

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse/Administration Building in Battle Mountain, Nevada,
4 50 State Route 305, on February 25, 2016, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.
6

7 **PRESENT: SEAN BAKKER, COMMISSIONER**
8 **ART CLARK III, COMMISSIONER**
9 **DOUG MILLS, COMMISSIONER**
10 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**
11 **SADIE SULLIVAN, COUNTY CLERK**
12 **THEODORE HERRERA, DISTRICT ATTORNEY**
13 **NAN ANCHO, FINANCE DIRECTOR**
14 **BECKY JOHNSON, HUMAN RESOURCES DIRECTOR**
15

16 **ABSENT: STEVEN STIENMETZ, COMMISSIONER**
17 **PATSY WAITS, COMMISSIONER**
18

19 (Let the record reflect the presence of a quorum of three
20 commissioners.)
21

22 CHAIRMAN BAKKER: -- board of Battle Mountain and Austin
23 Board of Highway County Commissioners, February 25th -- 25th,
24 2016, to order.

25 And let the record reflect Austin's on the line.

26 Doug, will you lead us in the pledge.

27 COMMISSIONER MILLS: I will.
28

29 (Pledge of Allegiance)
30

31 CHAIRMAN BAKKER: Okay. Can I have a moment of silence,
32 please.
33

34 (Moment of silence)
35

36 CHAIRMAN BAKKER: Okay. Lander County commissioners will
37 break for lunch from 12:00 p.m. to 1:00 p.m.
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1 **COMMISSIONER REPORTS**

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

5 Doug?

6 COMMISSIONER MILLS: Okay. With the hospital board, we do
7 now have a CEO at the hospital. Peggy Lindsey accepted our
8 offer and signed contract at the hospital. And she began work
9 on Monday. So we're hoping that will help turn things around
10 there and we can really do some more digging on some things we
11 need do over there to get things fixed.

12 I had a meeting about the levee at our phone conference with
13 Chelsea at Corps. And they are now telling us that they will
14 probably not begin construction on the center section of the levee
15 until 2018. So we're getting -- we're getting pushed back again
16 by the Corps of Engineers on the construction there.

17 Again, they told us that they would give a -- give us a
18 elevation number for how high they expected the water levels to
19 get if there was a flood by the -- by the end of December of 2015.
20 And we never got that number from them.

21 So things aren't going as well as we had hoped. And I think
22 probably we'll -- we'll agendaize that some time and let the
23 commission discuss some of that, kind of maybe decide some other
24 things we can do with that.

25 I had a meeting last night with Tim Buchanan and George
26 Fennemore from Barrick. They're going to be pursuing a water -- a
27 change in their water plan at -- at Cortez Mine, they've been
28 pumping 25,000 gallons a minute out of their mine properties for
29 the last 20 years. And in some of the studies they've done, they
30 have found that it has affected some adjacent --

31 CHAIRMAN BAKKER: Water basins.

32 COMMISSIONER MILLS: -- water basins. So they're looking
33 to correct that.

34 So they're going through the state and through BLM and
35 through the process to come up with a way to correct it. And what
36 they want to do is pump water from their mines and pump it into
37 those basins and have it infiltrate back into the ground and
38 replace that water.

39 So they're going to have -- they have to go through
40 permitting processes. Because in general, it's not -- it's kind

1 of frowned upon when you move water from one basin to another. So
2 that's what they're going to actively do is move water from one
3 basin to another. But they're doing it to replace water that
4 they've, in essence, inadvertently removed from those basins. So
5 they're just trying to replace that water.

6 Another part of the reasoning for this is they want to
7 expand their underground mining and go another 700 feet deeper
8 into the ground. So they're actually going to have to increase
9 the amount of water that they're pumping, which is going to
10 affect the groundwater even more. So the amount they're going
11 to pump is within the water rights they've already got. But
12 they do want to -- they want to pump that water into those
13 adjacent basins and have it infiltrate back into the ground and
14 replace what is being removed.

15 So they're -- they're trying to be conscientious about the
16 way they're mining and the way they're handling their water. I
17 think it was -- it's a good thing.

18 They've already talked to the state about it. And, you
19 know, again, typically when you're moving water from one basin
20 to another, that's -- that's frowned upon. And they asked the
21 state about it. And the state didn't tell them flat no. So
22 that was a good sign. So I think the state's been pretty
23 receptive to their plan to replace that water they've removed.
24 So it was -- it was an interesting conversation. And I was
25 impressed with the way they are trying to handle this. They're
26 trying to be very conscientious about the way they're handling
27 their -- their business out there. And I thought that was
28 pretty good.

29 And that's all I've got.

30 CHAIRMAN BAKKER: That's it?

31 COMMISSIONER MILLS: That's it.

32 CHAIRMAN BAKKER: Okay.

33 Art?

34 COMMISSIONER CLARK: Well, I had the pleasure to travel
35 down to Pahrump commissioners' meeting. One of the members of
36 the commission is also on SULAC. And they had mentioned
37 problems with water. So I went. And I listened. As a summary,
38 I would -- I would say that the formula that was used for many,
39 many years of having 99 septics per section may have -- may have
40 been premature.

1 At least in the southern part of Nye County they're having
2 a lot of problems even with reclaimed water. So everywhere you
3 go, there are water issues.

4 And aside from the nice weather down in Pahrump, just be
5 glad that you live in Lander County. They -- they've got to get
6 a \$12 million bond. And they have some money issues.

7 There's a -- a meeting March the 13th -- or May the 13th,
8 another water meeting for the state lands advisory committee.
9 I'll have more information at that time.

10 CHAIRMAN BAKKER: Okay.

11 I really don't have much to report. We have a rec center
12 meeting this afternoon to go over the GMP.

13 We did budget hearings all last week. And the only thing
14 I've got to say is I want to thank all the elected officials and
15 department heads for actually cutting and doing their part to
16 help us out.

17 And that's about all I have right now.
18
19

20 STAFF REPORTS

21
22 CHAIRMAN BAKKER: Staff reports on meetings, conferences,
23 and seminars attended.

24 KEITH WESTENGARD: Morning.

25 We did have our interviews for the building official
26 position earlier this week. We had an -- the building official
27 from Humboldt come over as well as the public works director do
28 the interviews. And HR sat in as an observer, listened.

29 So they did choose a -- a candidate, Anna Penola. We're
30 putting together the letter and as well as -- we'll have it
31 on -- I'll have it on the agenda next time for your ratification
32 as we get everything in line.

33 Commissioner Mills, you covered the -- the whole levee thing,
34 I think, pretty good. And I did talk with Tom Gallagher
35 yesterday. He's going to be to here on the 10th. I plan on
36 having it on the agenda to discuss his thoughts. Because we
37 are -- we keep -- we keep getting pushed back. And we're now into
38 2018, like he said.

39 Next week Bert and I will be in Las Vegas for the water
40 rights conference. And we'll have a report when we get back for

1 you guys on that.

2 We -- I got a invitation here from Pershing County to the
3 commissioners. They're celebrating the completion of the title
4 transfer from the Bureau of Reclamation of the Rye Patch Dam and
5 the storage facilities. And they're inviting you to come and join
6 them for an open house barbecue on March 11th. I have the
7 information here if anybody's interested.

8 The FBO at the airport is -- is not going anywhere. We're
9 running into some real problems. I did talk with Rick Harless
10 yesterday because his three months ex- -- three-month extension is
11 up next week -- or next month. He's willing to be on a
12 month-to-month, but we might have to look at a county employee out
13 there. We'll see how it goes.

14 COMMISSIONER CLARK: We don't -- we don't have any interest
15 at all?

16 KEITH WESTENGARD: We've had a couple of people interested
17 but it's -- it -- they just keep falling through. We've had a
18 person interested in Florida. It fell through. A couple local
19 people were interested. One from Winnemucca. They just keep
20 falling through.

21 So BLM -- we do have a meeting with BLM next week to
22 discuss it. We -- we really don't want to lose the -- the air
23 tanker contract. That's a pretty big --

24 COMMISSIONER CLARK: No, we don't. We don't want --

25 KEITH WESTENGARD: -- thing for us.

26 COMMISSIONER CLARK: -- to lose that.

27 KEITH WESTENGARD: So just kind of heads up. We might have
28 to look at something else in the future on that.

29 COMMISSIONER CLARK: And when was that water rights meeting
30 in Vegas?

31 KEITH WESTENGARD: It starts Monday. And they have --

32 COMMISSIONER CLARK: Okay.

33 KEITH WESTENGARD: -- openings if anybody's interested.

34 COMMISSIONER CLARK: No, I have to -- I have something I
35 have to do --

36 KEITH WESTENGARD: Okay.

37 COMMISSIONER CLARK: -- otherwise I'd go.

38 KEITH WESTENGARD: All right. That's it. Thank you.

39 CHAIRMAN BAKKER: Okay. Thanks, Keith.

40 KEITH WESTENGARD: Good.

1 **PUBLIC COMMENT**

2
3 CHAIRMAN BAKKER: Moving on. Public comment for
4 non-agendized items only.

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

13 Any public comment?

14 (No comment.)

15 CHAIRMAN BAKKER: Okay.

16
17
18 **CONSENT AGENDA**

19
20 CHAIRMAN BAKKER: Consent agenda. All matters listed under
21 the consent agenda are considered routine and may be acted upon
22 by the Board of County Commissioners with one action, without
23 extensive discussion. Any member of the board or any citizen
24 may request that any item be taken from the consent agenda,
25 discussed, and acted upon separately during this meeting.
26 Consent agenda materials are available at the Lander County
27 Clerk's Office for viewing and copies are available for a
28 nominal charge.

29 COMMISSIONER MILLS: Apparently, there's a change on the
30 January 28th meeting minutes that Patsy called in for some
31 corrections. I think there's some spelling corrections she
32 wanted made on those.

33 CHAIRMAN BAKKER: Let me pull that one.

34 COMMISSIONER MILLS: We need to pull that one out and make
35 sure we get that corrected.

36 CHAIRMAN BAKKER: Did we get that corrected, Sadie?

37 COMMISSIONER MILLS: So we can just -- we just going to
38 include it and approve the consent agenda with that included?

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

40 It was the spelling of Joy Brandt. The last name was

1 Brandt. We had Grant so we changed it to Brandt. So it is
2 correct. So we do have the correct ones here. So it's with
3 whatever legally you guys...

4 COMMISSIONER MILLS: So I'll move that we approve the
5 consent agenda with the corrections that have been addressed.

6 COMMISSIONER CLARK: Second.

7 CHAIRMAN BAKKER: Okay.

8 Any public comment?

9 (No comment.)

10 CHAIRMAN BAKKER: All those in favor?

11 COMMISSIONER MILLS: Aye.

12 CHAIRMAN BAKKER: Aye.

13 COMMISSIONER CLARK: Aye.

14
15
16 **COMMISSIONERS**

- 17
18 1) **PowerPoint presentation to the Board of Commissioners**
19 **regarding Nevadaworks and discussion and possible action for**
20 **amending the original cooperative agreement by formal**
21 **resolution in order to comply with the Workforce Innovation**
22 **and Opportunity Act, which replaces the Workforce Investment**
23 **Act, and all other matters properly related thereto.**
24

25 CHAIRMAN BAKKER: Okay. Moving on.

26 Agenda Item Number 1, PowerPoint presentation to the Board of
27 Commissioners regarding Nevadaworks and discussion and possible
28 action for amending the original cooperative agreement by formal
29 resolution in order to comply with the Workforce Innovation and
30 Opportunity Act, which replaces the Workforce Investment Act, and
31 all other matters properly related thereto.

32 JOHN THURMAN: Good morning.

33 CHAIRMAN BAKKER: Good morning.

34 JOHN THURMAN: Commissioners, --

35 COMMISSIONER CLARK: Good morning, John.

36 JOHN THURMAN: Thank you. For the record, John Thurman
37 with Nevadaworks.

38 And as you just pointed out, the reason I'm before you this
39 morning is to ask for approval on the updated language in the
40 cooperative agreement between the 13 counties in Northern Nevada

1 which created the entity of Nevadaworks.

2 And so what is Nevadaworks? Nevadaworks is the local
3 workforce board. It's part of the structure under the Workforce
4 Investment Act and now also the structure under the Workforce
5 Innovation and Opportunity Act.

6 The moneys start at the federal level. Everything that we
7 oversee is 100 percent federal dollars. It's your tax dollars
8 coming back to the State of Nevada for workforce development.
9 They originate at the Department of Labor. They are distributed
10 to the states within the United States under a formula that is
11 largely based on population, so gives you an idea of how much we
12 get in comparison to some of the other states.

13 From that, it is then distributed to the two local boards.
14 There's a board in the south and a board in the north that
15 oversee those dollars and the entities that actually provide the
16 workforce development services within the state.

17 Excuse me. The PowerPoint was here someplace, but just not
18 up there for you. So I apologize for that.

19 A little bit of history on it. The Workforce Innovation
20 and Opportunity Act, which was just signed in July of 2014,
21 supersedes the Workforce Investment Act, which was signed into
22 law in 1998. The agreement we're talking about was signed in
23 1999 as a result of that 1998 legislation.

24 So it took them 11 years to get from when the first act
25 expired in 2003 to 2014 to get the new act in place.

26 So we operated under continuing resolution for all of those
27 years, kind of wondering each year whether we would be here,
28 whether we'd be funded or whatever.

29 Key in the new act, which was the same in the old act, is
30 that it's a one-stop system. I describe that mostly as a
31 no-wrong-door approach to workforce development, whether you're
32 an employer or an individual seeking employment. Any place you
33 touch the system, you should be able to get all of the resources
34 or at least referred to the resources that are available to you
35 at that point of contact. And that's main in the old c- --
36 system and still in the new.

37 One thing that is -- is also consistent is that it emphasizes
38 a retention and entering employment for the individuals that touch
39 the system and also providing a trained and prepared workforce for
40 the employers.

1 And lastly, but not least, is that the governance -- the --
2 from the Department of Labor all the way down to us and ultimately
3 the service providers, that has stayed the same. So it goes from
4 the federal government to the state to the local boards out to the
5 particular service providers.

6 Oh. And this is one you can't see. So how are we
7 structured? Nevadaworks is made up of two bodies. One is the
8 local elected officials. Commissioner Clark sits on our -- on our
9 locally elected officials board. And we also have what we refer
10 to as the Nevadaworks council. That's all the mandated partners
11 that have to be on the board, and/or business members that have to
12 be on the board comprise the other. You put the two entities
13 together and they make up the Nevadaworks board. As far as me and
14 the other eight people that I work with, we are staffed to that
15 board.

16 There's an executive council under the commissioners.
17 There's an executive committee under the -- yeah -- under the
18 council. Those two come together to make up an executive board
19 for all of the Nevadaworks board. So if we need to have them
20 convene at times when it's not a regularly scheduled board
21 meeting, they can transact the business of the board and then
22 report back to them at their regular scheduled meeting.

23 And finally, and I already touched on this, is that just the
24 structure, the governance of it, it's the federal dollars.
25 There's not any economic impact to the counties other than the --
26 the funding that is spent on participants and/or businesses here.
27 But it is federal dollars coming back into the state that we
28 oversee.

29 So with that, I would entertain any questions, further
30 explanations of who we are, what we are, who receives funding
31 from us, whatever you would like to know.

32 COMMISSIONER CLARK: I don't have any questions. I just --
33 I just say that Nevadaworks has provided services under JOIN for
34 Lander County residents back when Battle Mountain gold fell
35 through. In fact, some of the people received -- received
36 training and came back here as teachers. And one was an
37 administrator. So it's a valuable program as far as mining
38 communities go.

39 And we have one of my ex-students who's currently in the
40 program learning to be a -- a gunsmith because he can no longer

1 work at the mine. So he's going into business for himself.

2 So I enjoy this.

3 JOHN THURMAN: And the reason I'm here today is to answer
4 those questions, but then also ask for approval of the changes
5 in the language of the document that created us.

6 COMMISSIONER MILLS: What --

7 DISTRICT ATTORNEY HERRERA: Commissioners, --

8 COMMISSIONER MILLS: -- what are some of those changes?

9 DISTRICT ATTORNEY HERRERA: That in the -- in the new
10 contract, interlocal agreement that -- that the gentleman's
11 asking you to -- to adopt and sign, it states on page 3 that,
12 whereas each party shall indicate its desire to enter into this
13 cooperative agreement by formal resolution of the governing body
14 of each -- of the respective parties.

15 A resolution must be done to it. So take that into account
16 when you make your motion that you're going to approve the
17 resolution -- by resolution to formally adopt this interlocal
18 agreement.

19 And then I'm going to have to do up the resolution because
20 --

21 COMMISSIONER MILLS: It's going to have to come back again.

22 DISTRICT ATTORNEY HERRERA: They did one year's before in
23 1996.

24 JOHN THURMAN: 1999.

25 DISTRICT ATTORNEY HERRERA: 1999. And we can't -- we can't
26 find one so we're going to have to produce it. Is that your
27 understanding?

28 JOHN THURMAN: Well, certainly, Lander County is the only
29 one so far that has presented a document to me where they, you
30 know, had the resolution to then enter into the inter --
31 intercounty agreement.

32 So the others may have done it. I am totally unaware.

33 DISTRICT ATTORNEY HERRERA: Right.

34 JOHN THURMAN: So I apologize for that.

35 DISTRICT ATTORNEY HERRERA: No, no, it's --

36 JOHN THURMAN: When the county contacted me, as -- I don't
37 know what con- -- or what document you're talking about, but
38 certainly it appears to have been drafted from language within
39 the agreement.

40 DISTRICT ATTORNEY HERRERA: Right. So you don't just adopt

1 the interlocal agreement. You've got to -- you've got to --

2 CHAIRMAN BAKKER: By resolution.

3 DISTRICT ATTORNEY HERRERA: -- adopt the resolution. Even
4 though I don't have one prepared.

5 CHAIRMAN BAKKER: Right.

6 DISTRICT ATTORNEY HERRERA: But I will.

7 COMMISSIONER MILLS: Okay.

8 So I'd make a motion that we accept the cooperative agreement
9 by resolution with workforce as discussed.

10 COMMISSIONER CLARK: Second.

11 CHAIRMAN BAKKER: Got a motion and a second.

12 Any public comment?

13 (No comment.)

14 CHAIRMAN BAKKER: All those in favor?

15 COMMISSIONER MILLS: Aye.

16 CHAIRMAN BAKKER: Aye.

17 COMMISSIONER CLARK: Aye.

18 CHAIRMAN BAKKER: Thank you.

19 COMMISSIONER CLARK: Thank you, --

20 JOHN THURMAN: Thank you.

21 COMMISSIONER CLARK: -- John. See you soon.

22 JOHN THURMAN: Okay.

23
24 **2) Discussion and possible action to approve the purchase of**
25 **property and easements surrounding sewer lift stations in**
26 **trade for an agreement and resolution regarding the property**
27 **at 15 North Second Street, Battle Mountain, Nevada 89820, and**
28 **all other matters properly related thereto.**
29

30 CHAIRMAN BAKKER: Okay. Agenda Item Number 2, discussion
31 and possible action to approve the purchase of property and
32 easements surrounding sewer lift stations in trade for an
33 agreement and resolution regarding the property at 15 North
34 Second Street, Battle Mountain, Nevada 89820, and all other
35 matters properly related thereto.

