIONER WAITS: -- wouldn't have --

17 SHANNON BERUMEN: -- in the past.

18 COMMISSIONER WAITS: -- anything to do with us adopting
19 this.

20 SHANNON BERUMEN: Right. But Lisa's not a county employee.
21 And because she falls --

22 COMMISSIONER WAITS: No, --

23 SHANNON BERUMEN: -- under the --

24 COMMISSIONER WAITS: -- that -- that's another --

25 SHANNON BERUMEN: -- department head?

26 COMMISSIONER WAITS: -- issue, is what I'm --

27 SHANNON BERUMEN: Okay.

28 COMMISSIONER WAITS: -- saying.

29 SHANNON BERUMEN: Okay.

30 COMMISSIONER WAITS: This --

31 SHANNON BERUMEN: So we just want --

32 COMMISSIONER WAITS: -- is just --

33 SHANNON BERUMEN: -- make sure that that -- that that's --

34 COMMISSIONER WAITS: You can address that in --

35 SHANNON BERUMEN: Address that --

36 COMMISSIONER WAITS: -- another situation.

37 SHANNON BERUMEN: Okay.

38 COMMISSIONER WAITS: Right?

39 SHANNON BERUMEN: Okay.

40 KEITH WESTENGARD: Yes, ma'am.

1 COMMISSIONER WAITS: Okay.
2 COMMISSIONER BAKKER: Okay.
3 COMMISSIONER WAITS: Thank you, Shannon.
4 SHANNON BERUMEN: Uh-huh.
5 CHAIRMAN MILLS: Okay. Any other public comment?
6 (No comment.)
7 CHAIRMAN MILLS: All in favor?
8 COMMISSIONER BAKKER: Aye.
9 COMMISSIONER ALLAN: Aye.
10 CHAIRMAN MILLS: Aye.
11 COMMISSIONER WAITS: Aye.
12 COMMISSIONER CLARK: Aye.
13 CHAIRMAN MILLS: Okay. Item --
14 COMMISSIONER ALLAN: Okay.
15 CHAIRMAN MILLS: -- 11.
16 COMMISSIONER ALLAN: Keith.
17
18 11) Discussion and possible action to set a holiday schedule for
19 the November and December 2018 commission meetings, and all
20 other matters properly related thereto.
21
22 CHAIRMAN MILLS: Discussion and possible action --
23 KEITH WESTENGARD: What?
24 CHAIRMAN MILLS: -- to set a holiday schedule for the
25 November and December 2018 commission meetings, and all other
26 matters properly related thereto.
27 KEITH WESTENGARD: Now, Commissioners, --
28 COMMISSIONER WAITS: Yes.
29 KEITH WESTENGARD: -- I am asking how you would like to
30 handle the holiday schedule for November and/or -- or November
31 or December -- and December.
32 Thanksgiving, of course, is the week of the 19th. It falls
33 on the 22nd of November. The week of the 12th is NACO.
34 So I -- I don't know how you want to fit that in there.
35 We have a regularly scheduled -- scheduled meeting for
36 November the 8th.
37 If the commission would like, we could cancel the eighth --
38 or cancel the 22nd and just have one meeting in November.
39 COMMISSIONER WAITS: Or we could go the 29th.
40 KEITH WESTENGARD: Or you can go the 29th. Yes.

1 COMMISSIONER WAITS: And if we go to the 29th, that's two
2 weeks. If we have one in the middle of December on the 13th and
3 only have one in December.

4 KEITH WESTENGARD: That -- that is correct.

5 COMMISSIONER BAKKER: Okay.

6 KEITH WESTENGARD: Which --

7 COMMISSIONER WAITS: How does --

8 KEITH WESTENGARD: -- whichever --

9 COMMISSIONER WAITS: -- that work?

10 KEITH WESTENGARD: Whatever your --

11 COMMISSIONER BAKKER: Yep.

12 KEITH WESTENGARD: -- pleasure.

13 CHAIRMAN MILLS: That sounds good.

14 COMMISSIONER BAKKER: Sounds good.

15 KEITH WESTENGARD: So the November -- so 11, we're going to
16 change it to the 11/29.

17 COMMISSIONER ALLAN: Well, the --

18 KEITH WESTENGARD: November twenty- --

19 COMMISSIONER ALLAN: -- 22nd's Thanksgiving --

20 COMMISSIONER WAITS: Yeah.

21 COMMISSIONER ALLAN: -- anyway. So --

22 COMMISSIONER WAITS: The -- the -- the only problem with --

23 COMMISSIONER BAKKER: Hey.

24 COMMISSIONER WAITS: -- that is that our election is on the
25 6th. So if -- if we have the report quick enough on the canvass
26 that we can actually approve it on the 8th, that's -- that's
27 terrific.

28 But if she --

29 COMMISSIONER BAKKER: Right.

30 COMMISSIONER WAITS: -- can't. Because she won't have the
31 details like we had before.

32 You don't -- you know, we do the canvass first. We'll have
33 to wait for the details for later.

34 COMMISSIONER BAKKER: Yeah. That's fine.

35 COUNTY CLERK SULLIVAN: And if we --

36 CHAIRMAN MILLS: Is that.

37 COUNTY CLERK SULLIVAN: -- have any -- Sadie Sullivan, for
38 the record -- if we any issues and need to amend it, then we'll
39 have to hold a special.

40 COMMISSIONER WAITS: Right. If we --

1 COUNTY CLERK SULLIVAN: It would have to be held by the
2 15th.
3 COMMISSIONER WAITS: If you can't get it done on the --
4 COMMISSIONER BAKKER: Well, --
5 COMMISSIONER WAITS: -- 8th, --
6 COMMISSIONER BAKKER: -- and it's --
7 COMMISSIONER WAITS: -- then we'll have to have a special
8 meeting --
9 COMMISSIONER BAKKER: Chair can call --
10 COMMISSIONER WAITS: -- because it has to --
11 COMMISSIONER BAKKER: -- a special.
12 COMMISSIONER WAITS: -- be in by the 15th. Right?
13 COUNTY CLERK SULLIVAN: Right.
14 COMMISSIONER BAKKER: So --
15 COMMISSIONER WAITS: But we can do a phone one --
16 CHAIRMAN MILLS: Yeah.
17 COMMISSIONER ALLAN: Keith?
18 COMMISSIONER WAITS: -- or something. Okay.
19 CHAIRMAN MILLS: Just -- just let us know. We -- we can
20 arrange that.
21 COMMISSIONER ALLAN: When was NACO again?
22 KEITH WESTENGARD: The week of the --
23 COMMISSIONER WAITS: 13th, 14th, and --
24 KEITH WESTENGARD: -- 13th, --
25 COMMISSIONER WAITS: -- 15th.
26 KEITH WESTENGARD: -- 14th, and 15th. Yes.
27 COMMISSIONER ALLAN: Okay.
28 COMMISSIONER BAKKER: And where is it at?
29 KEITH WESTENGARD: Minden?
30 COMMISSIONER WAITS: Minden.
31 Carson Valley Inn.
32 KEITH WESTENGARD: Yes.
33 COMMISSIONER BAKKER: Did you get me a room?
34 KEITH WESTENGARD: Yeah.
35 COMMISSIONER BAKKER: Just playing.
36 Just playing.
37 KEITH WESTENGARD: So are we talking the 8th and the 29th,
38 Commissioners?
39 COMMISSIONER WAITS: Yes.
40 KEITH WESTENGARD: Okay. For -- so --