36 BRIAN GARNER: Brian Garner.

37 CHAIRMAN BAKKER: Good morning, Brian.

38 BRIAN GARNER: Morning.

39 COMMISSIONER CLARK: How you doing, Brian?

40 COMMISSIONER MILLS: Morning.

1 BRIAN GARNER: I sent backup. I don't know how much you've
2 got.

3 As of yesterday, Wallace Morris I had do -- because I'm
4 dividing that property, obviously, is what brought this to the --
5 all to the head.

6 I had them do the proposed new parcel map. I have those
7 also.

8 So what it comes down to is there's -- that piece of
9 property, they put -- have you guys read the backup? -- back in
10 '89, they put a lift station in the middle of it. It wasn't the
11 county's property. So they went and did a reso- -- a resolution
12 to do a bunch of things and -- and promising the county would
13 pay for fencing, underground power lines, a bunch of different
14 things that have never happened.

15 So in order for me to enhance the property or to use the
16 property, I would need to do such.

17 But after looking at the problem with it and overlay of the
18 mapping from county mapping to current mapping, there's a couple
19 easement issues. And then Third Street that went back, there was
20 an easement that was dropped years ago. So basically, it allows,
21 basically, your lift station and a 30 -- a 30-foot easement to the
22 lift station.

23 So there's some extra valves, some piping out back, that have
24 never been covered up that are borderline right on the easement
25 line.

26 So basically, they're -- weren't in the center of the
27 easement. They're right on the border of the easement, which,
28 I -- Bert has gone over this with me and some of the -- the
29 problems that arises if -- if -- what's going to happen is
30 someday I'm sure that that lift station's going to need to be
31 redone. There's no possible way at that time you're going to be
32 able to redo the lift station without coming back to me. And
33 then if I choose to build on it, it's going be another major
34 problem because you're only going to have 30 feet to work on a
35 lift station.

36 Then in the back, where the valving -- there's still exposed.
37 There's no -- there -- there's no -- there's no possible way. The
38 power pole sits on this 30 foot of this side of it. And the sewer
39 lines are sitting right on the middle on either lines on either
40 side.

1 Then back in the day when I first bought the property, the
2 county was using it as a dumping facility for -- and washing of
3 equipment. And dumping the sewer or the street sweeper's -- I got
4 pictures of that too -- dumping the street sweeper's stuff,
5 whatever it collects, oils. So there's some cleanup to be done of
6 which hasn't been done. We don't know what that extent could run
7 into.

8 So my proposal to the county would be to buy from the
9 proposed parcel map, of which the 30-foot easement starts
10 easterly, everything to the west. And I will be done with it.

11 And the resolution back in '89 that said that they would
12 provide fencing around the whole establishment, of which was
13 about -- I've got the full -- full fence without gates is
14 27,000. The overhead power line, they would not -- NV Energy
15 would not give me any estimates until they sent a survey. And
16 they would have to charge for that fee. They said anywhere from
17 60- to 120,000 to bury that underground because it goes across
18 or would have to go underneath the Cashman lift station, high
19 pressure sewer line, that is on the back side of the property,
20 within the back 10-foot easement.

21 And then, of course, just all the -- it says that they
22 would rezone it and special-use permits for anything I wanted.

23 I don't like that. I would rather just be one set thing,
24 knowing what it is, instead of just being able to come in and
25 resort to whatever it wants. But that's what the agreement
26 says.

27 So my prop- -- my proposal is just buy that section from
28 that -- and get rid of all the easement issues and get rid of
29 everything that there -- there's a problem. Or we're going to
30 have to go back and forth and back and forth for who knows how
31 long.

32 And it limits me to build on it. Of which now, with all
33 the problems that is there, I don't want to build on it. If I
34 have to clear up the property and then go the other way and do
35 the fencing and that, then I will build on it. But then you
36 guys are going to be limited access to the sewer lift station
37 because it was obviously put there without knowing.

38 So any questions?

39 COMMISSIONER MILLS: I have, I guess, a question. Because
40 apparently there's a problem. And I'm not really clear on what

1 the problem is. But your -- you want to just sell the property
2 to the county?

3 BRIAN GARNER: Yes.

4 COMMISSIONER MILLS: That's -- that's what you want to do?

5 BRIAN GARNER: But there's a resolution that goes with that
6 that I want to release all that resolution. All the --

7 DISTRICT ATTORNEY HERRERA: Commissioners, there's a
8 resolution agreement, basically, a contract between the county
9 and the Etchineks, a -- a prior owner.

10 BRIAN GARNER: Uh-huh.

11 DISTRICT ATTORNEY HERRERA: And in that agreement -- it's a
12 contract, you know. It says agreement and resolution. But it's
13 basically a contract.

14 Four things the -- aside from giving them money and allowing
15 the trailer to do, you know, those things.

16 There's four -- four things Mr. Garner's concerned with,
17 primarily. And those are that the county is supposed to provide
18 the appropriate survey preparation, recording to amend existing
19 parcel map in this agreement and resolution. I don't think
20 that's any big thing.

21 Number two, the county will maintain the said 30-foot sewer
22 easement and access and shall provide a chain link security
23 fence around the 80-foot by 80-foot area shown on the amendment
24 to the parcel map with appropriate gate or gates thereto.

25 And three, the county shall at Etchinek's or subsequent
26 owner's request -- and this is the subsequent owner -- to
27 appropriately fence and gate the said 30-foot sewer line easement
28 and access from Second Street to the proposed Third Street.

29 And four, the county at Etchinek's or subsequent owner's
30 request replace the existing overhead electrical service located
31 in the said 30-foot sewer line easement with an underground
32 service.

33 And that's what he's talking about. The underground
34 service, electrical service, and the -- and the -- and the
35 fence, two fences.

36 Now, I would suggest that you have Bert come up and -- and
37 explain those issues.

38 COMMISSIONER CLARK: Okay. Brian?

39 BRIAN GARNER: Yeah.

40 COMMISSIONER CLARK: When did you purchase this property?

1 BRIAN GARNER: Back in two thou- -- 2010.
2 COMMISSIONER CLARK: 2010?
3 BRIAN GARNER: Correct.
4 COMMISSIONER CLARK: Did you know of any damage to that
5 property at the time?
6 BRIAN GARNER: That there was damage? Yes.
7 COMMISSIONER CLARK: You knew that there was damage.
8 BRIAN GARNER: To the --
9 COMMISSIONER CLARK: To the property.
10 BRIAN GARNER: What are you saying, damage?
11 COMMISSIONER CLARK: Well, you're claiming that there's
12 damage because of dumping. Did you know that there was damage
13 at the time that you purchased this?
14 BRIAN GARNER: No. I knew there was a resolution, but I
15 had not been provided the resolution during the -- the title
16 process.
17 COMMISSIONER CLARK: No. That's not my question. My
18 question is: When you bought this property, were you aware that
19 the county -- you -- you're -- you -- you've accused the county
20 of some improprieties with dumping. When you purchased the
21 property, did you know about this at the time?
22 BRIAN GARNER: Yes.
23 COMMISSIONER CLARK: Okay.
24 COMMISSIONER MILLS: So how -- how big is this lot?
25 BRIAN GARNER: It's -- on the proposed, it's a little over
26 an acre, 1.2 or 1.3, is what it sectioned out to.
27 COMMISSIONER MILLS: So you just want to sell this 1.3-acre
28 lot to the county?
29 BRIAN GARNER: Correct.
30 COMMISSIONER MILLS: And just be done with it?
31 BRIAN GARNER: Well, to alleviate -- as he said, I knew
32 there was dumping. As to as far as the county having an
33 agreement with that property owner, I didn't know it was in the
34 resolution. After I dug the resolution up, that's when I found
35 out that there wasn't an agreement, that there were a --
36 multiple issues with that property and that, obviously, this is
37 where we're at now.
38 It's been ongoing for several years trying to come to this
39 point, digging up all these parcel maps and stuff, getting
40 the -- getting the backup to where it's --

1 COMMISSIONER MILLS: So --
2 BRIAN GARNER: -- at today.
3 COMMISSIONER MILLS: -- if the county bought that 1.3 acres
4 from you, we'd be done. You'd be satisfied.
5 BRIAN GARNER: Correct.
6 DISTRICT ATTORNEY HERRERA: Com- -- Com- --
7 COMMISSIONER MILLS: We'd move on.
8 DISTRICT ATTORNEY HERRERA: Commissioner, --
9 COMMISSIONER MILLS: Is that a problem?
10 DISTRICT ATTORNEY HERRERA: The problem is, Commissioner,
11 that the county can only buy it for present market value.
12 COMMISSIONER MILLS: Right.
13 DISTRICT ATTORNEY HERRERA: Mr. Garner currently wants to
14 sell it for higher than present market value. That's the
15 problem.
16 COMMISSIONER MILLS: What do you want for the property?
17 BRIAN GARNER: 150-.
18 COMMISSIONER MILLS: 150- what?
19 BRIAN GARNER: Thousand. 150,000.
20 COMMISSIONER CLARK: For one --
21 COMMISSIONER MILLS: \$150,000 for 1.3 acres?
22 BRIAN GARNER: Yes.
23 COMMISSIONER CLARK: Did -- okay. I want to go back to my
24 questions again, Brian.
25 Was there anybody else that could have been or did dump
26 improperly on that property beside the county?
27 BRIAN GARNER: No, it was the county -- it was witnessed
28 after the property was purchased -- dumping their street
29 sweeper.
30 COMMISSIONER CLARK: After you purchased it?
31 BRIAN GARNER: Correct.
32 COMMISSIONER CLARK: Did you stop it?
33 BRIAN GARNER: Yes.
34 COMMISSIONER CLARK: Okay.
35 BRIAN GARNER: Immediately.
36 COMMISSIONER CLARK: And it was only the county?
37 BRIAN GARNER: Correct.
38 COMMISSIONER CLARK: Okay.
39 CHAIRMAN BAKKER: Bert, you have any insight?
40 BERT RAMOS: The -- we are doing a lift station on there.

1 Currently, we're in the process of going -- getting all of our
2 plans together for a lift station. I have it here.

3 And -- and I've talked with Bob Morely on the -- on the
4 easement.

5 Our easement and -- and our lift station, even to update
6 it, is within the easement. So we can do everything we need to
7 do within the easement.

8 I think's where the issue comes is with the -- what was in
9 the resolution, which is up to you guys.

10 But the -- as far as getting the work done -- and I think
11 that there was, if I'm not mistaken -- this has been bought up
12 to the point that it was even investigated. And I'm not sure if
13 there's an investigation report on the dumping and on -- on
14 further --

15 DISTRICT ATTORNEY HERRERA: There's no report as of yet.

16 KEITH WESTENGARD: Right.

17 DISTRICT ATTORNEY HERRERA: But it -- it was looked into.

18 I guess the pertinent question for Bert is, is if they have
19 to -- if we have to comply, which we legally do with -- with the
20 prior existing contract, how much would it cost the county if
21 they had to put the two fences and the underground --
22 underground electrical service it?

23 BERT RAMOS: Well, I think the underground power is where
24 the -- where the real expense is. The fence isn't -- isn't a
25 big deal, but the underground power does -- that's a lot of
26 money.

27 CHAIRMAN BAKKER: Do you have a bid on it?

28 BRIAN GARNER: The underground power, they said minimum of
29 60,000 up to 120,000.

30 CHAIRMAN BAKKER: No, but do we have, like, an actual hard
31 bid?

32 BRIAN GARNER: They won't give a hard bid until you
33 actually --

34 CHAIRMAN BAKKER: Survey it.

35 BERT RAMOS: We -- we could go forward and ask for one if
36 -- if that's what we'd like to do and kind of get some numbers
37 together on what this would cost. I'm not exactly familiar on
38 everything that -- that's in this -- the entire agreement. But
39 we can go get numbers on everything that's in the agreement to
40 comply and see -- and compare the differences.

1 DISTRICT ATTORNEY HERRERA: Right.
2 CHAIRMAN BAKKER: Why don't we --
3 COMMISSIONER CLARK: I have a question. Jan, what's
4 1.3 acres of commercial industrial land -- what's the value
5 in -- in town?
6 JAN MORRISON: I haven't -- Jan Morrison, community
7 services officer.
8 Art, I'm afraid I can't answer that. I -- I don't know.
9 COMMISSIONER CLARK: Okay.
10 JAN MORRISON: I mean, I could find out, but I don't know.
11 COMMISSIONER CLARK: Is it \$150,000?
12 BRIAN GARNER: Correct.
13 CHAIRMAN BAKKER: She doesn't know.
14 BRIAN GARNER: Which would be a lot less if you -- which
15 would be a lot less. Or you can go the other route and fulfill
16 the agreement, which would probably take you over 200,000.
17 DISTRICT ATTORNEY HERRERA: And that -- and, Commissioners,
18 he's right. That's what you have to find out. You have to find
19 out how much it would cost the county to comply with the
20 contract, which we have to comply with.
21 BRIAN GARNER: Uh-huh.
22 COMMISSIONER CLARK: Larry.
23 CHAIRMAN BAKKER: Larry, come up here and st- --
24 LARRY ROGERS: Larry Rogers. Just a public comment on,
25 kind of, land and what it goes for. I just sold .99 acres, C-1
26 commercial in Lander County for 160,000.
27 COMMISSIONER CLARK: Where was that, Larry?
28 LARRY ROGERS: Right there across from --
29 COMMISSIONER CLARK: Oh.
30 LARRY ROGERS: -- Quick Mart.
31 COMMISSIONER CLARK: Okay.
32 LARRY ROGERS: So it's all depend on location, but --
33 (indiscernible) -- to the county or whatever it's for but -- I
34 mean, that's -- that's going market rate. I mean, --
35 (indiscernible) -- in this community.
36 COMMISSIONER CLARK: Yeah.
37 LARRY ROGERS: So...
38 COMMISSIONER MILLS: Okay. Well, I think before we can do
39 anything, we need to find out what the land's worth, what fair
40 market is.

1 DISTRICT ATTORNEY HERRERA: And how much it would cost to
2 comply with the contract.
3 COMMISSIONER CLARK: Right.
4 COMMISSIONER MILLS: Right.
5 CHAIRMAN BAKKER: Bert?
6 BERT RAMOS: Yeah, I think until you have them numbers, it
7 doesn't --
8 COMMISSIONER MILLS: Can't -- can't do anything if we don't
9 have the information; so we need to know first.
10 BERT RAMOS: How does that work with the fair market value
11 purchasing when it's -- if it's -- if the contract's over, how
12 does that work, Ted?
13 DISTRICT ATTORNEY HERRERA: Well, if -- if it's over fair
14 market value, but -- but if it's under what the county would
15 cost, we can certainly do it that way.
16 If it -- it's going to cost the county \$200,000 to comply
17 with the contract and \$150,000 to buy the land, it'd be
18 ridiculous to spend the \$200,000, --
19 COMMISSIONER CLARK: Yeah.
20 DISTRICT ATTORNEY HERRERA: -- to be quite honest.
21 COMMISSIONER MILLS: Right.
22 BERT RAMOS: Yeah.
23 COMMISSIONER MILLS: Yeah.
24 DISTRICT ATTORNEY HERRERA: That's just --
25 COMMISSIONER MILLS: So we need --
26 DISTRICT ATTORNEY HERRERA: -- the county --
27 COMMISSIONER MILLS: -- we need to know the numbers before
28 we're going to --
29 BRIAN GARNER: Well, --
30 COMMISSIONER MILLS: -- make a decision.
31 BRIAN GARNER: Not only that, and it's the -- it's the
32 prior what's been done to it to bring it up to code that was in
33 the contract that's doesn't show clearly as -- in the contract
34 is stated that there would be continued cleanup, remove debris,
35 junk, all that of which has already been done in the past of
36 \$4800. And things like that are --
37 DISTRICT ATTORNEY HERRERA: No, there's added expenses to
38 comply with the contract. That's what I'm saying.
39 CHAIRMAN BAKKER: Okay. Bert, I think we need to go
40 forward and --

1 BRIAN GARNER: It's not --
2 CHAIRMAN BAKKER: -- I don't need a motion.
3 COMMISSIONER CLARK: Well, I have one more question for
4 Ted. This resolution was written in '89?
5 DISTRICT ATTORNEY HERRERA: Yeah.
6 COMMISSIONER CLARK: We still bear the burden of that?
7 DISTRICT ATTORNEY HERRERA: Well, the language of the
8 contract, the resolution and agreement, which is a contract,
9 talks about subsequent owners. Absolutely.
10 COMMISSIONER CLARK: My question: How come it's taken so
11 long to --
12 DISTRICT ATTORNEY HERRERA: To do what?
13 COMMISSIONER CLARK: To do what they were supposed to be
14 doing in '89.
15 DISTRICT ATTORNEY HERRERA: Well, good --
16 COMMISSIONER MILLS: Because --
17 DISTRICT ATTORNEY HERRERA: -- question.
18 COMMISSIONER MILLS: -- it says in there that it's based on
19 the request of the landowner.
20 CHAIRMAN BAKKER: Yeah. No one's brought it forward
21 before.
22 DISTRICT ATTORNEY HERRERA: The Etchineks didn't bring it.
23 Mr. Garner is bringing it since he's been the owner. And he --
24 he has the legal authority to do --
25 COMMISSIONER MILLS: Right.
26 DISTRICT ATTORNEY HERRERA: -- that --
27 COMMISSIONER CLARK: Okay.
28 DISTRICT ATTORNEY HERRERA: -- under the agreement.
29 COMMISSIONER MILLS: So I guess I would make a motion that
30 we table this until we have the information we need.
31 COMMISSIONER CLARK: I'll second.
32 CHAIRMAN BAKKER: And direct Bert to --
33 BERT RAMOS: Round up some quotes.
34 CHAIRMAN BAKKER: Okay. Got a --
35 COMMISSIONER CLARK: Second.
36 CHAIRMAN BAKKER: -- motion and second. Public comment?
37 (No comment.)
38 CHAIRMAN BAKKER: All those in favor?
39 COMMISSIONER MILLS: Aye.
40 CHAIRMAN BAKKER: Aye.

1 COMMISSIONER CLARK: Aye.

2 BRIAN GARNER: Thank you.

3 CHAIRMAN BAKKER: Thanks.

- 4
5 3) Discussion and possible action to appoint a replacement to
6 fill vacancy for the Lander County Planning Commission to
7 serve until June 30, 2016, with applicants to include: a)
8 Grady Pierce, b) Walt Holland.
9

10 CHAIRMAN BAKKER: Okay. Agenda Item Number 3, discussion
11 and possible action to appoint a replacement to fill vacancy for
12 the Lander County Planning Commission and to serve until
13 June 30th, 2016, with the applicants to include: a) Grady
14 Pierce, b) Walt Holland, and all other matters properly related
15 thereto.

16 Neither one's here, so, guys?

17 COMMISSIONER MILLS: I'll make a motion that we appoint
18 Walt Holland to the Lander County Planning Commission.

19 COMMISSIONER CLARK: Second.

20 CHAIRMAN BAKKER: Motion's made and seconded. Any public
21 comment?

22 (No comment.)

23 CHAIRMAN BAKKER: All those in favor?

24 COMMISSIONER MILLS: Aye.

25 COMMISSIONER CLARK: Aye.

26 CHAIRMAN BAKKER: Aye.

- 27
28 4) Update for Lander County EMS and all other matters properly
29 related thereto.
30

31 CHAIRMAN BAKKER: Agenda Item Number 4, update for Lander
32 County EMS and all other matters properly related thereto.

33 RICK BELL: Good morning. For the record, my name is Rick
34 Bell, Lander -- Lander County EMS.

35 This is the new CEO, Peggy Lindsey.

36 CHAIRMAN BAKKER: Peggy, congrats.

37 PEGGY LINDSEY: Thank you.

38 COMMISSIONER CLARK: How you doing, Peggy?

39 PEGGY LINDSEY: I look forward to working with you.

40 RICK BELL: Total EMS runs for December were 82. Billable

1 runs were 33.
2 Our potential revenue generated would be eighty- -- 86,769.
3 Payments received was 53,943.
4 Total expenses were 88,122.
5 You can see a breakdown on your sheet how our CFO came up
6 with the figures, pretty much.
7 CHAIRMAN BAKKER: Rick, what's purchased services?
8 RICK BELL: You know, I don't know. I know part of that
9 is, like, biotech things we can't fix, we got to send out for.
10 It may also be programs that I have to pay for monthly or
11 quarterly, computer programs like ESO, which is our patient care
12 report programs. And I think that's also lumped into it.
13 PEGGY LINDSEY: Would you like that delineated a little
14 better going forward? We could do that, attach.
15 CHAIRMAN BAKKER: A better breakdown.
16 PEGGY LINDSEY: Okay.
17 CHAIRMAN BAKKER: Yeah.
18 PEGGY LINDSEY: If you would like that.
19 CHAIRMAN BAKKER: Yeah.
20 PEGGY LINDSEY: Actually, these are --
21 CHAIRMAN BAKKER: Thank you, Peggy.
22 PEGGY LINDSEY: Uh-huh.
23 CHAIRMAN BAKKER: Um.
24 COMMISSIONER MILLS: I don't have any questions.
25 CHAIRMAN BAKKER: I really don't either.
26 Art, you got anything?
27 COMMISSIONER CLARK: No.
28 RICK BELL: Thank you, --
29 COMMISSIONER MILLS: Okay.
30 RICK BELL: -- gentlemen.
31 PEGGY LINDSEY: Thank --
32 CHAIRMAN BAKKER: Thank you, Peggy.
33 PEGGY LINDSEY: -- you. Thank you.
34 DISTRICT ATTORNEY HERRERA: You need to make the motion.
35 CHAIRMAN BAKKER: Yeah, okay.
36
37
38
39
40

1 5) Discussion and possible action regarding the ratification
2 from the Lander County Commission to support a waiver under
3 the Supplemental City-County Relief Tax distribution formula,
4 (SCCRT), for the executive director to attend the Nevada Tax
5 Commission hearing to express Lander County's concerns, and
6 all other matters properly related thereto.
7

8 CHAIRMAN BAKKER: Agenda Item Number 5, discussion and
9 possible action regarding the ratification from Lander County
10 Commission to support a waiver under the Supplemental
11 City-County Relief Tax distribution formula, SCCRT, and for the
12 executive director to attend the Nevada Tax Commission meeting
13 to express Lander County's concerns, and all other matters
14 properly related thereto.

15 KEITH WESTENGARD: We do this every year in order to
16 maintain the -- the tax within the county. We did it last year.
17 We were granted it. And we're just asking to do it again this
18 year.

19 COMMISSIONER MILLS: Okay.

20 I would make a motion that we have our executive director
21 attend the Nevada Tax Commission hearing on the SCCRT waiver.

22 COMMISSIONER CLARK: Second.

23 CHAIRMAN BAKKER: Motion was made by Doug for the executive
24 director to attend the SCCRT and seconded by Art Clark. Any
25 public comment?

26 (No comment.)

27 CHAIRMAN BAKKER: Okay.

28 All in favor?

29 COMMISSIONER MILLS: Aye.

30 COMMISSIONER CLARK: Aye.

31 CHAIRMAN BAKKER: Aye. Motion passes.
32

33 6) Discussion and possible action regarding the
34 approval/disapproval of parcel map for Lander County parcel
35 002-320-06 and all other matters properly related thereto.
36

37 CHAIRMAN BAKKER: Agenda Item Number 6, discussion and
38 possible action regarding the approval and disapproval of parcel
39 map for Lander County parcel 002-320-06 and all other matters
40 properly related thereto.

1 JAN MORRISON: Hi. Jan Morrison, community services
2 officer.
3 And I think Mrs. Melver was going to be here for this
4 parcel map. I -- I don't see her.
5 You've got the map in your file. It's been approved. It's
6 gone through our county surveyor. It's gone through the
7 planning commission. It's a simple parcel map and ready for
8 the --
9 CHAIRMAN BAKKER: And --
10 JAN MORRISON: -- final review by you.
11 CHAIRMAN BAKKER: -- just two and a half acres to five-acre
12 lots is what this was? Or --
13 JAN MORRISON: No. This -- this is -- let me give you the
14 map, the larger map; it'll be easier for you.
15 This is a subdivision -- excuse me -- a parcel map of one
16 parcel into five -- four.
17 CHAIRMAN BAKKER: Where is this located, Jan?
18 JAN MORRISON: It's just actually wrapped around this
19 property. So we're right here.
20 Yeah.
21 CHAIRMAN BAKKER: Okay.
22 COMMISSIONER MILLS: It says parcel B here.
23 JAN MORRISON: So this would be one parcel just split into
24 four. So no development at this time, just splitting it up.
25 COMMISSIONER CLARK: So this is the gravel pit and all
26 that?
27 JAN MORRISON: No. It's --
28 COMMISSIONER CLARK: This --
29 JAN MORRISON: -- it's just right outside here.
30 COMMISSIONER CLARK: This down --
31 CHAIRMAN BAKKER: (Indiscernible.)
32 COMMISSIONER CLARK: -- here?
33 CHAIRMAN BAKKER: Yeah.
34 JAN MORRISON: Yeah. So...
35 COMMISSIONER CLARK: Okay. But if you go like this...
36 That's us.
37 JAN MORRISON: Okay. And -- (indiscernible) -- over it.
38 COMMISSIONER CLARK: This is the gravel pit there. I
39 thought that --
40 CHAIRMAN BAKKER: No. It's just the desert right here.

1 COMMISSIONER CLARK: That's it.
2 COMMISSIONER MILLS: I think the gravel pit might be a
3 little bit further.
4 CHAIRMAN BAKKER: Yeah.
5 COMMISSIONER MILLS: It's a little bit further --
6 COMMISSIONER CLARK: Okay.
7 COMMISSIONER MILLS: -- out.
8 COMMISSIONER CLARK: Okay.
9 CHAIRMAN BAKKER: Sounds good. I need a motion.
10 COMMISSIONER CLARK: I have a question, Jan.
11 Why -- why did you use an e-mail from 2014 in this packet?
12 JAN MORRISON: Simply because it's -- it's a matter of
13 record. It was in the packet. That was several years ago and
14 so --
15 COMMISSIONER CLARK: Yeah.
16 JAN MORRISON: -- when I bring things in front of you, I
17 bring everything that was brought forth before.
18 COMMISSIONER CLARK: Did you talk to Bert about this?
19 JAN MORRISON: Yes. And that's really not relevant because
20 -- because --
21 COMMISSIONER CLARK: Yeah. It is relevant as far as
22 timelines go. We want to be up to date.
23 JAN MORRISON: Okay. All right.
24 CHAIRMAN BAKKER: Thank you, Jan.
25 COMMISSIONER MILLS: I make a motion we approve the parcel
26 map for Lander County parcel 002-320-06.
27 COMMISSIONER CLARK: Second.
28 CHAIRMAN BAKKER: Okay. Motion made by Doug to approve the
29 parcel map; seconded by Art. Any public comment?
30 (No comment.)
31 CHAIRMAN BAKKER: All those in favor?
32 COMMISSIONER MILLS: Aye.
33 CHAIRMAN BAKKER: Aye.
34 COMMISSIONER CLARK: Aye.
35 CHAIRMAN BAKKER: Authorize the chair to sign, though. We
36 got to redo that.
37 COMMISSIONER MILLS: Oh. I make a motion to authorize the
38 chair -- authorize the chair to sign the parcel map, 002-320-06.
39 CHAIRMAN BAKKER: Okay. Motion was made for -- amended for
40 the chair to sign.

1 COMMISSIONER CLARK: Second.
2 CHAIRMAN BAKKER: Public comment?
3 (No comment.)
4 CHAIRMAN BAKKER: All those in favor?
5 COMMISSIONER MILLS: Aye.
6 CHAIRMAN BAKKER: Aye.
7 COMMISSIONER CLARK: Aye.
8

9 **7) Discussion and possible action regarding the approval/**
10 **disapproval of the reversion to acreage for Lander County**
11 **parcels 011-050-21 and -22, and all other matters properly**
12 **related thereto.**
13

14 CHAIRMAN BAKKER: Okay. Agenda Item Number 7, discussion
15 and possible action regarding the approval and disapproval of
16 the reversion to acreage for Lander County parcels 011-050-21
17 and -22, and all other matters properly related thereto.

18 JAN MORRISON: Okay. And the applicant is here. And this
19 -- this, again, has gone through our county surveyor. It's
20 consistent with the parcels out there.

21 And so, I believe, the applicant is here, if you'd like to
22 speak to her.

23 COMMISSIONER MILLS: So this -- this one's combining two
24 parcels into one --

25 JAN MORRISON: It is --

26 COMMISSIONER MILLS: -- instead of --

27 JAN MORRISON: It is and the adjoining --

28 COMMISSIONER MILLS: -- dividing.

29 JAN MORRISON: -- parcels are --

30 COMMISSIONER MILLS: Okay.

31 JAN MORRISON: -- five acres. And this actually makes it
32 more of a conforming lot.

33 Sorry.

34 COMMISSIONER MILLS: Right. Okay.

35 JAN MORRISON: Just taking these two and making them into
36 one. And, see, they're all five acres around there.

37 CHAIRMAN BAKKER: And where's that at? Oh, that's -- oh,
38 okay.

39 JAN MORRISON: Just --

40 COMMISSIONER CLARK: Yeah.

1 JAN MORRISON: -- down at the end of Ethel.

2 CHAIRMAN BAKKER: Okay.

3 COMMISSIONER CLARK: Yeah, that one's good.

4 CHAIRMAN BAKKER: Need a motion.

5 COMMISSIONER MILLS: I'll make a motion that we approve
6 Lander County parcel map to combine those two properties or two
7 properties into one for parcel number 011-050-21 and -22 and
8 authorize the chair to sign.

9 CHAIRMAN BAKKER: Second it.

10 COMMISSIONER CLARK: Second. Second.

11 CHAIRMAN BAKKER: Thank you, Art. Doug made a motion to
12 approve the parcel map; seconded by Art Clark. Any public
13 comment?

14 (No comment.)

15 CHAIRMAN BAKKER: All those in favor?

16 COMMISSIONER MILLS: Aye.

17 CHAIRMAN BAKKER: Aye.

18 COMMISSIONER CLARK: Aye.

19 JAN MORRISON: Thank you.

20 CHAIRMAN BAKKER: Motion carries.

- 21
22 8) Discussion and possible action to ratify the termination
23 letter sent to Bullock Management Services terminating the
24 existing contract with Bullock Management Services to provide
25 professional management services for the Mountain View Golf
26 Course, and to award the contract for the Mountain View Golf
27 Course to one of the two current bidders or to separate the
28 golf course from the clubhouse into individual single
29 contracts and require new bids on one or both or to accept a
30 current bid on one or both, and all other matters properly
31 related thereto.
32

33 CHAIRMAN BAKKER: Agenda Item Number 8, discussion and
34 possible action to ratify the termination letter sent to Bullock
35 Management Services and terminating the existing contract with
36 Bullock Management Services to provide professional management
37 services for the Mountain View Golf Course, and to award the
38 contract for the Mountain View Golf Course to one of the two
39 current bidders or to separate the golf course from the
40 clubhouse into individual single contracts and require new bids

1 on one or both or to accept a current bid on one or both, and
2 all other matters properly related thereto.

3 First off, we need to pull out -- ratify the termination
4 letter. We need to do that first before we move forward.

5 COMMISSIONER MILLS: Okay. I'll make a motion to ratify
6 the termination letter to Bullock Management for management
7 services provided at the -- the Mountain View Golf Course.

8 COMMISSIONER CLARK: Second.

9 DISTRICT ATTORNEY HERRERA: And that termination letter,
10 Commissioners, was sent January 6th, 2016. So I would like you
11 to include that as part of the motion.

12 COMMISSIONER MILLS: Okay.

13 DISTRICT ATTORNEY HERRERA: The --

14 COMMISSIONER MILLS: So to ratify the termination letter
15 from January 16th, 2016.

16 DISTRICT ATTORNEY HERRERA: Thank you.

17 COMMISSIONER CLARK: Second.

18 KEITH WESTENGARD: January 6th.

19 CHAIRMAN BAKKER: Okay. Motion was made by Doug to ratify
20 --

21 DISTRICT ATTORNEY HERRERA: January 6th.

22 KEITH WESTENGARD: He said 16th.

23 DISTRICT ATTORNEY HERRERA: Sixth.

24 COMMISSIONER MILLS: Okay. Amend that --

25 KEITH WESTENGARD: Sixth.

26 COMMISSIONER MILLS: -- and make it January 6th, 2016.

27 COMMISSIONER CLARK: Third time's a charm.

28 CHAIRMAN BAKKER: Okay.

29 COMMISSIONER CLARK: Second.

30 CHAIRMAN BAKKER: Motion was made by Doug to ratify the
31 letter sent to Bullock Management; seconded by Art Clark. Any
32 public comment?

33 (No comment.)

34 CHAIRMAN BAKKER: All those in favor?

35 COMMISSIONER MILLS: Aye.

36 CHAIRMAN BAKKER: Aye.

37 COMMISSIONER CLARK: Aye.

38 CHAIRMAN BAKKER: Motion carries.

39 Okay. And the second part of this, we need to look at the
40 contracts for the Mountain View Golf Course and award it to two

1 of the current bidders -- or one of the current bidder- --
2 bidders.

3 You guys want to talk? Art? Scott?

4 SCOTT BULLOCK: You want me to come up or you want Bert to
5 explain it first or --

6 CHAIRMAN BAKKER: Both of you.

7 SCOTT BULLOCK: Explain what the bid is?

8 CHAIRMAN BAKKER: Or Bert can do it. However -- whatever
9 makes you feel comfortable.

10 SCOTT BULLOCK: Don't mind.

11 BERT RAMOS: There are two bids there, both competitive
12 bids.

13 Bert Ramos, for the record.

14 They're both competitive bids. And there's a small price
15 difference. I think that can be disputed on either side.

16 I think, in my opinion, the thing that needs to be considered
17 most is there needs to be some negotiation room for the county to
18 make this a doable venture for the county. That way we aren't
19 making a loss a bigger loss.

20 That's about my spiel on it and then let Scott explain his
21 contract.

22 SCOTT BULLOCK: Scott Bullock, for the record.

23 Currently ran Mountain View Golf Course clubhouse for the
24 past four years. Kind of waiting for this day to come up for a
25 lot of years where the county has decided they contract the whole
26 thing out, the course and the -- and the golf clubhouse. That way
27 there's one person in charge out there.

28 I feel there's a lot of benefits to Lander County. Simply, a
29 contractor can hire employees on a daily basis. It's not a long
30 process, provide seven-day-a-week coverage out there.

31 There's just a lot of things that a contractor can do and in
32 a short of amount of time compared to having to go through the
33 process that the county often has to go to.

34 And in the long run, it will -- it will also save the
35 county a decent amount of money. So it's -- it's kind of a
36 win-win for you guys. You get a better product in the long run
37 and you save money in the process.

38 I don't know if you have questions of qualifications or --
39 obviously been in business many years. Used to work dewatering
40 for Newmont Mining Company.

1 I have a vast knowledge of -- of pumps and water systems
2 and how they all work. Got the background to do it. Have many
3 people lined up ready to go, different companies, Simplot Grower
4 Solutions. Already have a maintenance plan made up, ready to go
5 to provide these services to Lander County so we can have a -- a
6 beautiful golf course.

7 And -- and been watching the project with the new sprinkler
8 system going in. And I think it's very beneficial what's going
9 on out there. And we're going to have a great place for the
10 community to go.

11 COMMISSIONER MILLS: Okay. So I --

12 CHAIRMAN BAKKER: (Indiscernible.)

13 COMMISSIONER MILLS: -- guess I have a couple of questions,
14 I suppose.

15 I've read through the contract and all of that. And
16 there's just a few questions.

17 My -- my main concern is I know you've run the clubhouse
18 out there and I have no concerns about that. You're certainly
19 capable of doing all that. And that -- but the clubhouse part
20 of it I'm not really concerned about. I'm -- I'm concerned
21 about the actual golf course itself and the -- the grass out
22 there, --

23 SCOTT BULLOCK: Right.

24 COMMISSIONER MILLS: -- which this county's spent -- and
25 the people of this county have spent years and years working on
26 and getting -- (indiscernible). And, you know, we're -- we're
27 trying now to fix the watering system so we can maintain it
28 better than it's been in the past.

29 But what do you know about lawn maintenance, particularly
30 related to golf courses? What kind of grass is out there? Do
31 you know how to take care of particular types of grass? What do
32 you know about taking care of greens in particular? Those --
33 those kinds of things.

34 Because that's, again, I'm more concerned about the
35 grassrass --

36 SCOTT BULLOCK: Right.

37 COMMISSIONER MILLS: -- than anything else out there.

38 SCOTT BULLOCK: Ob- --

39 COMMISSIONER MILLS: So...

40 SCOTT BULLOCK: Obviously, water is the key issue out

1 there. And we're solving a lot of that problem this year.

2 I have a lot of resources. I have a sister who's been to
3 turf school, actual golf school. I have a lot of people in
4 contact that I can contact about. I've actually cut cups
5 personally out there to get ready for tournaments. I've -- I've
6 mowed the lawns before. I've mowed the greens before. There's a
7 lot of information, especially with today's technology that we can
8 provide and -- and learn and -- and have that accessible to use.

9 I don't see that really being, you know, an issue. John
10 Hafen is a local guy. I've met with him. He's with Simplot
11 Growers Solutions. He can come out, diagnose if there's any
12 diseases or problems, do soil samples for me. Have all that ready
13 to go so we can provide that good service so we have that
14 knowledge available and at hand. And he's here local. So I think
15 we have some -- some real good things here that we can use that
16 I'm not afraid to use.

17 I'm not going to tell you I know everything there is to know
18 about it. But I will tell you I'm really good at finding the
19 resources on how to -- how to do what needs to be done out there.

20 COMMISSIONER MILLS: Okay. Because I've actually been
21 looking into it some. And taking care of a golf course isn't
22 like mowing your lawn at home.