1 CHAIRMAN MILLS: And then --
2 KEITH WESTENGARD: -- we will -- we will publi- --
3 COMMISSIONER WAITS: And then --
4 CHAIRMAN MILLS: And then just --
5 COMMISSIONER WAITS: -- one --
6 CHAIRMAN MILLS: -- what day --
7 COMMISSIONER WAITS: -- meeting on the 13th of December.
8 COMMISSIONER BAKKER: We did --
9 KEITH WESTENGARD: And then --
10 COMMISSIONER BAKKER: -- preregister --
11 KEITH WESTENGARD: 12 --
12 COMMISSIONER BAKKER: -- spots for the new commission,
13 though; right?
14 COMMISSIONER ALLAN: We'll have to discuss that on the --
15 COMMISSIONER BAKKER: Okay.
16 COMMISSIONER ALLAN: -- agenda. Or is that just --
17 COMMISSIONER BAKKER: They -- it's a -- they do it every --
18 COMMISSIONER ALLAN: Well, I know. But, I mean --
19 CHAIRMAN MILLS: They got it covered.
20 COMMISSIONER WAITS: It's not an agenda item.
21 CHAIRMAN MILLS: Okay. Do we have a motion --
22 COMMISSIONER WAITS: It's just --
23 CHAIRMAN MILLS: -- to change --
24 COMMISSIONER WAITS: -- we have a --
25 CHAIRMAN MILLS: -- those --
26 COMMISSIONER WAITS: -- budget; --
27 CHAIRMAN MILLS: -- dates?
28 COMMISSIONER WAITS: -- right?
29 COMMISSIONER BAKKER: I'll make a motion to change the
30 November meeting to the 8th and the 29th of November.
31 CHAIRMAN MILLS: And December 13th.
32 COMMISSIONER WAITS: And one meeting --
33 COMMISSIONER BAKKER: And December 13th.
34 KEITH WESTENGARD: December 13th. Those are the dates,
35 then?
36 CHAIRMAN MILLS: Do we have a second?
37 COMMISSIONER CLARK: Yeah. I'll second it.
38 COMMISSIONER BAKKER: Okay.
39 CHAIRMAN MILLS: Okay. Sean made a motion. Art seconded.
40 Do we have any public comment?

1 COUNTY CLERK SULLIVAN: I do.
2 Sadie Sullivan, for the record.
3 Would you like me to publish? Or would Nilla?
4 KEITH WESTENGARD: Would you mind?
5 COUNTY CLERK SULLIVAN: Okay.
6 KEITH WESTENGARD: I'll pay for -- I'll --
7 COUNTY CLERK SULLIVAN: I'll do the best. It's election
8 time.
9 KEITH WESTENGARD: Well, I -- if it's a -- if it's a
10 problem, I can take care of it. I just --
11 COUNTY CLERK SULLIVAN: Okay.
12 KEITH WESTENGARD: You --
13 COUNTY CLERK SULLIVAN: I'll just --
14 KEITH WESTENGARD: -- offered.
15 COUNTY CLERK SULLIVAN: -- get -- I'll get with you.
16 KEITH WESTENGARD: Okay.
17 COUNTY CLERK SULLIVAN: Okay. Thank you.
18 COMMISSIONER BAKKER: Is that it?
19 CHAIRMAN MILLS: Okay.
20 COUNTY CLERK SULLIVAN: Yep.
21 CHAIRMAN MILLS: All in favor?
22 COMMISSIONER BAKKER: Aye.
23 CHAIRMAN MILLS: Aye.
24 COMMISSIONER ALLAN: Aye.
25 COMMISSIONER WAITS: Aye.
26 COMMISSIONER CLARK: Aye.

27
28
29 **CORRESPONDENCE**

30
31 **12) Correspondence, reports, potential upcoming agenda items.**

32
33 CHAIRMAN MILLS: Item 12. Correspondence, reports,
34 potential upcoming agenda items.
35 COMMISSIONER WAITS: Gee, there was no correspondence. Did
36 you folks have any correspondence?
37 CHAIRMAN MILLS: I have -- the packet's looking a little
38 thin. Huh?
39 COMMISSIONER WAITS: Okay. On the agenda items --
40 COMMISSIONER ALLAN: Oh.