23 SCOTT BULLOCK: Right. No, it's a lot (indiscernible).

24 COMMISSIONER MILLS: It's a whole -- it's a whole big
25 thing.

26 SCOTT BULLOCK: Right.

27 COMMISSIONER MILLS: So...

28 SCOTT BULLOCK: Well, --

29 COMMISSIONER MILLS: I don't -- I don't want it to be taken
30 lightly.

31 SCOTT BULLOCK: Oh, no.

32 COMMISSIONER MILLS: And the grass is really the key to a
33 golf course.

34 So that's -- that's my -- that's my biggest concern is --
35 is -- and things like, is that at -- at the end of the season, is
36 that golf course going to look the same or better than it did at
37 the beginning of the season?

38 SCOTT BULLOCK: Right.

39 COMMISSIONER MILLS: Is -- is -- is there going to be
40 some -- if it -- if it doesn't look as good at the end of the

1 season as it did at the beginning of the season, is there going
2 to be some liability or responsibility there?

3 SCOTT BULLOCK: Right. And --

4 COMMISSIONER MILLS: Some of those kind of issues that --

5 SCOTT BULLOCK: Right. And --

6 COMMISSIONER MILLS: -- I'm concerned about.

7 SCOTT BULLOCK: -- I put in my contract -- I tried to write
8 this -- this proposal up so it would benefit both sides of
9 the -- of the county and myself.

10 I will issue a performance bond. If it is not up to your
11 liking, there will be a bond in place. And you can -- there
12 will be that money to put any repairs or to compensate that. So
13 you are covered. So that concern is taken care of.

14 COMMISSIONER MILLS: Okay.

15 One of the other things I have, kind of, some questions about
16 that I don't -- I haven't looked at it enough to really know a lot
17 about it. So it's still kind of a question. And I don't know
18 much about this issue. But that is the -- the way that green fees
19 are collected and in -- in your proposal that you would keep those
20 green fees as part of your thing.

21 And I'm wondering what does -- and I haven't looked at the
22 numbers enough. Because I know there's some -- there were some
23 numbers given in the packet and I'm, you know, trying to make
24 sense of them.

25 SCOTT BULLOCK: Uh-huh.

26 COMMISSIONER MILLS: And I haven't been able to figure it
27 all yet. If you're able to keep the green fees and you're going
28 to keep all the fees for the carts and all the -- all the other
29 fees involved with the golf course, I have -- and again, I
30 haven't been able to compare it. Because if the county
31 maintains the golf course and does it ourselves versus having
32 you do it, --

33 SCOTT BULLOCK: Right.

34 COMMISSIONER MILLS: -- you said earlier you think
35 there's -- there's a cost savings to the county. But I haven't
36 really been able to see that.

37 SCOTT BULLOCK: You want me to --

38 COMMISSIONER MILLS: Based on these -- based on the numbers
39 that you're giving --

40 SCOTT BULLOCK: You want me to show you?

1 COMMISSIONER MILLS: Yeah.
2 SCOTT BULLOCK: You have this page in --
3 COMMISSIONER MILLS: Yes.
4 SCOTT BULLOCK: -- your packet?
5 It's the Mountain View Golf Course budget review sheet. And
6 if you look at the four-year average, I took all the numbers from
7 what -- what it costs the golf course to maintain and run every
8 year.
9 There's your four-year average there. So your average is
10 \$298,000. Your --
11 COMMISSIONER MILLS: Right.
12 SCOTT BULLOCK: -- cost minus we collect 60- to \$70,000 a
13 year in green fees.
14 So on average, it costs the county \$230,000 a year to have
15 the golf course out there.
16 In my proposal, if you want a turn-key operation where --
17 where I take care of everything, I -- I purchase the fertilizers,
18 the parts, the everything, and, you know, you pay me and I handle
19 it all and it's out of your headache, it's \$177,000 that it would
20 cost you compared to \$230,000.
21 COMMISSIONER MILLS: Now, I'm not sure that's completely
22 accurate, in that -- unless you're going to be covering the
23 utilities. Are you covering the utilities?
24 SCOTT BULLOCK: Yeah. That covers that.
25 COMMISSIONER MILLS: And that -- because there's utilities.
26 There's clubhouse utilities. This management contract, does
27 that remain in place?
28 SCOTT BULLOCK: No.
29 COMMISSIONER MILLS: Because that management contract,
30 isn't that for you to collect the -- the green fees? Just --
31 SCOTT BULLOCK: Right. And I wouldn't -- I wouldn't be
32 charging you to do your financial reports because I'd be getting
33 them. So there's no longer that in that part.
34 COMMISSIONER MILLS: Okay.
35 DISTRICT ATTORNEY HERRERA: Isn't that in the application?
36 SCOTT BULLOCK: No. If you look right here, there was -- I
37 submitted two. One just to run the golf clubhouse.
38 DISTRICT ATTORNEY HERRERA: Oh, okay.
39 SCOTT BULLOCK: And then one to do the whole --
40 COMMISSIONER MILLS: Right.

1 SCOTT BULLOCK: -- operation.
2 COMMISSIONER MILLS: Because you did those two proposals.
3 SCOTT BULLOCK: If you look on the line items, it says,
4 management contract, requested dollars, 2,017, right after the
5 four-year average. There's a zero in that line item.
6 Same with the golf cart contract that I normally get. So I
7 would no longer be part of that.
8 COMMISSIONER MILLS: So the requested dollars, 2,017, is
9 what you're --
10 SCOTT BULLOCK: What I --
11 COMMISSIONER MILLS: -- asking for the county to pay?
12 SCOTT BULLOCK: Right.
13 COMMISSIONER MILLS: Oh, I see.
14 SCOTT BULLOCK: Yep. That's what I believe I can -- I can
15 run that for and do that for.
16 COMMISSIONER MILLS: Okay.
17 SCOTT BULLOCK: Which is a savings to the county.
18 BERT RAMOS: Something else that I think everybody needs to
19 be aware of is the clubhouse won't be able to be opened on the
20 1st. The clubhouse and the entire golf course is under CORE
21 until the completion of our project.
22 COMMISSIONER MILLS: Right.
23 BERT RAMOS: So that's another thing that opens up the
24 unknown as far as where everything's going to fall and
25 negotiating and -- and who's going to want what for -- for what
26 they're doing the job for.
27 SCOTT BULLOCK: Because realistically you have eight months
28 to make your money out there. And if, you know, two months is
29 out of whoever runs its control, you know, now you have, you
30 know, how many people want to take a two-month pay cut out of
31 whatever your job is?
32 CHAIRMAN BAKKER: Well, just deduct it out of the -- the
33 dollar amount -- honestly -- what we're paying. Divide that
34 out.
35 SCOTT BULLOCK: Your costs --
36 COMMISSIONER MILLS: Well, yeah, --
37 SCOTT BULLOCK: Your costs --
38 COMMISSIONER MILLS: -- because there's --
39 SCOTT BULLOCK: -- and your contract --
40 COMMISSIONER MILLS: -- there's also two months of

1 utilities you're not --
2 CHAIRMAN BAKKER: Well, you won't --
3 COMMISSIONER MILLS: -- paying and two months --
4 CHAIRMAN BAKKER: -- be handling --
5 COMMISSIONER MILLS: -- of employees --
6 CHAIRMAN BAKKER: -- it. Bert will be --
7 COMMISSIONER MILLS: -- you're not paying.
8 CHAIRMAN BAKKER: -- watering it and handling it for that
9 two months and so will CORE.
10 SCOTT BULLOCK: There's still maintenance that needs done.
11 DISTRICT ATTORNEY HERRERA: I -- I have a question from a
12 legal standpoint. Bert Ramos just made an observation that --
13 that he would like to be able to negotiate. There's certain
14 areas that both of these proposals that he thinks should be
15 negotiated.
16 Scott, are you willing to do that?
17 SCOTT BULLOCK: Yeah. Yeah, to a point.
18 There's some items that are fixed costs that I can, you know,
19 that I can just go off the numbers that it's always cost out
20 there. But, yeah, there's --
21 DISTRICT ATTORNEY HERRERA: Well, obviously, --
22 SCOTT BULLOCK: There's some --
23 DISTRICT ATTORNEY HERRERA: -- one of the main items of --
24 of negotiation would be the two -- the two months' loss.
25 SCOTT BULLOCK: Right.
26 DISTRICT ATTORNEY HERRERA: So that wasn't -- that wasn't
27 anticipated by either one of the applicants.
28 SCOTT BULLOCK: Right.
29 DISTRICT ATTORNEY HERRERA: So there are areas that legally
30 need to be negotiated. So I -- I just wondering if you're -- if
31 you're willing to do that.
32 SCOTT BULLOCK: Yeah. I'm willing to talk about it.
33 COMMISSIONER MILLS: Okay.
34 SCOTT BULLOCK: Because if you can't open your doors for
35 business, you don't have no money coming in. So...
36 CHAIRMAN BAKKER: You can open the clubhouse.
37 SCOTT BULLOCK: There's no water to it right now.
38 COMMISSIONER CLARK: No, it's --
39 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
40 Could you make that clearer for the record from what Bert

1 stated and then what you're thinking. You're stating that the
2 clubhouse cannot be opened.
3 BERT RAMOS: The entire golf course is under --
4 COMMISSIONER CLARK: Right.
5 CHAIRMAN BAKKER: Oh, okay.
6 BERT RAMOS: -- CORE's umbrella. Until the completion of
7 the project.
8 COMMISSIONER CLARK: And that'll be two months?
9 BERT RAMOS: Yes, that's --
10 COMMISSIONER MILLS: So the prospective open date of the
11 golf course now is --
12 CHAIRMAN BAKKER: Middle of May.
13 COMMISSIONER MILLS: Middle of May?
14 BERT RAMOS: Seventeenth.
15 COMMISSIONER MILLS: Not the 1st of May? Middle of May?
16 BERT RAMOS: Seventeenth's what they have.
17 COMMISSIONER MILLS: Okay.
18 CHAIRMAN BAKKER: Their contract completion date.
19 COMMISSIONER MILLS: Okay.
20 SCOTT BULLOCK: So that's a little -- that's a lot of --
21 COMMISSIONER CLARK: May 17th.
22 SCOTT BULLOCK: -- food or revenue that wouldn't --
23 COMMISSIONER CLARK: May 17th?
24 SCOTT BULLOCK: -- be able to be sold.
25 COMMISSIONER CLARK: May 17th?
26 COMMISSIONER MILLS: Yeah.
27 COMMISSIONER CLARK: Saint Patty's day.
28 CHAIRMAN BAKKER: So are you willing to come down on your
29 price, Scott? Your numbers?
30 SCOTT BULLOCK: I'm going to be costed money for -- for two
31 months.
32 CHAIRMAN BAKKER: No, I mean the contract price overall,
33 not, say -- I'm not talking about --
34 SCOTT BULLOCK: Um.
35 CHAIRMAN BAKKER: -- lost time.
36 SCOTT BULLOCK: I'm --
37 CHAIRMAN BAKKER: in general?
38 SCOTT BULLOCK: I bid it -- I feel pretty tied to, you
39 know, this is the hard numbers of what it -- what it costs. And
40 I already cut, you know, significant amount out of there.

1 And then I have to rely, like, this year on -- whatever the
2 revenue is what I plan to make for my profit on those fees I'm
3 collecting. And we already took two months out of that just this
4 year.

5 So it's my pocketbook that's getting affected the most
6 right there.

7 DISTRICT ATTORNEY HERRERA: So, Commissioners, you need to
8 understand that we've got two eight-month proposals for a
9 six-month job.

10 So we're talking about renegotiation. You -- you may want to
11 consider renegotiation or two additional or to re- -- reapply
12 based on the six-month period of time rather than the eight-month.
13 Because I understand what Scott's saying. We're trying to squeeze
14 eight months into six months. And he doesn't want to budge on
15 certain of his figures because they're eight-month figures. So if
16 we -- if we have them reapply for a six-month season, you may get
17 more honest figures is what I'm saying.

18 COMMISSIONER MILLS: Okay.

19 Can you -- can you address any more about your -- because,
20 again, I'm concerned about the -- the golf course itself -- and
21 tell us more about some of your knowledge and expertise in being
22 able to run the golf course.

23 SCOTT BULLOCK: Yeah, I mean, I don't -- what -- what
24 exactly are you looking for? I understand flow rates,
25 pressures, sprinkler systems, --

26 COMMISSIONER MILLS: Right.

27 SCOTT BULLOCK: -- wells.

28 COMMISSIONER MILLS: Well, and --

29 SCOTT BULLOCK: I've worked on --

30 COMMISSIONER MILLS: -- see once the -- once our new system
31 is put this place, it's going to be pretty automated.

32 SCOTT BULLOCK: But it's still going to --

33 COMMISSIONER MILLS: So...

34 SCOTT BULLOCK: -- require maintenance.

35 COMMISSIONER MILLS: Yeah.

36 SCOTT BULLOCK: There's still a lot of --

37 COMMISSIONER MILLS: So --

38 SCOTT BULLOCK: There -- I'm sure --

39 COMMISSIONER MILLS: But --

40 SCOTT BULLOCK: -- there will be kinks to --

1 COMMISSIONER MILLS: So we've got --
2 SCOTT BULLOCK: -- work out.
3 COMMISSIONER MILLS: And water's only one.
4 SCOTT BULLOCK: Right.
5 COMMISSIONER MILLS: I mean, typically with a golf course,
6 you hire a pro who's spent years working at golf courses.
7 Because it's -- golf courses are pretty intricate. There's a
8 lot to know.
9 SCOTT BULLOCK: Right.
10 COMMISSIONER MILLS: It's -- it's like learning to fly an
11 airplane. It's not as simple as just jumping on a plane and
12 flying a plane. There's a lot to know.
13 SCOTT BULLOCK: Pros usually --
14 COMMISSIONER MILLS: Or any other type of thing. There's a
15 lot of expertise involved in many different areas.
16 SCOTT BULLOCK: Right.
17 COMMISSIONER MILLS: So I'm just wondering what -- I just
18 want a general feel of the -- the types of knowledge that you
19 have to -- to make you qualified to run a golf course.
20 SCOTT BULLOCK: As -- I mean, I --
21 COMMISSIONER MILLS: It's pretty broad and I understand --
22 SCOTT BULLOCK: Yeah.
23 COMMISSIONER MILLS: -- that.
24 SCOTT BULLOCK: I mean, --
25 COMMISSIONER MILLS: So I'm -- I'm --
26 SCOTT BULLOCK: -- I've done it. I've -- I've -- I've ran
27 the mowers out there. I know how to take care of it. I'm a
28 golfer. Okay.
29 COMMISSIONER MILLS: Right.
30 SCOTT BULLOCK: I golf every day. I know what a golf
31 course should look like. I go golf on many different golf
32 courses.
33 It's -- it's not a -- an issue. It's pretty easy if you
34 look in the past records. Like -- like your type of grass is an
35 A-4 bentgrass, what you put on your new greens.
36 So obviously we have to provide the fertilizers, fungicides
37 to be able to take care of that, if that's the kind of stuff
38 you're looking for.
39 COMMISSIONER MILLS: Okay.
40 SCOTT BULLOCK: I mean, that's -- that's all knowledge that

1 we have that -- that can easily be applied. Like I said, I've
2 already contacted Simplot Grower Solutions. And they're --
3 they're more than willing to help and -- and provide any -- any
4 place I'm -- I'm lacking in -- you know, I'm not -- we can take
5 a soil test, but I don't have the stuff to tell you what's in
6 the ground.

7 COMMISSIONER MILLS: Right.

8 SCOTT BULLOCK: You know what I mean? But we can have that
9 process, taking information, and then apply what chemicals or --
10 or, you know, if it needs more -- more water, less water,
11 different times. You know, there's all that stuff. We have the
12 information available and -- and can do that.

13 COMMISSIONER MILLS: Okay.

14 COMMISSIONER CLARK: I -- I have a question. Because I
15 share a lot of the concerns that Doug has with watering. And
16 we're going to get a new system. We put a new system in there,
17 who will maintain it, Bert?

18 BERT RAMOS: It will be up the -- whoever gets the
19 contract.

20 COMMISSIONER CLARK: Well, we're going to turn over a
21 million-and-a-half-dollar project to someone other than a county
22 employee? That's some- --

23 COMMISSIONER MILLS: Well, we're doing this -- we're doing
24 the same thing with the whole golf course, which is worth --

25 COMMISSIONER CLARK: I --

26 COMMISSIONER MILLS: -- 10 million? How much is the golf
27 course worth? And we're turning that over to somebody.

28 COMMISSIONER CLARK: But we have a brand-new system. And
29 my point is, you have a warranty on things. Is the warranty
30 still going to be valid?

31 BERT RAMOS: Oh, yeah, the warranty's not void just --

32 COMMISSIONER CLARK: Okay.

33 BERT RAMOS: Yeah. Yeah, it doesn't void the warranty.

34 COMMISSIONER CLARK: You don't have to have a certified
35 person in irrigation or whatever?

36 BERT RAMOS: We don't have one currently.

37 COMMISSIONER MILLS: Yeah.

38 COMMISSIONER CLARK: We have you.

39 COMMISSIONER MILLS: He's not --

40 Are you certified, Bert?

1 BERT RAMOS: That's the -- that's the problem.
2 The --
3 COMMISSIONER CLARK: So any valves or gauges or anything
4 like that, Scott would be -- or whoever we choose --
5 BERT RAMOS: Right.
6 COMMISSIONER CLARK: -- would --
7 BERT RAMOS: Well --
8 COMMISSIONER CLARK: -- be resp- --
9 BERT RAMOS: -- it would be -- it's a Rain Bird system. So
10 the system would be -- it would have to comply with Rain Bird.
11 So any -- any problem that we have for the next year, --
12 COMMISSIONER CLARK: Okay.
13 BERT RAMOS: -- it'd be a Rain Bird issue.
14 COMMISSIONER CLARK: Okay. As long as we're covered there.
15 UNIDENTIFIED PARTICIPANT: Yeah.
16 COMMISSIONER MILLS: Okay.
17 COMMISSIONER CLARK: And how much -- how much is your bond,
18 Scott?
19 SCOTT BULLOCK: I believe I got one for \$100,000, is what I
20 --
21 COMMISSIONER CLARK: That --
22 SCOTT BULLOCK: -- got -- I got --
23 COMMISSIONER CLARK: -- should cover any damage --
24 SCOTT BULLOCK: -- quoted on.
25 COMMISSIONER CLARK: -- to the grass, huh?
26 Okay.
27 BERT RAMOS: Well, we have -- we have a 30-day -- if -- if
28 this goes through and we do draw up, this has to -- this is
29 going to have to go before the DA. And these would be
30 contractual issues as far as the 30-day clause for the county to
31 opt out and -- and for Scott as well.
32 Or, you know, there are two bids here. And Scott was the
33 higher of the two bids. So this is -- this is -- this is
34 something you guys need to consider. It's all sitting before
35 you. But...
36 SCOTT BULLOCK: So my bid did have bond insurance where the
37 other one didn't.
38 DISTRICT ATTORNEY HERRERA: Was the county to pay that,
39 though?
40 SCOTT BULLOCK: No. Well, that's why my bid was --

1 DISTRICT ATTORNEY HERRERA: Right, but it's --
2 COMMISSIONER MILLS: It's included --
3 DISTRICT ATTORNEY HERRERA: -- (indiscernible) that the --
4 COMMISSIONER MILLS: -- in the --
5 DISTRICT ATTORNEY HERRERA: -- county --
6 COMMISSIONER MILLS: -- bid.
7 DISTRICT ATTORNEY HERRERA: -- would pay the \$10,000 for
8 the bond.
9 SCOTT BULLOCK: That's what I --
10 DISTRICT ATTORNEY HERRERA: Was that included in your bid?
11 SCOTT BULLOCK: That's what -- it's including in my bid.
12 DISTRICT ATTORNEY HERRERA: I'm saying the same thing
13 you're saying.
14 SCOTT BULLOCK: Yeah.
15 DISTRICT ATTORNEY HERRERA: Okay. I just want the
16 commissioners to understand.
17 SCOTT BULLOCK: That -- that -- that's to guarantee you
18 guys have it. That's just to protect you.
19 DISTRICT ATTORNEY HERRERA: Well, we're -- we're paying our
20 own insurance in your name. So it -- the county's protecting
21 itself. You're not protecting the county if they're paying for
22 the insurance, I mean, technically.
23 SCOTT BULLOCK: I mean, if you want to slice it that thin,
24 yeah.
25 DISTRICT ATTORNEY HERRERA: Well, I mean, on any
26 application, any bond it's just --
27 CHAIRMAN BAKKER: Right.
28 SCOTT BULLOCK: Right. Got to have the money to pay it
29 somewhere.
30 DISTRICT ATTORNEY HERRERA: Yeah. I -- I don't --
31 CHAIRMAN BAKKER: Okay.
32 DISTRICT ATTORNEY HERRERA: -- disagree.
33 COMMISSIONER MILLS: Do you -- do you have anything else
34 you want us to know that -- that might help us make the
35 decision?
36 SCOTT BULLOCK: I just -- I -- I don't know, I'm looking --
37 looking forward to being able to provide this service. Like I
38 -- I just want to reiterate the -- the positives about it.
39 Seven-day coverage to check on that brand-new sprinkler system,
40 where the county has not been able to provide seven-day

1 coverage.

2 There's just -- those benefits. The resources. The
3 ability -- I know they were working hard out there last year. And
4 then towards the end of the year, they had some employees quit or
5 whatsoever. And then they're -- you're down to one, two employees
6 so you don't have enough workforce. Where I can hire or fire
7 whoever I want in the same day, you know, and bring as -- you
8 know, as many people or those benefits are there. We can have
9 a -- a workforce that's able to work a lot faster.

10 COMMISSIONER MILLS: Okay.

11 SCOTT BULLOCK: So I think those are some real key, key
12 points for the county.

13 So...

14 CHAIRMAN BAKKER: Thane, you want to present your bid?
15 Thanks, Scott.

16 COMMISSIONER CLARK: Hey, let's take a break.

17 COMMISSIONER MILLS: Thank you, Scott.

18 CHAIRMAN BAKKER: Oh, timeout.

19 COMMISSIONER CLARK: Ten-minute break.

20 CHAIRMAN BAKKER: Austin, we're going to take a five-minute
21 break.

22 MITESHELL LANHAM: Okay.

23
24 (Break taken between 10:10 a.m. and 10:18 a.m.)
25

26 CHAIRMAN BAKKER: Commissioner meeting back to order. Let
27 the record reflect Austin's on the phone.

28 Okay.

29 THANE BURKHART: Thane Burkhardt. It said, state your name
30 for the record.

31 BERT RAMOS: Got it.

32 CHAIRMAN BAKKER: You want to go over your bid, Thane? Or
33 you guys got questions for Thane?

34 COMMISSIONER MILLS: Well, go ahead and tell us your plan
35 stuff first. What are your ideas and all that first? And then
36 if we have questions we'll ask them.

37 THANE BURKHART: Basically, I left mine a little bit vague.
38 When I went down and got the proposal packet and I took a look
39 at it, what it basically said was everything was going to be up
40 for negotiations.

1 I called Mr. Ramos and asked him, you know, what exactly
2 they were looking for as it stated in the paper. And basically
3 what he said was, we're going to negotiate everything out so,
4 you know, keep your bid as, you know, in that light, you know,
5 so that we can go in later and negotiate it.

6 So I got a copy of the numbers, took a look at where you
7 guys were at, figured the only thing I could really save you a
8 ton of money on would be the PERS because obviously I wouldn't
9 have to pay PERS on employees. The only real cost savings I
10 could see was that.

11 I reached out to a couple of different golf courses, a few
12 different golf pros I know that I've known for years. And one
13 of them actually put in a letter of reference for me.

14 My uncle sold sprinkler parts for Eckert Supply for years
15 and years and years; so he knows all the irrigation.

16 I grew up working for a landscaping company where we did
17 sprinkler systems, landscaping. And, I mean, we did all -- all
18 kinds of stuff. So I'm pretty familiar with that aspect of it,
19 as far as keeping the golf course in good clean working order.

20 I didn't put a bond in mine, which obviously that's
21 something that I'll have to pay for out of the bid that I get.

22 So that being said, other than that, I think I came in
23 around \$171,000.

24 So, you know, any questions you guys have for me?

25 CHAIRMAN BAKKER: Are you willing to renegotiate that price
26 down?

27 THANE BURKHART: Absolutely. The way I read into it is,
28 you know, I mean, obviously it's a six-month term. So, you
29 know, like you guys stated earlier, it's two months less of
30 labor. It's two months less of, you know, everything else that
31 I'm going to have to pay out of pocket.

32 And as far as keeping up with the maintenance, I live on
33 the second hole so it's pretty easy for me to look outside and
34 see what's going on and what's not going on, how the grass
35 looks, how it doesn't look.

36 As far as being an expert on grass or soil, I'm not. I
37 would never claim to be. But I know a lot of people that are a
38 phone call away that would -- that would be willing to help, a
39 few different greenskeepers from local courses who have offered
40 to help to, you know, show up and offer what they can do

1 whenever they can do it.

2 I've been in the food business for about the last 15 years.
3 So running the restaurant should be something that should be
4 kind of a breeze for me. I mean, that's more or less what I've
5 done.

6 Any other questions?

7 COMMISSIONER MILLS: I don't know if I -- I -- I guess on
8 that one with -- with Scott, he's -- as far as running the
9 clubhouse, he's a known entity. We know he knows how to handle
10 that.

11 THANE BURKHART: Sure.

12 COMMISSIONER MILLS: Can -- can you address that -- your
13 ability to run the clubhouse a little bit for us and what your
14 knowledge is there?

15 THANE BURKHART: Basically, for the last 15 years, I've
16 worked for a couple of different wholesale food service
17 providers. And what we do is we consult restaurants on how --
18 how to run a food cost, how to run a liquor cost, how to run a
19 pour cost, how to make sure you have the right amount of ounces
20 of fries on a plate. And that's what I've done. So we take
21 customers from -- I covered from Winnemucca to Wendover at one
22 point in time. So we would take customers from that aspect.
23 And I covered everything from golf courses, mom and pop
24 restaurants, steakhouses, casinos. And everyone's a little bit
25 different. Every restaurant has different numbers that they
26 need to hit.

27 As far as the golf course goes, there's not a lot to it. I
28 mean, there is, but there isn't.

29 I mean, as -- as far as the menu goes, it's not a huge menu
30 so there's not a lot of stuff I need to take into consideration.

31 But that's what I've done. I've worked with executive
32 chefs from all over the world that have come in and given
33 seminars. And I've sat through, you know, multiple trainings
34 all over the United States that have helped me, you know, show
35 people how to run a successful business. So it's kind of like
36 second hat after 15 years.

37 COMMISSIONER MILLS: Have -- have you ever actually ever
38 run a res- --

39 THANE BURKHART: No.

40 COMMISSIONER MILLS: -- owned and run a restaurant?

1 THANE BURKHART: No, No. I personally have not.
2 COMMISSIONER MILLS: Okay.
3 THANE BURKHART: No. But I'm -- I mean, I've been around
4 small business my entire life. My parents have always owned
5 small businesses so I've seen what it takes, you know, the calls
6 at 10 o'clock on a Friday night, the Saturday mornings you have
7 to be there. I mean, it's -- it's all wrapped up into it. And
8 I fully understand and I'm fully committed to doing that, you
9 know, weekends, evenings, early mornings, late nights. I mean,
10 it's all part of the game.
11 COMMISSIONER MILLS: Okay. So, again, as we talked about
12 earlier, the -- the main concern is about -- for me, the main
13 concern -- because I'm only one person -- the main concern for
14 me is actually the -- the golf course itself and the way it's
15 run and managed and cared for and what kind of -- I mean, you've
16 talked about some things, but can you give us a little more
17 detail about what -- what's your expertise in actually caring
18 for a golf course and -- and what knowledge do you have of that
19 kind of thing?
20 THANE BURKHART: None.
21 COMMISSIONER MILLS: Okay.
22 THANE BURKHART: I mean, as does no one, I don't think,
23 unless you're a golf pro that goes to school --
24 COMMISSIONER MILLS: Right.
25 THANE BURKHART: -- and you go through all the, you know,
26 the classes and every- -- no, I haven't done that. And I can
27 honestly say that I'm willing to learn. I'm willing to take --
28 it's something that's been in my life since I was a small kid.
29 I mean, it's -- I grew up installing sprinkler systems so I know
30 how that end of it works.
31 COMMISSIONER MILLS: Okay.
32 THANE BURKHART: I understand that a golf course is not
33 like running your yard, which is why I've reached out to several
34 groundskeepers and pros and said, hey, you know, if -- if I'm
35 awarded this bid, would you come and help me? And a few of them
36 have said, oh, absolutely, without a doubt. You know, we want
37 to see it be successful and give us another place to go play,
38 really.
39 So I do have that avenue to go down, obviously. And reaching
40 out to different fertilizer suppliers. I mean, their job is to

1 sell more fertilizer. And if I'm buying their fertilizer and it
2 looks bad, I can go back on them and say, hey, you told me to use
3 x-amount of fertilizer. I used it. It didn't work. Now I have
4 to come back on you, you know. And that's just -- that's just
5 running Business 101. I mean, it -- your suppliers have to be
6 held accountable for what they -- what they sell you and what they
7 tell you. And that's where, you know, it falls back on me too
8 with -- with a bond and the whole nine yards. Because then it
9 comes back on me. If it looks horrible, then I'm the one that has
10 to be accountable to you guys.

11 CHAIRMAN BAKKER: So I've got to reiterate. You're willing
12 to come down off -- renegotiate your price down?

13 THANE BURKHART: Oh, absolutely. If it's not open for -- I
14 mean the way I look at it, if it's not open for -- for two
15 months, that's two months of -- of a ton of savings that I'm
16 going to have that, you know -- I mean, we can renegotiate out
17 whatever needs to be renegotiated out. I mean, it was under my
18 assumption going in that everything was up for negotiation, if
19 you're awarded the bid that you could renegotiate all of it.
20 So, you know, I mean, I want to make it profitable for myself,
21 obviously. But I also don't want to have the county go broke
22 doing it.

23 CHAIRMAN BAKKER: Art, you have anything?

24 COMMISSIONER CLARK: So I think that where we're at, Ted,
25 is that we have two people that are re- -- willing to negotiate
26 or rebid. What's your recommendation?

27 DISTRICT ATTORNEY HERRERA: My recommendation is it's --
28 it's harder to negotiate 8-month proposal into a 6-month season
29 than it is to have them resubmit bids --

30 COMMISSIONER CLARK: Right.

31 DISTRICT ATTORNEY HERRERA: -- for a 6-month season --

32 COMMISSIONER CLARK: Okay.

33 DISTRICT ATTORNEY HERRERA: -- from a legal standpoint.

34 COMMISSIONER CLARK: Okay. Now would -- we'd just have
35 them resubmit their bids and then if there's a negotiation
36 process, that would happen after the bid? Or should we --

37 DISTRICT ATTORNEY HERRERA: Well, what -- what I would
38 suggest, if you're going to think about that, is in the --

39 You should come up with certain things that you insist on
40 being in the contract so that the bidders know beforehand what to

1 expect. And they can -- they could make their bids applicable to
2 those provisions. Then you don't have to go through a
3 renegotiation process.

4 DEAN BULLOCK: Dean Bullock, for the record.

5 You're talking renegotiations. And -- and before you go
6 any further, you guys are already saving \$60,000. I don't know
7 why you're trying to renegotiate. You're already saving 60,000.

8 You're talking about these two months. You can't expect
9 the -- the person, whoever's getting the bid, to step in there
10 in May and the greens are already dead that cost this county
11 \$400,000, and say, hey, you're responsible for them. We lost
12 them because we didn't allow you in there before. The person
13 that gets the bids should be starting now.

14 UNIDENTIFIED PARTICIPANT: Yes.

15 DEAN BULLOCK: Not waiting.

16 UNIDENTIFIED PARTICIPANT: Right.

17 DEAN BULLOCK: It should be now. We shouldn't be waiting
18 two months. Because I don't care if you've got to take the fire
19 truck out there. If they don't have water on those greens,
20 you're going to lose those greens if you don't start taking care
21 of them now.

22 CHAIRMAN BAKKER: And the county and CORE are going to take
23 care of them until the project's done because it is under
24 CORE's --

25 COMMISSIONER CLARK: Jurisdiction.

26 CHAIRMAN BAKKER: -- supervi- -- jurisdiction.

27 DEAN BULLOCK: Okay. So if you lose them, you -- you're --

28 CHAIRMAN BAKKER: I just said --

29 DEAN BULLOCK: -- telling these people --

30 CHAIRMAN BAKKER: -- the county's going to take care of it
31 for the next two months though.

32 DEAN BULLOCK: Okay. So it just -- that's a concern right
33 there.

34 CHAIRMAN BAKKER: We already have that in place.

35 DEAN BULLOCK: Okay.

36 CHAIRMAN BAKKER: We've already planned for that.

37 DEAN BULLOCK: Again, I don't understand the renegotiation.
38 You're already saving money. Why are you obsessed with
39 renegotiating even to cut it further from what these two
40 individuals bid when you're already saving money?

1 COMMISSIONER CLARK: Well, it's far from an obsession. And
2 the issue is that we have one person that came in lower than the
3 other, and now we're faced with a 6-month contract, not an 8-
4 month contract. So what it would be the most fair thing to do
5 --

6 DEAN BULLOCK: And I underst- --

7 COMMISSIONER CLARK: -- and the legal thing to do is the
8 question.

9 DEAN BULLOCK: Like --

10 COMMISSIONER CLARK: That's why I proposed that to Ted.

11 DEAN BULLOCK: And I understand that.

12 COMMISSIONER CLARK: Right.

13 DEAN BULLOCK: But is this for every year? Are you going
14 to renegotiate every year? I mean, is it a one-year contract?
15 You look at it on the bottom line, this is what we -- you know,
16 we feel it is. Here's the qualifications. Who's best for the
17 job?

18 COMMISSIONER CLARK: Well, you left out lowest bid.

19 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record, if
20 I may. I have a question, a couple of questions.

21 When you stated that -- and this is just to make the record
22 clear -- when you stated that CORE's going to be the doing the
23 greens, keeping them up, but it was stated that the water's off.
24 Is there -- did I miss something or --

25 CHAIRMAN BAKKER: Yeah, the --

26 COUNTY CLERK SULLIVAN: -- are --

27 CHAIRMAN BAKKER: -- county's going to --

28 COUNTY CLERK SULLIVAN: -- (indiscernible) the water or --
29 are you able to water while --

30 CASEY GUNTHER: Casey Gunther, for the record.

31 As we're going through each hole and each of the -- the
32 water lines are complete, we can turn on the water on each hole
33 from there. We can keep going.

34 Any hole that cannot be watered and the water can't be
35 turned on, we worked it out with Bert and the county that they
36 will come in with a water truck or whatever we can do to make
37 sure everything is watered.

38 COUNTY CLERK SULLIVAN: Okay. I just want that clear so
39 the public knows.

40 COMMISSIONER CLARK: There's --

1 COUNTY CLERK SULLIVAN: And then also in addition to -- has
2 it been stated what the bids amount -- amounts are for the --
3 for the record or for the people that haven't seen the packet to
4 know what those amounts are on the bidding?

5 I was just --

6 COMMISSIONER CLARK: We can give them, but this --

7 COUNTY CLERK SULLIVAN: It doesn't state it in the --

8 COMMISSIONER CLARK: This is the --

9 COMMISSIONER MILLS: They're in the packet.

10 COMMISSIONER CLARK: -- conc- -- this is the --

11 COUNTY CLERK SULLIVAN: Right, but --

12 COMMISSIONER CLARK: -- con- -- .

13 COUNTY CLERK SULLIVAN: -- people don't get the packet.

14 And so my question is is I just was wandering if it's been
15 stated. It doesn't state it, what the bids are, in this agenda
16 item so I didn't know if it would be a good -- I'm suggesting
17 that to state those amounts to have the record clear. Because
18 most people don't see the bid packets. They just see the
19 agenda.

20 COMMISSIONER CLARK: Mr. Herrera, what do you have to say
21 about that?

22 DISTRICT ATTORNEY HERRERA: About that question?

23 It depends on how you want to proceed. If you're going to
24 proceed and take one of these -- one of these bids and you're
25 talking about it being the lowest bid, I would suggest you put
26 both bids on the record. However, if you're going to take another
27 course of action and decide you want to -- to see a proposal based
28 on 6-month season, then that's not necessary.

29 COUNTY CLERK SULLIVAN: Right.

30 COMMISSIONER CLARK: Well, --

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

32 It's just when people come and need that history and
33 background, that's why. And Ted's right. You know, if you're
34 going to move forward, I think it needs to be stated, if you're
35 going to do a different process. But it's back in the
36 researching that when it comes down to it, you are not able to
37 find those numbers. And so, it's -- it's important that things
38 are very clear in the records.