1 COMMISSIONER WAITS: What?
2 COMMISSIONER ALLAN: We need to go back to --
3 COMMISSIONER BAKKER: Oh, we've got to approve the payroll.
4 COMMISSIONER ALLAN: -- payroll.
5 KEITH WESTENGARD: Oh, thank you.
6 CHAIRMAN MILLS: Oh. That's right.
7 COUNTY CLERK SULLIVAN: Doug?
8 COMMISSIONER WAITS: We -- we already approved the salary.
9 CHAIRMAN MILLS: We could --
10 COMMISSIONER WAITS: Do we have to do the payroll too?
11 KEITH WESTENGARD: I would think so. Yeah.
12 DISTRICT ATTORNEY HERRERA: Yeah.
13 KEITH WESTENGARD: Because you pulled it. I would think
14 so.
15 DISTRICT ATTORNEY HERRERA: Since it came --
16 CHAIRMAN MILLS: Yeah. It was pulled.
17 DISTRICT ATTORNEY HERRERA: -- in the form of payroll --
18 COMMISSIONER WAITS: Technically.
19 DISTRICT ATTORNEY HERRERA: Yeah.
20 COUNTY CLERK SULLIVAN: Doug.
21 COMMISSIONER BAKKER: Well --
22 CHAIRMAN MILLS: That's -- that's for public comment.
23 COMMISSIONER BAKKER: Open the consent agenda for payroll
24 change.
25 CHAIRMAN MILLS: Well, let's finish Item 12.
26 COMMISSIONER BAKKER: Okay. Let's do --
27 CHAIRMAN MILLS: So on that too we -- we need to have a --
28 a spot on the next agenda for hospital board appointments.
29 KEITH WESTENGARD: Okay.
30 COMMISSIONER BAKKER: Okay.
31 KEITH WESTENGARD: Will they get the recommendations?
32 CHAIRMAN MILLS: Yeah. They're -- they're working on that.
33 COMMISSIONER WAITS: And I would also like us to put the
34 January meeting on the agenda for a possible change.
35 KEITH WESTENGARD: Oh, that -- yeah.
36 For the new assign- -- the first meeting in January for the
37 --
38 COMMISSIONER WAITS: Yes.
39 KEITH WESTENGARD: Yeah. Oh, yeah.
40 You want it on the next agenda?

1 COMMISSIONER WAITS: Yes.
2 We need to do it. Because if we have to change the date,
3 it's got to be done before the new ones --
4 KEITH WESTENGARD: Oh. Oh.
5 COMMISSIONER WAITS: -- come in.
6 KEITH WESTENGARD: I see. I thought you were talking about
7 for the, like, chair, vice chair, and so forth. So --
8 COMMISSIONER WAITS: No. I'm --
9 KEITH WESTENGARD: Okay.
10 COMMISSIONER WAITS: -- I'm asking just about the date.
11 KEITH WESTENGARD: Yes.
12 COMMISSIONER ALLAN: So I still think that we need to put
13 it on the agenda for approval to approve newly elected -- not
14 sworn in commissioners -- to go to the NACO.
15 COMMISSIONER BAKKER: Okay. Put it on there.
16 DISTRICT ATTORNEY HERRERA: I agree.
17 We -- I think we did that last year.
18 KEITH WESTENGARD: Yes, we did.
19 COMMISSIONER ALLAN: We did that last time.
20 DISTRICT ATTORNEY HERRERA: Two years ago.
21 COMMISSIONER ALLAN: I don't know what we did before. But
22 I just -- I know that when I came in, it had to --
23 DISTRICT ATTORNEY HERRERA: Two years ago.
24 COMMISSIONER ALLAN: -- be approved. So --
25 COMMISSIONER BAKKER: Okay. Please put --
26 COMMISSIONER CLARK: Keith?
27 COMMISSIONER BAKKER: -- it on there.
28 COMMISSIONER CLARK: Keith?
29 KEITH WESTENGARD: Yes.
30 COMMISSIONER CLARK: I'd like to have you contact NDOT
31 about lighting at Broyles Ranch and Broad.
32 I know we talked about this the last time they were there,
33 but nothing's been done.
34 And it -- it's -- it -- somebody's going to get hurt.
35 KEITH WESTENGARD: Okay.
36 COMMISSIONER BAKKER: I didn't put him up to that even
37 though Bakker's Brew's right there. So --
38 KEITH WESTENGARD: Actually, that -- that did come on
39 their -- on their list. And it -- there was a correspondence
40 sent back to -- what's his name, Patsy?