39 COMMISSIONER CLARK: Okay, now if we gave out the numbers
40 and then we decided to --

1 CHAIRMAN BAKKER: I'm going to make this easy. Art, hold
2 on for a second.
3 Thane Burkhardt came in at 171,832.24. That was his low
4 bid. His higher bid was 209,407.24.
5 Scott put in a bid for 20,000 just to run the clubhouse.
6 He also put in a bid of \$177,880 to run the whole thing.
7 Now, moving forward --
8 COMMISSIONER CLARK: Moving forward, we can't go back out
9 to bid now.
10 CHAIRMAN BAKKER: No.
11 DISTRICT ATTORNEY HERRERA: No, not on an 8-month season.
12 No. You've just -- you've just put the bids on the record.
13 CHAIRMAN BAKKER: Now we're --
14 COMMISSIONER CLARK: All you've got to do is --
15 CHAIRMAN BAKKER: -- beating the same horse here.
16 COMMISSIONER CLARK: -- prorate it two months.
17 CHAIRMAN BAKKER: Bert, what would you like to do? How
18 would you like to proceed?
19 BERT RAMOS: Well, historically, the county's always went
20 with the low bid, is the bottom line. And -- and it doesn't --
21 it's nothing against either one of these guys. I think either
22 one will do a fine job of whatever's out there.
23 If we go back out to bid, I think that -- that now all the
24 numbers are dropped out there, we're going to create ourselves a
25 real wreck.
26 COMMISSIONER CLARK: Yeah.
27 BERT RAMOS: And -- and -- and these two bids, if you put
28 them side by --
29 COMMISSIONER CLARK: That's why --
30 BERT RAMOS: -- side, --
31 COMMISSIONER CLARK: -- I didn't want to do it.
32 BERT RAMOS: -- these guys both did their homework. And
33 they -- the numbers are incredibly close. If you went line item
34 by line item, I'm sure that they could whack some things out
35 for -- and even come in closer or wherever it's going to be.
36 But at the end of the day when nobody knew what it was and
37 everybody opened the page, the low bid was the low bid.
38 And that -- I think that that's, to me, that's a fairest,
39 simplest way to do it. There -- there -- and there's disputes
40 both ways. I mean, there's, well, I shouldn't add this. I should

1 have -- the bond isn't; it is. It's there -- there can be
2 disputes either way when the bid's this close.

3 And that's for any bid.

4 CHAIRMAN BAKKER: Come on up, Larry.

5 LARRY ROGERS: Larry Rogers, for the record.

6 In the bid guidelines when they were bidding this, did it
7 state the low bidder will be taken?

8 COMMISSIONER CLARK: Past pra- --

9 LARRY ROGERS: Without looking -- you know what I mean?

10 BERT RAMOS: It --

11 LARRY ROGERS: Bid guideline?

12 BERT RAMOS: -- never is in -- in any of our county
13 contracts. We -- the county has the right to choose.

14 LARRY ROGERS: Right. So that's what I'm saying. So right
15 now low bid isn't really necessary? It could be -- you know
16 what I mean?

17 COMMISSIONER CLARK: Well, --

18 LARRY ROGERS: So that ain't our bottom line at this point
19 in time.

20 COMMISSIONER CLARK: Well, you have to follow past
21 practice.

22 LARRY ROGERS: It's the best person for the job, --

23 COMMISSIONER CLARK: If you don't --

24 LARRY ROGERS: -- not low bid. Because it did state --

25 BERT RAMOS: And that's -- and that's why I said that I
26 think both these guys would do just a fine job. I -- I'm not
27 going to put one above the other. Because this is the first
28 time the actual full golf course has ever been out.

29 Scott's done a great job with the clubhouse. But this
30 isn't just a clubhouse. This is -- this is the whole thing. So
31 it's a whole -- it's -- it's a whole 'nother deal we're dealing
32 with.

33 COMMISSIONER CLARK: Okay. So the history is if we take
34 low bidder, --

35 DISTRICT ATTORNEY HERRERA: Not on every independent
36 contractor.

37 COMMISSIONER CLARK: Not on everything?

38 DISTRICT ATTORNEY HERRERA: Not on -- you don't have to.

39 COMMISSIONER CLARK: We don't have to.

40 DISTRICT ATTORNEY HERRERA: The history is that you -- you

1 have. That's been past practice. But you certainly don't have
2 to under the -- under the law, Nevada Revised Statutes.

3 COMMISSIONER MILLS: So I -- I have an unrelated question.
4 Casey, how -- how soon could we get the water back just to the
5 clubhouse?

6 CASEY GUNTHER: To the clubhouse?

7 COMMISSIONER MILLS: Yeah, so that the clubhouse could be
8 opened even though the golf course may not be open.

9 CASEY GUNTHER: I'm going to redirect that question to
10 Mr. Ramos.

11 COMMISSIONER MILLS: Oh, okay. Bert?

12 BERT RAMOS: Next -- next week it'll be on.

13 COMMISSIONER MILLS: When -- when's that?

14 BERT RAMOS: It'll be on at the end of next week.

15 COMMISSIONER MILLS: Next -- end of next week?

16 BERT RAMOS: Yep.

17 COMMISSIONER MILLS: So they could -- whoever gets the bid
18 could occupy the -- the clubhouse and start using it --

19 BERT RAMOS: Well, that's still --

20 COMMISSIONER MILLS: -- by then? Or is that not -- would
21 that not --

22 CHAIRMAN BAKKER: It's still --

23 COMMISSIONER MILLS: -- be okay?

24 BERT RAMOS: The whole entire golf course is still under
25 CORE's umbrella. That would have to be --

26 COMMISSIONER MILLS: Would that be problematic?

27 CASEY GUNTHER: What's the question we're answering now?

28 COMMISSIONER MILLS: If the water's back on to the -- if
29 the water's back on to the clubhouse next week, --

30 CASEY GUNTHER: Okay.

31 COMMISSIONER MILLS: -- could whoever wins the contract,
32 could they start using the clubhouse next week and -- and open
33 up at the clubhouse?

34 CASEY GUNTHER: I see no reason why they couldn't use the
35 clubhouse.

36 COMMISSIONER MILLS: Okay. That wouldn't get in your way
37 or cause you any problems if you did that?

38 CASEY GUNTHER: It should not.

39 COMMISSIONER MILLS: Okay.

40 CASEY GUNTHER: And if anything comes up, we will

1 definitely coordinate that. We have no work inside the
2 clubhouse itself so --

3 COMMISSIONER MILLS: Okay. So that's kind of unrelated to
4 what we were with talking about, but that's -- I think that's
5 important. Thank you.

6 CHAIRMAN BAKKER: Scott?

7 SCOTT BULLOCK: Scott Bullock.

8 Obviously we weren't given guidelines. I went ahead and
9 looked out for the -- the needs of the county on providing a
10 bond so that puts me \$10,000 difference.

11 You know, so if you take that out and to be fair, my bid
12 would then be 167,000. If that's what you're really looking at,
13 a bottom line. Sorry for looking out for your interest, I
14 guess, on the bond factor.

15 DISTRICT ATTORNEY HERRERA: I'm going to have to interject
16 at this point. Never has the independent contractor on any --
17 any contracts had the county pay for their insurance.

18 COMMISSIONER MILLS: Hm.

19 DISTRICT ATTORNEY HERRERA: Employees, they pay for the
20 employees and elected officia- -- elected officials' bond.
21 But -- but independent contractors always pay for their own
22 bond. Not that you can't pay for their bonds.

23 CHAIRMAN BAKKER: Right.

24 WILLIE HUNTER: Willie Hunter, for the record.

25 As far as the bond issue that -- that you're talking about,
26 make no mistake that that money's in there. You -- it may not
27 be a line item, but people doing business, it's not free -- it's
28 in there somewhere. You may not be able to see it as a line
29 item. But whoever that goes to, when they're bidding it, it --
30 it's probably just built into their costs.

31 DISTRICT ATTORNEY HERRERA: Yeah. It is.

32 WILLIE HUNTER: And, you know, one other -- one other --

33 COMMISSIONER MILLS: Let's open --

34 WILLIE HUNTER: -- thing. I --

35 COMMISSIONER MILLS: -- open up for --

36 WILLIE HUNTER: -- did have --

37 COMMISSIONER MILLS: -- public comment.

38 WILLIE HUNTER: -- the opportunity to look at the request
39 for proposal. It was a one-page document that was -- really
40 didn't have anything to do with -- other than some grass items

1 and stuff like that. It was a very loosely put together request
2 for -- request for bid.

3 DISTRICT ATTORNEY HERRERA: It was.

4 WILLIE HUNTER: It didn't have details on it. So I think a
5 lot more effort had been put into what the county really wanted.
6 Because it's not there.

7 DISTRICT ATTORNEY HERRERA: And I agree.

8 WILLIE HUNTER: You're asking all these questions, but it's
9 sure not in the request for bid.

10 DISTRICT ATTORNEY HERRERA: I agree.

11 BERT RAMOS: That lies squarely on my shoulders, that deal
12 there. A lot of it is lack of knowledge of the golf course,
13 plain and simple. Not trying to hide behind anything. That's
14 the -- that's the truth. I don't know anything about a golf
15 course. I don't own a set of golf clubs. I've said it before.

16 COMMISSIONER MILLS: Okay.

17 CHAIRMAN BAKKER: Now we go back to saving the county
18 money. In your bid, the county's paying for 75 percent of the
19 utilities. Is that how that's worked out?

20 That's only if it's the clubhouse. If it's the clubhouse
21 only, I'll pay the utilities.

22 CHAIRMAN BAKKER: So if you got the whole thing, you'd take
23 over the whole thing?

24 SCOTT BULLOCK: I'd take care of all the utilities. Since
25 there's no -- (indiscernible).

26 CHAIRMAN BAKKER: Okay.

27 SCOTT BULLOCK: The only thing the county would provide is
28 the water.

29 CHAIRMAN BAKKER: Right.

30 LORIE CALKINS: Lorie Calkins. I have a couple of
31 questions.

32 One is the adult league field has always been with the golf
33 course because it has always been hooked to the golf course
34 watering system. Is that going to go with the golf course now?

35 If not, then you're going to have to renegotiate Marilyn's
36 contract for that to go back into hers.

37 And second off, the mechanics want to know if the equipment
38 goes with the contract. Do they still need to work on it or is
39 that something that these guys do?

40 And --

1 CHAIRMAN BAKKER: Well, who's the mechanics now?
2 LORIE CALKINS: Jerry and Donnie.
3 COUNTY CLERK SULLIVAN: Through Road and Bridge.
4 LORIE CALKINS: Through Road and Bridge. So they just kind
5 of asked me if I would ask that question.
6 COMMISSIONER CLARK: Bert?
7 BERT RAMOS: The -- the golf course would be whoever would
8 get it. So they would be responsible for the maintenance. As
9 far as the ball fields out there, that would be part of the
10 renegotiations with Marilyn as far as maybe losing some other
11 things on the other end. Some are separate issues.
12 CHAIRMAN BAKKER: Understand.
13 SCOTT BULLOCK: I wouldn't be against taking care of the
14 softball fields along with it.
15 THANE BURKHART: It's all up for negotiation as far as I'm
16 concerned, I mean. That's what you guys want; I'd be happy to
17 do it.
18 ABBY BURKHART: I have -- I -- Abby Burkhart, for the
19 record.
20 I have a question regarding opening the clubhouse. Who
21 assumes the liability of some little kid running from the
22 clubhouse out into an open ditch or -- because that would change
23 these two gentlemen's bids as well if they have to --
24 COMMISSIONER CLARK: (Indiscernible.)
25 ABBY BURKHART: -- carry more --
26 COMMISSIONER CLARK: Good comment.
27 ABBY BURKHART: -- insurance, you know. I mean. Or who's
28 going to fence it off and keep people out of there?
29 CASEY GUNTHER: I'll answer that. Casey Gunther, for the
30 record.
31 Clubhouse opens, I'll put up temp fence blocking off the
32 clubhouse from the rest of the golf course.
33 ABBY BURKHART: Okay.
34 CASEY GUNTHER: Because I don't want any -- I don't want to
35 assume any more liability than what we already have. So...
36 CHAIRMAN BAKKER: You guys have anything else to add?
37 COMMISSIONER MILLS: Sadie has a question.
38 CHAIRMAN BAKKER: Oh.
39 COUNTY CLERK SULLIVAN: I have a question.
40 Is there not water going to the ball fields now? I was just

1 asking Lorie. So are those going to die down as well? Or is that
2 being covered? Because we have baseball starting up.

3 COMMISSIONER CLARK: It's not --

4 BERT RAMOS: There's water going there.

5 COMMISSIONER CLARK: It's not --

6 CHAIRMAN BAKKER: There's water. They put in the main
7 line.

8 COMMISSIONER CLARK: We're off --

9 COUNTY CLERK SULLIVAN: Okay.

10 COMMISSIONER CLARK: -- line.

11 COUNTY CLERK SULLIVAN: So we do have water.

12 COMMISSIONER CLARK: We're off task.

13 CHAIRMAN BAKKER: So what do you guys want to do? You want
14 to put it back out for another six months?

15 COMMISSIONER MILLS: So --

16 COMMISSIONER CLARK: I think --

17 COMMISSIONER MILLS: -- I'd like to know if there's any
18 other public comment? Any -- any recommendations from the
19 public?

20 COMMISSIONER CLARK: My concern now is that the numbers are
21 known. It's not --

22 COUNTY CLERK SULLIVAN: That's public knowledge anyway.

23 COMMISSIONER CLARK: It's not fair. The fair part is over.
24 The fair part, the bid's been put in. And we can negotiate on
25 who we pick. But I -- I just have this sense of unfairness now
26 that bids are unsealed.

27 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
28 Once you open up bids, just so you know, Art, is that they
29 are public knowledge if they would like to come to the office
30 and get copies of them. So they are already unsealed at the
31 time of opening. So even though it wasn't stated here on the
32 agenda item, anybody could come and ask as soon as those were
33 opened. So those -- those numbers are --

34 COMMISSIONER CLARK: When were they opened?

35 COUNTY CLERK SULLIVAN: They were opened five minutes after
36 the day of closing.

37 COMMISSIONER MILLS: That's why I mentioned they're --
38 they're in the packet. The packet is --

39 COUNTY CLERK SULLIVAN: Right, but --

40 COMMISSIONER MILLS: -- public record.

1 COUNTY CLERK SULLIVAN: -- most people --
2 Yeah. So he was stating now that they're out, which they
3 could've come right after -- I don't know if Thane and Abby had
4 called. I want to say maybe you had checked with us and asked.
5 Any timed bids are opening -- are opened, you have your people
6 who are bidding usually are there or will call or have somebody
7 stop in so they know where they're at on their bids prior to
8 coming to the meeting.
9 Just to put on the record.
10 TONY: Tony (indiscernible surname), for the record.
11 You're asking for a lower bid from both of these guys. And
12 you're now throwing out maintenance on the equipment and also the
13 softball fields. So I don't see what you're asking for them to
14 lower everything when you're asking them more and more each time
15 you talk.
16 CHAIRMAN BAKKER: We're also giving them the equipment,
17 Tony.
18 TONY: What's that?
19 CHAIRMAN BAKKER: We're also giving them the equipment.
20 TONY: Oh, the equipment will be theirs?
21 CHAIRMAN BAKKER: Yeah.
22 DISTRICT ATTORNEY HERRERA: Well, --
23 CHAIRMAN BAKKER: Well, it'll be part of the golf course.
24 BERT RAMOS: There's operating --
25 COMMISSIONER MILLS: Use the equipment.
26 CHAIRMAN BAKKER: So they don't --
27 DISTRICT ATTORNEY HERRERA: It won't be theirs --
28 CHAIRMAN BAKKER: -- have to --
29 DISTRICT ATTORNEY HERRERA: -- by ownership.
30 CHAIRMAN BAKKER: -- go out and buy their own equipment.
31 So that's a cost that they don't have to endure.
32 BERT RAMOS: The -- the equipment, I believe, was part of
33 the bid anyway.
34 TONY: The maintenance on them?
35 BERT RAMOS: Yeah.
36 TONY: So when you're throwing the baseball field in there
37 now so --
38 BERT RAMOS: No, I don't think they're --
39 COMMISSIONER MILLS: Well, that was -- we didn't throw that
40 in there. That was volunteered, I believe.

1 TONY: Yeah, I just wanted to make sure that everything's
2 going right.

3 UNIDENTIFIED PARTICIPANT: Did -- did the request for --
4 for bid actually have a line item for the equipment maintenance
5 as far as mowers and --

6 CHAIRMAN BAKKER: Art?

7 COUNTY CLERK SULLIVAN: It was just that --

8 BERT RAMOS: I'd have to look back at that.

9 CHAIRMAN BAKKER: What's that, Sadie?

10 UNIDENTIFIED PARTICIPANT: My memory's not real good. Was
11 that actually a line item?

12 COUNTY CLERK SULLIVAN: I was just letting him know that it
13 was just the one page. That's all that they had to go off of
14 what they wanted.

15 So if it didn't state it in that one page, --
16 Did it state it on that one page, his question?

17 BERT RAMOS: I don't think that we're going to put a bunch
18 of line items for them to bid on. That's -- I mean, when we put
19 out a job for water pipe put in, we don't put a specific line
20 item for every single thing that's going on. No different than
21 somebody that's bidding that would have to assume some
22 responsibility for road closures and -- and flaggers and things
23 of that nature. If they want to put that line item in their bid
24 for their own purpose, that's -- that's part of the bidding
25 process.

26 COUNTY CLERK SULLIVAN: But it just didn't state if there
27 was equipment provided or not or if they had to provide it.

28 BERT RAMOS: Yeah, and that -- and I think that that was
29 just in the maintenance thing. Then that was part of this
30 negotiations as the bond would cover the equipment.

31 COUNTY CLERK SULLIVAN: Got you.

32 BERT RAMOS: And if so, my understanding was that everybody
33 was clear on it that bid on it. Maybe I misunderstood that.

34 CHAIRMAN BAKKER: Judie.

35 JUDIE ALLAN: Judie Allan.

36 I think that if you do decide to rebid this that it would
37 be a good idea to line item each additional -- additional things
38 you can. That way you do have a comparison and you can see how
39 each bidder comes in. Because, like Ted said, you don't have to
40 take the lowest bid. But you can compare line items to see how

1 their bids do relate to each other and, you know, where you're
2 getting your best buck for your dollar. Is a little bit more
3 explicit in the bidding process, a little more detail as far as
4 what you want out of your bid.

5 That's just a suggestion, if you choose to rebid it.

6 BERT RAMOS: These bids are so close that they're pretty
7 much line item by line item if you go through them. They're
8 damn near the same bid.

9 I've went through them. I spoke with Scott the other day
10 about some items I didn't see in his bid that weren't
11 correlating with things that were in Thane's just for today's
12 meeting so he wouldn't think I was trying to run him over.
13 And -- and he has it bunched into one -- one category as opposed
14 to itemized out. But it's still the same bid, essentially.

15 COMMISSIONER MILLS: Jay Fischer has a question.

16 CHAIRMAN BAKKER: Jay?

17 JAY FISCHER: For the record, Jay Fischer. I'm also the
18 president of the golf course association.

19 And this past summer, the golf course submitted -- our
20 membership submitted a letter with the recommendations that we
21 would like to see changed -- changes for the course that are
22 occurring right now.

23 Number one on that list was an experienced greenskeeper,
24 which we had for a short time.

25 Listening to some of the discussion here this morning, some
26 of the questions by the -- by the commission, you know,
27 experience is and qualifications are the -- are the primary
28 concern for taking care of the course.

29 You know, what we've had in the past have been county
30 employees that have -- have -- have done a reasonable job taking
31 care of the course with nothing more than on-the-job experience.
32 You're looking at two candidates here, Mr. Ramos pointed out, that
33 have bid very comparably on this project.

34 Mr. Burkhardt admitted to, you know, no specific golf course
35 experience. As a -- as a player, I've seen him out there.

36 Mr. Bullock, more involved with the golf as having run the
37 course and been much closer to and participated in the
38 maintenance operations there.

39 Even though CORE and the county are committed to taking care
40 of the course in the interim here during the construction, I do

1 think that time is still of the essence here. And so if I could,
2 you know, my preference would be to see the county act here sooner
3 rather than later.

4 I don't believe that rebidding the process -- rebidding is
5 going to maybe invite other participants, but I think we're going
6 to see the similar -- similar situation here.

7 You know, they've bid equally. The bids have been reviewed.

8 So I would -- I would urge you to -- to not put it out again,
9 to consider the bids that are -- that are presented, and -- and
10 the qualifications that have been presented with them.

11 CHAIRMAN BAKKER: Ni- --

12 NILLA FULLER: Nilla Fuller, for the record.

13 I just think there's two months here where somebody has the
14 ability to gain a lot of knowledge that they -- you know, if you
15 guys rebid or whatever, that's two months we're losing where,
16 since it won't be open, they could actually go and get a class,
17 maybe, or -- because they're going to have two months. So they
18 could use some of that money that is now only a 6-month
19 project -- that they could take that other two months of
20 whatever wages they save and maybe take a class to get caught up
21 on what they need to know to run a golf course.

22 CHAIRMAN BAKKER: Thanks, Nilla.

23 JUDIE ALLAN: Judie Allan.

24 Another option might be to consider deferring this for a
25 year. Continuing with a short-term contract to run the clubhouse.
26 You're already two months behind on the golf course. Let the golf
27 course become established and rebid this next year where you can
28 go with the full load.

29 Let the county run the golf course for the remainder of the
30 year and do it right next time.

31 DISTRICT ATTORNEY HERRERA: You have every option available

32 --

33 CHAIRMAN BAKKER: I know.

34 DISTRICT ATTORNEY HERRERA: -- to you.

35 CHAIRMAN BAKKER: Someone's got to make a motion.

36 DISTRICT ATTORNEY HERRERA: Somebody has to ma- -- or -- or
37 it dies.

38 COMMISSIONER MILLS: So I'm going to --

39 CHAIRMAN BAKKER: Or we can -- never mind.

40 COMMISSIONER MILLS: I'm going to make the motion that we

1 extend a contract to Bullock Mechanical for management of the
2 golf course. And we'll direct the -- our DA to go into --
3 DISTRICT ATTORNEY HERRERA: What -- it --
4 COMMISSIONER MILLS: -- create a contract --
5 CHAIRMAN BAKKER: Time out.
6 COMMISSIONER MILLS: -- with Scott --
7 DISTRICT ATTORNEY HERRERA: Commissioner, you can't extend
8 the contract. You --
9 COMMISSIONER MILLS: To -- to create a contract.
10 DISTRICT ATTORNEY HERRERA: Yeah, but you said --
11 COMMISSIONER CLARK: Extend.
12 DISTRICT ATTORNEY HERRERA: -- you move to extend the
13 contract.
14 COMMISSIONER MILLS: To award. To award.
15 DISTRICT ATTORNEY HERRERA: To award. There you go.
16 COMMISSIONER MILLS: To -- oh, did I say "extend"?
17 DISTRICT ATTORNEY HERRERA: Yes.
18 COMMISSIONER MILLS: All right. I move that we award the
19 contract to Bullock Mechanical and we have the DA work with
20 Scott to work out the details in the contract, mainly based
21 on -- I think Scott just at this point has more experience and
22 is -- we need the most experienced person we can at this point.
23 So we'll let Scott and the DA work out the details of the
24 contract and --
25 COMMISSIONER CLARK: When you say --
26 COMMISSIONER MILLS: -- bring that back -- contract back
27 and present it to this commission.
28 COMMISSIONER CLARK: When you say details, exactly what
29 details are you talking about?
30 COMMISSIONER MILLS: Well, I'd like to see some things
31 about -- to make sure the responsibilities are covered.
32 That -- one of the specific things I'd like to see is that we
33 make sure that -- that at the end of the contract, the golf course
34 is in the same condition as -- or better than the condition that
35 it was handed over to Scott. And whatever -- I suppose kind of
36 open that up a little bit to whatever other details that our DA
37 is, in his wisdom, would include.
38 DISTRICT ATTORNEY HERRERA: What happens if we can't reach
39 an agreement? On either one of them, I mean, with either one of
40 them?

1 COMMISSIONER MILLS: Right. Well, if we can't reach an
2 agreement, we -- apparently go back out to bid.
3 DISTRICT ATTORNEY HERRERA: Okay. I just needed to
4 understand.
5 COMMISSIONER MILLS: That -- that's. Yeah.
6 DISTRICT ATTORNEY HERRERA: So the -- the award is
7 contingent upon successful negotiations.
8 COMMISSIONER MILLS: Right.
9 DISTRICT ATTORNEY HERRERA: Correct?
10 COMMISSIONER MILLS: Right.
11 DISTRICT ATTORNEY HERRERA: Okay.
12 CHAIRMAN BAKKER: Motion dies. So we're stuck.
13 DISTRICT ATTORNEY HERRERA: Unless there's any other
14 motions, --
15 UNIDENTIFIED PARTICIPANT: It's --
16 DISTRICT ATTORNEY HERRERA: -- we're stuck.
17 BERT RAMOS: So this needs to be --
18 COMMISSIONER CLARK: I would --
19 BERT RAMOS: -- tabled?
20 COMMISSIONER CLARK: -- I would make a motion to have these
21 two candidates, just these two, rebid on a 6-month contract for
22 the whole -- for the whole --
23 BERT RAMOS: I don't know that we can limit it to two, can
24 we?
25 COMMISSIONER CLARK: Well, it's all you're going to be --
26 COUNTY CLERK SULLIVAN: Legally, I don't --
27 COMMISSIONER CLARK: -- open for.
28 COUNTY CLERK SULLIVAN: -- think we can.
29 COMMISSIONER MILLS: I don't think we can do that.
30 COMMISSIONER CLARK: That's --
31 COUNTY CLERK SULLIVAN: You have to put it back out.
32 UNIDENTIFIED PARTICIPANT: Okay.
33 DISTRICT ATTORNEY HERRERA: Commissioner, you can't --
34 COMMISSIONER CLARK: We can't change the bid.
35 DISTRICT ATTORNEY HERRERA: No, you can't resubmit it for
36 bidding and -- and -- and have it only two, available to two.
37 COMMISSIONER CLARK: Okay.
38 DISTRICT ATTORNEY HERRERA: What you can do is make a
39 motion that the two applicants change their bids to show a
40 6-month season rather than an 8-month season.

1 COMMISSIONER CLARK: Well, I'll make a motion that the
2 candidates show a 6-month season, not an 8-month season, for the
3 golf course.

4 WILLIE HUNTER: I have -- I have one --

5 COMMISSIONER MILLS: Is that --

6 WILLIE HUNTER: -- question.

7 COMMISSIONER MILLS: Is that what you want to do?
8 Because I -- I just as soon award it now, personally, but --

9 CHAIRMAN BAKKER: Go ahead.

10 WILLIE HUNTER: Willie Hunter, for the record.
11 Is -- when you -- when you move that to a 6-month now,
12 is -- is it still a possibility of opening the pro shop in a
13 week? (Indiscernible) that?

14 COMMISSIONER MILLS: In that case, I would say no. Because
15 that's part of the contract.

16 UNIDENTIFIED PARTICIPANT: Exactly.

17 COMMISSIONER MILLS: That -- that ties our hands on that
18 one.

19 BERT RAMOS: Does this need tabling until you have a full
20 board?

21 WILLIE HUNTER: As member of the community, I'd like to see
22 that pro shop opened up.

23 JUDIE ALLAN: I guess I'd like -- Judie Allan.
24 I guess I'd like to reiterate. The option is continue the
25 status quo. Scott gets a contract for six months and redo this
26 again next year. You'd have the clubhouse open in a week.
27 You'd have the greens.

28 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
29 Also, Thane and Scott have, you know, to take into
30 consideration, they don't need to be in limbo. You know, they
31 -- they probably would like to have direction of where they're
32 going in their life.

33 UNIDENTIFIED PARTICIPANT: Yeah.

34 DISTRICT ATTORNEY HERRERA: The motion failed. It died.

35 COUNTY CLERK SULLIVAN: We still have a sec- -- we have a
36 motion up there of Doug. It hasn't died yet on Doug's.

37 COMMISSIONER MILLS: It was --

38 COUNTY CLERK SULLIVAN: Art's --

39 COMMISSIONER MILLS: No.

40 COUNTY CLERK SULLIVAN: Or -- I'm sorry. Doug's died. And

1 Art --
2 COMMISSIONER MILLS: Sean --
3 COUNTY CLERK SULLIVAN: -- is --
4 COMMISSIONER CLARK: Sean --
5 CHAIRMAN BAKKER: It dies.
6 COMMISSIONER CLARK: Sean --
7 DISTRICT ATTORNEY HERRERA: His died. There's no second.
8 COUNTY CLERK SULLIVAN: So Doug's died?
9 COMMISSIONER MILLS: Mine died.
10 CHAIRMAN BAKKER: They both died.
11 COUNTY CLERK SULLIVAN: Okay.
12 COMMISSIONER CLARK: All right. Let's try this. I make a
13 motion to award --
14 CHAIRMAN BAKKER: Your motion has to be contingent on
15 negotiations.
16 COMMISSIONER CLARK: I've got it, Sean.
17 CHAIRMAN BAKKER: Okay.
18 COMMISSIONER CLARK: -- to award the contract to Scott upon
19 successful negotiations --
20 CHAIRMAN BAKKER: Re- -- Doug just made that same one.
21 COMMISSIONER CLARK: -- with the DA, the executive
22 director, and public works director. I think we can cover
23 everything that we need to --
24 BERT RAMOS: Don't forget Finance.
25 COMMISSIONER CLARK: -- with that.
26 BERT RAMOS: I said don't forget finance.
27 COMMISSIONER CLARK: Oh, okay. Sorry, Nan.
28 And Finance.
29 That's my motion.
30 COMMISSIONER MILLS: Second.
31 CHAIRMAN BAKKER: Okay. Any public comment?
32 COMMISSIONER CLARK: You understand my motion?
33 DISTRICT ATTORNEY HERRERA: So it would be contingent --
34 the award would be contingent on the negotiations.
35 COMMISSIONER CLARK: Successful --
36 DISTRICT ATTORNEY HERRERA: Successful negotiations.
37 COMMISSIONER CLARK: Successful negotiations.
38 CHAIRMAN BAKKER: Now, I've got to reiterate something.
39 Scott, are you willing to come down on your number? And I don't
40 care if we're saving 60,000 if we can save some more.

1 That is my question that you've already told me no to. So
2 the --

3 SCOTT BULLOCK: I didn't say no.

4 CHAIRMAN BAKKER: -- negotiations aren't going to be
5 successful.

6 SCOTT BULLOCK: Well, you don't know that. We haven't
7 negotiated yet.

8 CHAIRMAN BAKKER: Okay.

9 SCOTT BULLOCK: You can't tell me that they're not
10 successful without negotiating. Yeah, I'm --

11 DISTRICT ATTORNEY HERRERA: All right.

12 SCOTT BULLOCK: -- willing. We can find the wiggle room or
13 whatever. I'm -- I'm willing to work with you guys. I have
14 been willing to work with you guys for four years, I mean.

15 COMMISSIONER CLARK: When we have -- when we came to this
16 juncture last year, Scott was amiable.

17 We -- we discussed some things. And we -- we moved forward.
18 We got the -- we got Scott the contract. And it was open. And --

19 DISTRICT ATTORNEY HERRERA: We didn't -- for the record, we
20 didn't get Scott's contract last year.

21 COMMISSIONER CLARK: Excuse me. Right.

22 We talked. We discussed it. And we got things
23 straightened out. Thank you, --

24 COUNTY CLERK SULLIVAN: Do we have this clear --

25 COMMISSIONER CLARK: -- Mr. DA Man.

26 COUNTY CLERK SULLIVAN: -- for the minutes?

27 DISTRICT ATTORNEY HERRERA: Pardon?

28 COUNTY CLERK SULLIVAN: Sadie Sullivan, for the record.
29 Is this clear enough for the transcribing? So then do you
30 feel that it's clear?

31 DISTRICT ATTORNEY HERRERA: The motion?

32 COUNTY CLERK SULLIVAN: Yes.

33 DISTRICT ATTORNEY HERRERA: It -- it's my understanding
34 that the motion is -- is to award Scott the contract
35 contingent -- contingent on successful negotiations with the
36 county.

37 COMMISSIONER CLARK: With the county. Right.

38 COUNTY CLERK SULLIVAN: And that's the whole contract, not
39 the clubhouse?

40 COMMISSIONER CLARK: Right.

1 COUNTY CLERK SULLIVAN: Because there was two bids that he
2 put in.

3 COMMISSIONER CLARK: You need these? You need these?

4 COUNTY CLERK SULLIVAN: No.

5 COMMISSIONER CLARK: Okay.

6 COUNTY CLERK SULLIVAN: I want it clear for you guys at the
7 end if anything comes back.

8 CHAIRMAN BAKKER: And so what -- if the negotiations dies,
9 do we go on to the next bidder?

10 DISTRICT ATTORNEY HERRERA: Well we -- we bring it back.

11 CHAIRMAN BAKKER: Okay.

12 COMMISSIONER CLARK: Yeah.

13 DISTRICT ATTORNEY HERRERA: Because that wasn't part of
14 the -- the motion to go on to the next bidder.

15 COMMISSIONER CLARK: Right.

16 DISTRICT ATTORNEY HERRERA: So it has to come back in front
17 of the board.

18 CHAIRMAN BAKKER: Okay. Any more public comment?

19 (No comment.)

20 CHAIRMAN BAKKER: All those in favor?

21 COMMISSIONER MILLS: Aye.

22 COMMISSIONER CLARK: Aye.

23 CHAIRMAN BAKKER: All opposed? Nay.

24 So now it dies. And we'll move on to the next one. And
25 we'll table it until we have a full quorum --

26 COMMISSIONER CLARK: Let's break.

27 CHAIRMAN BAKKER: -- or a full board.

28 COMMISSIONER CLARK: Let's take a break.

29 CHAIRMAN BAKKER: Five-minute break. Austin, we're going
30 on a five-minute break.

31
32 (Break taken between 10:58 a.m. and 11:08 a.m.)

33
34 CHAIRMAN BAKKER: Let's call this commission meeting back
35 to order.

36 We are on Agenda Item Number 9.
37
38
39
40

1 TREASURER

2
3 9) Discussion and possible action to approve Resolution 2016-02
4 which amends the current policy and allows the Water and
5 Sewer District department to apply a quarter percent (1/4%)
6 sales tax to infrastructure for installation of sewer lift
7 stations in Battle Mountain, Nevada, and infrastructure for
8 water, potable and non-potable, in Battle Mountain, Nevada,
9 for an estimate of \$15,000,000, and all other matters
10 properly related thereto.
11

12 UNIDENTIFIED PARTICIPANT: (Indiscernible) yesterday.

13 CHAIRMAN BAKKER: Hold on, Grace. Hey, you guys, in the
14 back. You guys want to keep -- take it in the hall.

15 Okay.

16 COMMISSIONER CLARK: You tell them, Sean.

17 Okay, Agenda Item Number 9, discussion and possible action to
18 approve Resolution 2016-02, which amends the current policy and
19 allows the Water and Sewer department to apply a quarter percent
20 sales tax to infrastructure for installation of sewer lift
21 stations in Battle Mountain, Nevada, and infrastructure for water,
22 potable and non-potable, in Battle Mountain, Nevada, for an
23 estimate of 15,000,000, and all other matters properly related
24 thereto.

25 GRACE POWRIE: Good morning, gentlemen.

26 This is a resolution to add to the plan that has been in
27 place since 2003. It is a one-time, quarter percent sales tax
28 that's been enacted since then. And it will go through 2025.

29 So when we first started this, we put a couple particular
30 projects on the plan to make sure that we could use those moneys
31 for that specific purpose. As the plan continues and as time
32 goes, those plans are done.

33 So we -- we've added more, you know, more projects to do.

34 The one thing that's real -- real clear about is you have to
35 finish the projects prior to putting anything else out there. You
36 can't jump gear.

37 So this is a resolution to add Number 5 to the -- to the
38 projects that have already been done. So Number 5 would -- is
39 actually where we're going.

40 Because we've pretty much taken care of the other -- the

1 other plans.
2 So unless you have a question?
3 COMMISSIONER CLARK: This is not a new tax. This is just
4 we're going to continue?
5 GRACE POWRIE: Correct.
6 COMMISSIONER CLARK: And we're going to use it for
7 projects?
8 GRACE POWRIE: Correct. And if we don't have a plan in
9 place, we would lose the money.
10 COMMISSIONER CLARK: Right. Use it or lose it.
11 GRACE POWRIE: Yes.
12 COMMISSIONER CLARK: Okay.
13 CHAIRMAN BAKKER: So over the next however many years,
14 we're going to get 15 million in over the next --
15 GRACE POWRIE: No. That's what the project is estimated to
16 be from -- if we get 50,000 a month, which has been the average
17 over the last years and we go through June 30th of 2025, we will
18 get somewhere around 13 million combined for all those years,
19 for those 21 years we had the tax.
20 Every one of our projects have been taken care of. The money
21 for our plan, first, foremost, was to go to that plan. But when
22 we got some of these net proceeds, we paid off some of these
23 projects ahead of time.
24 We're still getting these moneys. We're still putting them
25 toward these projects. But once that project's been paid by
26 these funds or other funds, then we have to make sure our plan
27 can go forth and those moneys are set for specific things.
28 COMMISSIONER MILLS: So this plan now is for rebuilding of
29 our lift stations?
30 GRACE POWRIE: Yes. Num- -- yeah, the fifth thing on the
31 list is these --
32 COMMISSIONER MILLS: (Indiscernible) for the --
33 GRACE POWRIE: -- basically where --
34 COMMISSIONER MILLS: -- lift stations.
35 GRACE POWRIE: -- we're going. Yes.
36 COMMISSIONER MILLS: Okay.
37 CHAIRMAN BAKKER: Bert, --
38 COMMISSIONER MILLS: So this --
39 CHAIRMAN BAKKER: -- what lift station is this?
40 BERT RAMOS: All these -- it's not a specific lift station.

1 This is -- if this money just has to be directed towards
2 something.

3 So we -- in our five-year plan, if we decide to go with
4 another separate system that moves out around town, say, by your
5 guys' place out there or something, then it would provide money
6 for them lift stations to go in.

7 CHAIRMAN BAKKER: So new infrastructure?

8 BERT RAMOS: Yeah.

9 CHAIRMAN BAKKER: Yeah.

10 GRACE POWRIE: What we -- what we are hoping is that this
11 will be the last time we have to bring this before the
12 commissioners and it will sunset doing this last phase because
13 it's an ongoing cost. So we can continue to use those moneys
14 for those ongoing things that keep coming up.

15 It's just one of those things that, you know, when we first
16 started, it was for the water waste treatment plant. And then
17 we had some water, you know, bonds. And then we had the arsenic
18 treatment. And it -- you know, the list is listed there in the
19 way that we would put those -- those plans forth.