1 COMMISSIONER WAITS: I'm sorry.
2 COMMISSIONER ALLAN: Lee --
3 KEITH WESTENGARD: The NDOT --
4 COMMISSIONER ALLAN: -- Bonner?
5 KEITH WESTENGARD: -- guy?
6 Lee. Yes.
7 CHAIRMAN MILLS: Yeah.
8 KEITH WESTENGARD: Lee Bonner. I haven't heard back. So I
9 will follow --
10 COMMISSIONER WAITS: Oh.
11 KEITH WESTENGARD: -- up on it.
12 COMMISSIONER CLARK: Well, the problem is if you have north
13 and southbound traffic right there at that intersection, you
14 can't see because the lights are in your eyes and it's so dark
15 at the crosswalk.
16 KEITH WESTENGARD: Okay.
17 Got it.
18 CHAIRMAN MILLS: Okay.
19 KEITH WESTENGARD: Yep.
20 CHAIRMAN MILLS: Any other --
21 SHERIFF RON UNGER: Arthur?
22 COMMISSIONER CLARK: Ron?
23 SHERIFF RON UNGER: Ron Unger, for the record.
24 You may want to discuss the semi-trucks and the center
25 lane.
26 COMMISSIONER CLARK: Yeah.
27 SHERIFF RON UNGER: You get three semis parked there trying
28 to get into the diesel fuel and somebody comes and goes around
29 them or whatever, it's going to leave a blind spot there.
30 COMMISSIONER CLARK: Yeah. We --
31 SHERIFF RON UNGER: So that needs --
32 COMMISSIONER CLARK: -- we --
33 SHERIFF RON UNGER: -- to be --
34 COMMISSIONER CLARK: Ever since --
35 SHERIFF RON UNGER: -- discussed --
36 COMMISSIONER CLARK: -- they put --
37 SHERIFF RON UNGER: -- also.
38 COMMISSIONER CLARK: -- the big sign up, we've got more
39 semi traffic there at Broad and Broyles Ranch.
40 SHERIFF RON UNGER: Or maybe it needs to be with Maverik on

1 bringing them in a different direction or something.
2 COMMISSIONER CLARK: Okay. You got that, --
3 COMMISSIONER BAKKER: Yeah.
4 COMMISSIONER CLARK: -- Keith? You got that, Keith?
5 KEITH WESTENGARD: I got it. Yep. I got it all.
6 COMMISSIONER BAKKER: Okay.
7 CHAIRMAN MILLS: Okay. Any other correspondence or agenda
8 items?
9 KEITH WESTENGARD: I -- I had a question.
10 Would the commission like to be updated from the old
11 courthouse committee?
12 COMMISSIONER CLARK: Yeah. Yeah, I would. Did we ever
13 find out what happened there?
14 KEITH WESTENGARD: No.
15 COMMISSIONER BAKKER: Shannon, need an agenda item?
16 SHANNON BERUMEN: Probably two or three.
17 COMMISSIONER BAKKER: Okay.
18 KEITH WESTENGARD: I've got that down. She can --
19 COMMISSIONER BAKKER: Okay.
20 KEITH WESTENGARD: -- just submit the --
21 COMMISSIONER BAKKER: Okay.
22 KEITH WESTENGARD: -- submit your agenda request.
23 COMMISSIONER BAKKER: Okay.
24 Just checking.
25 COMMISSIONER WAITS: And then the one that we did for her
26 today needs to be on.
27 COMMISSIONER ALLAN: For --
28 KEITH WESTENGARD: Yeah.
29 COMMISSIONER ALLAN: -- Lisa.
30 KEITH WESTENGARD: Oh, yeah. Lisa's.
31 COMMISSIONER WAITS: The one from --
32 KEITH WESTENGARD: Yes.
33 COMMISSIONER BAKKER: Yep.
34 COMMISSIONER WAITS: -- co-op.
35 KEITH WESTENGARD: It's -- its already --
36 COMMISSIONER WAITS: Yeah.
37 KEITH WESTENGARD: Yeah. It's in the draft already.
38 COMMISSIONER BAKKER: Okay.
39
40

1 **CONSENT AGENDA**

2
3 CHAIRMAN MILLS: Let's go back to our consent agenda and do
4 an approval of payroll change requests.

5 COMMISSIONER BAKKER: I make a motion to approve the
6 payroll change requests.

7 COMMISSIONER ALLAN: Second.

8 CHAIRMAN MILLS: Sean made a motion. Judie seconded.
9 Do we have any public comment?

10 (No comment.).

11 CHAIRMAN MILLS: All in favor?

12 COMMISSIONER BAKKER: Aye.

13 COMMISSIONER ALLAN: Aye.

14 CHAIRMAN MILLS: Aye.

15 COMMISSIONER CLARK: Aye.

16 COMMISSIONER BAKKER: Opposed?

17 COMMISSIONER WAITS: Nay.

18 COMMISSIONER BAKKER: Okay.

19 CHAIRMAN MILLS: Okay.

20 COMMISSIONER BAKKER: I'll --

21 COMMISSIONER ALLAN: Motion -- oh, no. You have public --

22 CHAIRMAN MILLS: Oh.

23 COMMISSIONER ALLAN: -- comment.

24
25
26 **PUBLIC COMMENT**

27
28 CHAIRMAN MILLS: Public comment --

29 COMMISSIONER BAKKER: Okay.

30 CHAIRMAN MILLS: -- for nonagendized items only.

31 Persons are invited to submit comment in writing and/or
32 attend and make comment on any nonagenda item at the board
33 meeting, if any, and discussion of these comments at the
34 discretion of the board. All public comment may be limited to
35 three minutes per person, again at the discretion of the board.
36 Reasonable restriction may be placed on public comment based
37 upon time, place, and manner, but public comment based upon
38 viewpoint may not be restricted.

39 I do have one public comment that was given to us. The
40 Cookhouse Museum is having a -- I guess they call it a

1 celebration.

2 It says, you are invited to the Battle Mountain celebration
3 of the 150th anniversary of the completion of the Transcontinental
4 Railroad. It's going to be at the Cookhouse Museum on
5 October 21st, 2018, at 4:00 p.m.

6 And it's just a note here that says, the Transcontinental
7 Railroad was completed May 10th, 1869.

8 COMMISSIONER ALLAN: And if you have any questions, to call
9 Lori Price at 374-0449.

10 CHAIRMAN MILLS: Any other public comment?

11 SHANNON BERUMEN: Not on that, but real quick just to
12 clarify on that motion and approval of the employee change
13 request that you just did.

14 That did not include the one that includes the HR assistant.

15 COMMISSIONER ALLAN: Yes, it did.

16 CHAIRMAN MILLS: That was o- --

17 COMMISSIONER WAITS: Yes.

18 CHAIRMAN MILLS: That was --

19 COMMISSIONER WAITS: That's --

20 COMMISSIONER ALLAN: That was --

21 COMMISSIONER BAKKER: That was what --

22 COMMISSIONER WAITS: -- that's --

23 COMMISSIONER ALLAN: -- (indiscernible).

24 COMMISSIONER WAITS: -- part.

25 COMMISSIONER BAKKER: -- that was about.

26 COMMISSIONER WAITS: Yes.

27 SHANNON BERUMEN: So she was made the HR assistant even
28 though there was not a full vote on the actual position.

29 COMMISSIONER WAITS: Doesn't have to be a --

30 SHANNON BERUMEN: (Indiscernible.)

31 COMMISSIONER WAITS: -- unanimous --

32 COMMISSIONER ALLAN: It was --

33 COMMISSIONER WAITS: -- vote. It was a majority vote.

34 COMMISSIONER ALLAN: -- majority vote.

35 COMMISSIONER BAKKER: Yeah. The majority of us are here,

36 --

37 CHAIRMAN MILLS: It was a majority vote.

38 COMMISSIONER BAKKER: -- and everyone voted.

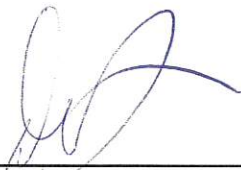
39 SHANNON BERUMEN: Three of you. And then he abstained.

40 And she --

1 COMMISSIONER CLARK: No.
2 SHANNON BERUMEN: -- was --
3 COMMISSIONER CLARK: Four.
4 SHANNON BERUMEN: -- a nay.
5 COMMISSIONER BAKKER: So three of the five have to vote yay
6 for something to pass.
7 SHANNON BERUMEN: Okay.
8 CHAIRMAN MILLS: Any other public comment?
9 Okay.

10
11
12 **ADJOURNMENT**

13
14 COMMISSIONER ALLAN: Motion to --
15 CHAIRMAN MILLS: Motion to --
16 COMMISSIONER ALLAN: -- adjourn.
17 CHAIRMAN MILLS: -- adjourn?
18 COMMISSIONER BAKKER: Second.
19 COMMISSIONER CLARK: Second.
20 CHAIRMAN MILLS: All in favor?
21 COMMISSIONER ALLAN: Aye.
22 CHAIRMAN MILLS: Aye.

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

ATTEST:


LANDER COUNTY CLERK

Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.