20 And so we put a Number 5 on there so that we hopefully can
21 take this through the -- the sunset of June of 2025.

22 COMMISSIONER MILLS: Okay.

23 CHAIRMAN BAKKER: Okay.

24 COMMISSIONER MILLS: I'll make a motion that we approve
25 Resolution 2016-02 for the allocation of the Water and Sewer
26 department quarter percent tax.

27 COMMISSIONER CLARK: Second.

28 CHAIRMAN BAKKER: Motion was made by Doug to approve
29 Resolution 2016-02; seconded by Art Clark. Any public comment?

30 (No comment.)

31 CHAIRMAN BAKKER: All in favor?

32 COMMISSIONER MILLS: Aye.

33 DISTRICT ATTORNEY HERRERA: (Indiscernible.)

34 CHAIRMAN BAKKER: Aye.

35 COMMISSIONER CLARK: Aye.

36 DISTRICT ATTORNEY HERRERA: Commissioner, --

37 CHAIRMAN BAKKER: Oh.

38 DISTRICT ATTORNEY HERRERA: You need --

39 JEANNE FALZONE: It -- it's all correct.

40 DISTRICT ATTORNEY HERRERA: Who needs to sign it?

1 JEANNE FALZONE: They all do.
2 COMMISSIONER MILLS: Oh, we have to sign?
3 DISTRICT ATTORNEY HERRERA: Yeah, it's signed by all the
4 commissioners.
5 COMMISSIONER MILLS: Oh, okay.
6 JEANNE FALZONE: No, it's signed by Sean. But it's
7 commissioners voting for or against.
8 DISTRICT ATTORNEY HERRERA: Okay, so --
9 JEANNE FALZONE: It was written in.
10 DISTRICT ATTORNEY HERRERA: So you need to have the chair
11 sign that.
12 COMMISSIONER MILLS: Make a motion that we approve the
13 chair to sign Resolution 2016-02.
14 COMMISSIONER CLARK: Second.
15 CHAIRMAN BAKKER: Motion made by Doug; seconded by Art.
16 Any public comment?
17 (No comment.)
18 CHAIRMAN BAKKER: All those in favor?
19 COMMISSIONER MILLS: Aye.
20 CHAIRMAN BAKKER: Aye.
21 COMMISSIONER CLARK: Aye.
22 CHAIRMAN BAKKER: Okay. Motion carries.

23
24 10) **Discussion and possible action regarding the allocation of**
25 **interest by resolution 2016-03 to the appropriate funds**
26 **retroactive as of July 1, 2015, and all other matters**
27 **properly related thereto.**
28

29 CHAIRMAN BAKKER: Agenda Item Number 10. Discussion and
30 possible action regarding the allocations of interest by
31 Resolution 2016-03 to the approved -- appropriate funds
32 retroactive as of July 1st, 2015, and all other matters properly
33 related thereto.

34 GRACE POWRIE: This is just a clarification.
35 When -- when I get the interest in in the office, I would
36 like it to be on record as to where those interests are going to
37 be allocated.

38 I met with the finance director and we went through for
39 budgets and most of the funds that are listed are the ones that
40 have gotten interest in the past. It's just never been actually

1 on record.

2 So that's all this is, is just putting a policy, basically,
3 on record so that we can go forth.

4 COMMISSIONER MILLS: Did we get a copy of that policy?

5 CHAIRMAN BAKKER: Yeah, it's right there.

6 GRACE POWRIE: It's Resolution 2016-03.

7 CHAIRMAN BAKKER: Do you want to read it in, Grace, or do
8 you want one of us?

9 GRACE POWRIE: Does it need to actually be read in or --

10 DISTRICT ATTORNEY HERRERA: You should. It's not part of
11 the package.

12 COMMISSIONER MILLS: Oh.

13 GRACE POWRIE: Oh, it isn't?

14 DISTRICT ATTORNEY HERRERA: I don't see it on mine. I
15 thought it was.

16 CHAIRMAN BAKKER: We just got a handout.

17 COMMISSIONER MILLS: It was handed out to us before the
18 meeting.

19 DISTRICT ATTORNEY HERRERA: Okay.

20 CHAIRMAN BAKKER: When we first started.

21 JEANNE FALZONE: Right here.

22 DISTRICT ATTORNEY HERRERA: But it's a handout. Right?

23 GRACE POWRIE: I don't mind reading it in.

24 JEANNE FALZONE: No, it's just those packets were already
25 passed out.

26 DISTRICT ATTORNEY HERRERA: It's a handout.

27 JEANNE FALZONE: Okay.

28 GRACE POWRIE: Should I start?

29 CHAIRMAN BAKKER: Go ahead, Grace.

30 GRACE POWRIE: Resolution Number 2016-03, resolution of the
31 Board of Lander County Commissioners, a resolution regarding the
32 allocation of interest earned from any Lander County treasurer
33 bank account to the appropriate funds, retroactive as of
34 July 1st, 2015.

35 Whereas, the Lander County treasurer has bank accounts,
36 i.e., checking, savings, investments, et cetera, that earn
37 interest, and whereas the interest earned needs to -- needs be
38 allocated to resolution or per NRS statute.

39 Now therefore be it resolved, that the interest earned will
40 be allocated to the following funds: the General Fund, 1; Lander

1 County Landfill, Fund 11; Austin Capital Acquisition, Fund 19;
2 Austin Town, Fund 20; Battle Mountain Town, Fund 25; Kingston
3 Capital Acquisition, Fund 34; Kingston Town, Fund 35; Kingston
4 Water District, Fund 36; Kingston Fire Department, Fund 37; Austin
5 Fair and Rec, Fund 45; Battle Mountain Fair and Rec, Fund 46;
6 Battle Mountain Capital Acquisition, Fund 54; Capital Construction
7 Projects, Fund 55; Battle Mountain Water Operational, Fund 226;
8 Battle Mountain Sewer Operational, Fund 236; Technology Fees, Fund
9 300; and Court Facility Capital, Fund 385.

10 Be it further resolved, interest earned by funds not stated
11 will be split 60/40 respectively: 60 percent capital construction
12 Projects Funds, numbered 55, and 40 percent General Fund, Fund 1.

13 COMMISSIONER MILLS: I make a motion that we approve
14 Resolution Number 2016-03 as read into the record by Grace
15 Powrie and approve the chair to sign.

16 COMMISSIONER CLARK: Second.

17 CHAIRMAN BAKKER: Motion was made by Doug Mills to approve
18 Resolution Number 2016-03; seconded by Art Clark. Any public
19 comment.

20 (No comment.)

21 CHAIRMAN BAKKER: All those in favor?

22 COMMISSIONER MILLS: Aye.

23 CHAIRMAN BAKKER: Aye.

24 COMMISSIONER CLARK: Aye.

25 GRACE POWRIE: Thank you, gentlemen.

26 CHAIRMAN BAKKER: Thank you, Grace.

27 GRACE POWRIE: My name is --

28 COMMISSIONER MILLS: Thank you.

29 GRACE POWRIE: -- Grace Powrie, for the record. Lander
30 County treasurer.

31 Forgot that time.
32
33

34 COMMISSIONERS

- 35
36 11) Update regarding status of the Lander County
37 Courthouse/Administration Building project, and all other
38 matters properly related thereto.
39

40 CHAIRMAN BAKKER: Agenda Item Number 11. Update regarding

1 status of the Lander County Courthouse/Administration Building
2 project, and all other matters properly related thereto.

3 Didn't we take this off here?

4 KEITH WESTENGARD: Once --

5 CHAIRMAN BAKKER: Or every --

6 KEITH WESTENGARD: -- a month.

7 CHAIRMAN BAKKER: -- other one. Okay.

8 COMMISSIONER MILLS: Have we done that?

9 JUDGE MAX BUNCH: You did take it off. And I -- I
10 requested last time to have it back -- back on. Because there
11 were some questions that you had and I wanted to make sure that
12 you guys were all up to date. Previously we had some issues --
13 Max Bunch, for the record, by the way.

14 Previously we had some issues with the cell antenna. As I
15 understand it, the work is complete, but I have not had the
16 opportunity to climb up there and check to make sure that it's
17 going to be fixed the way we wanted it fixed.

18 And this is with TriSignal, the contract that we did
19 separate from the courthouse contract.

20 I'm still waiting on the locksmith to fix the stairwell locks
21 by rekeying along with the -- some courtroom front door locks.
22 And the -- what I'm referring to as the JAVS room or the IT room,
23 which is located within the executive director's office. At this
24 point, they're -- we've got to have that key changed out. So that
25 it is a clerk's key and not an IT key.

26 Work is being completed on the air handler units. Only time
27 will tell if we have the programming right. At this time, we
28 don't have any complaints about it being too warm in offices. I
29 did have a complaint about it being too cold, but some people --
30 I'm -- I'm not sure when we're going to get that done.

31 But they were here for three and a half days last week up
32 on the roof programming the air handling units. And so we're --
33 we're working on it. It's not like you can just flip a switch
34 like we used to and turn something off and turn it on. It's
35 pretty much so the whole building is the same.

36 But as you get more people in this room, it calls for air.
37 And unfortunately, it's coming through these vents here.

38 And so that's where it gets the air.

39 And instead of the heat, if there's less people, it calls for
40 heat. And the heat will come in. So...

1 I'm not sure that we'll ever get an answer to that. We're
2 just going to have dress in layers, I guess.

3 So also, working with the JAVS system, that's been going on
4 the last three days in the courtrooms. It's still going on.

5 In the commissioners' chambers, it was happening through last
6 night. They -- they're not able to complete everything. And they
7 will be back again to finish up everything we need to have
8 finished in here.

9 And basically it's for your video conferences machine over
10 there if you attend a video conference.

11 We're still waiting for mid-March. And I don't know the
12 answer. Casey is there. He did sneak in. Hey, do you happen
13 to know the answer for the doors?

14 CASEY GUNTHER: I don't have an exact date, but they will
15 be here to replace them.

16 Casey Gunther, --

17 JUDGE MAX BUNCH: Just mid-March.

18 CASEY GUNTHER: -- for the record. They will be at Anchor
19 Door's warehouse between March 7th and March 11th.

20 JUDGE MAX BUNCH: Okay.

21 CASEY GUNTHER: So roughly the week after that, we should
22 have everybody coordinated to come out here and start replacing
23 (indiscernible).

24 JUDGE MAX BUNCH: Okay. So about mid-March, we should have
25 that coordination. And I'm not sure how that'll work out. But
26 CORE's doing that as part of the contract.

27 We're still working on one of the two boilers. Repairs
28 have been made to the boiler, but we're still having an issue
29 with that same boiler. It's -- it's setting off an alarm. The
30 plumber was here yesterday afternoon working on it. And they --
31 I know that he and Anna were getting together this morning to
32 test it, to shut one boiler down to make the other boiler have
33 to work so we can figure out what the issue is with it. So
34 we're coming along on that.

35 CORE warranty personnel has been on site numerous times
36 fixing small items that have come up that we've noticed. There's
37 a couple more items that Casey and I have talked about that we
38 need to maybe add into a couple of the bathrooms so that we can
39 save our walls. And I think we're -- we're on track with that.

40 I'm working on the blinds for the second floor. I don't know

1 if you noticed, but some of our office are using file folders for
2 curtains at this point in time. So we're -- I'm in the process of
3 working on that and trying to get that taken care of. So...

4 COMMISSIONER CLARK: They'll be able to reuse them; won't
5 they?

6 JUDGE MAX BUNCH: The -- I'm -- that would be my suggestion
7 is that we reuse the file folders. So...

8 CHAIRMAN BAKKER: What about the gate?

9 JUDGE MAX BUNCH: What's wrong with the gate?

10 CHAIRMAN BAKKER: Did we get signs made yet?

11 JUDGE MAX BUNCH: Signs made for the gate?

12 CHAIRMAN BAKKER: Stop and wait.

13 JUDGE MAX BUNCH: No. There -- there is a sign on there --
14 on the gate. I believe most of the people are doing that. We
15 haven't had any issues with the gate in -- in probably a month
16 that -- that I'm aware of. I know we had some issues when there
17 was snow and --

18 CHAIRMAN BAKKER: Seems like a week ago it was up, though.

19 JUDGE MAX BUNCH: It is up. It's -- it goes automatically
20 up at a certain time, unless Casey's -- have you done something?
21 You --

22 CASEY GUNTHER: I have not. It is on a timer for the
23 entrance gate to be open at a certain time in the morning. And
24 the exit gate opens at a certain time in the evenings.

25 The only other issue is with the angle of the sun right now
26 and time of year, when it's going down, it hits those sensors to
27 where it will not allow it to close unless you go over and kind
28 of stand there just enough to block out the sun. But that is
29 it. There hasn't been any other issues --

30 CHAIRMAN BAKKER: Okay.

31 CASEY GUNTHER: -- mechanically with -- with the gates
32 themselves.

33 JUDGE MAX BUNCH: Okay.

34 So -- and obviously it's just the axis of the sun is what's
35 causing a little problem.

36 And obviously, the snow sometimes causes a little problem.
37 So when we had that, I was here on the weekends and juvenile was
38 having a problem getting in to get their truck, and I'd come
39 over and -- and just knock the snow off of it and showed the guy
40 how to do it in case it happened again.

1 But normally, it -- it goes up and down like Casey's
2 talking about. Certain times -- we've got it set at certain
3 times to go up and down instead of when everybody comes in, up
4 and down, up and down. It's just open. They come in. When
5 they leave, it shuts shortly after they leave. At like about
6 five after 5:00, I think it's closed and -- and done.

7 So...

8 CHAIRMAN BAKKER: Thank, Max.

9 JUDGE MAX BUNCH: Yeah. Any other questions?

10 COMMISSIONER CLARK: No.

11 COMMISSIONER MILLS: Thank you.

12
13 **12) Update regarding the status of the Battle Mountain**
14 **recreational project and all other matters properly related**
15 **thereto.**
16

17 CHAIRMAN BAKKER: Agenda Item Number 12.

18 We don't have anything. We will have something on our next
19 meeting.

20
21
22 **FINANCE**
23

24 **13) Discussion and possible action to approve or disapprove a**
25 **recommendation from the audit committee to terminate current**
26 **audit firm Drake Rose & Associates, LLC, and grant the**
27 **finance director permission to request an engagement letter**
28 **from audit firm HintonBurdick, and all other matters properly**
29 **related thereto.**
30

31 CHAIRMAN BAKKER: Agenda Item Number 13, discussion and
32 possible action to approve and disapprove recommendation from
33 the audit committee to terminate current auditor firm, Drake
34 Rose & Associates, LLC, and grant the finance director
35 permission to request an engagement letter from audit firm
36 HintonBurdick, and all other matters properly related thereto.

37 NAN ANCHO: Good morning. Nan Ancho, Finance.

38 CHAIRMAN BAKKER: Good morning.

39 NAN ANCHO: I'm part of --

40 COMMISSIONER CLARK: Good morning, --

1 NAN ANCHO: -- the audit --
2 COMMISSIONER CLARK: -- Nan.
3 NAN ANCHO: -- committee. And I also have company. So...
4 COMMISSIONER CLARK: Good morning, Lura.
5 LURA DUVALL: Good morning.
6 NAN ANCHO: So as you're well aware, we had the
7 presentations of the two audit firms at the last meeting on
8 February 11th.
9 Directly following that meeting, we -- the audit committee,
10 which consists of Commission- -- Commissioner Bakker; the DA,
11 Ted Herrera; myself; Grace, the treasurer; and we've asked Lura
12 to join us also that day.
13 And we all discussed the --
14 LURA DUVALL: Keith. The executive director.
15 NAN ANCHO: And the executive director. Sorry, Keith.
16 So we discussed the presentations of both the firms.
17 And we came to the consensus that we'd like to make a
18 recommendation that we terminate our current agreement with
19 Drake Rose and ask for permission to ask for an engagement
20 letter from HintonBurdick.
21 CHAIRMAN BAKKER: Okay.
22 COMMISSIONER MILLS: Okay. I will make a motion that we
23 terminate the current audit firm Rose Drake & Associates, LLC,
24 and grant the finance director permission to request an
25 engagement letter from audit firm HintonBurdick.
26 COMMISSIONER CLARK: Second.
27 CHAIRMAN BAKKER: Doug made the motion to terminate audit
28 firm Drake Rose & Associates and send an engagement letter to
29 HintonBurdick. Art seconded it. Any public comment?
30 SHELLY DRAKE: Yes. For the record, Shelly Drake from
31 Drake Rose & Associates.
32 And I do want to state that after the presentation and
33 learning that Lander County might be looking for a different scope
34 of audit services, we did reach out to them. And we were willing
35 to want to sit down and discuss that and get a better
36 understanding of what that might be so we could come forth with a
37 pricing proposal that would be comparative to what you were
38 receiving from HintonBurdick.
39 CHAIRMAN BAKKER: Thank you.
40 DEAN BULLOCK: Yeah. Dean Bullock, for the record.

1 I don't know what's going on here. This is news to me.
2 But I never saw this put out for a bid to going out to
3 organizations.

4 I don't understand why we're sending dollars -- our
5 taxpayer dollars to another state, when we're not trying to keep
6 it in-house.

7 I don't know the situations involved. Drake Rose has been
8 nothing but professional, provided everything that we needed. And
9 I don't know where you guys are going with this. We're sending
10 our money to another state.

11 CHAIRMAN BAKKER: Okay. Liz.

12 LIZ HEIMBIGNER: Liz Heimbigner.

13 I have been a client of Kafoury Armstrong, slash, Drake and
14 Rose for 35 years and I have never ever had a problem with
15 anything. You didn't even get two quotes from anybody.

16 Apparently, Nan honed in on HintonBurdick, got a quote from
17 him. It wasn't in the last packet. And I don't even see it in
18 today's packet what he charged.

19 So we -- all of a sudden, we just pick somebody. We don't
20 have to go out and ask anymore people for what they would quote to
21 do the business.

22 CHAIRMAN BAKKER: No. By statute we don't when it comes to
23 your auditors or --

24 KEITH WESTENGARD: Insurance.

25 CHAIRMAN BAKKER: -- insurance. County does not.

26 But besides that, the last two years haven't been that
27 great. And we had to send out an extension letter and
28 everything else. And you guys want to blame the county and
29 always blame the county. So, yes, we need to look for other
30 options. And they are cheaper options.

31 COMMISSIONER CLARK: Less expensive.

32 LIZ HEIMBIGNER: Are you going to do that?

33 CHAIRMAN BAKKER: We already did.

34 LIZ HEIMBIGNER: Or you've already --

35 CHAIRMAN BAKKER: We -- we did at the last meeting.
36 They -- they both presented.

37 COMMISSIONER CLARK: You were here, Liz.

38 LIZ HEIMBIGNER: I was --

39 CHAIRMAN BAKKER: Yeah.

40 LIZ HEIMBIGNER: What last meeting? I was here.

1 COMMISSIONER CLARK: The last commissioners' meeting.

2 LIZ HEIMBIGNER: She did not even know --

3 CHAIRMAN BAKKER: She knew. She knew. They all --

4 SHELLY DRAKE: Public comment. Shelly Drake, again.

5 We did not know there was a proposal even out there. The
6 e-mail we got was it was a presentation process at the last
7 meeting. And there was not a proposal in place.

8 It wasn't until we arrived at the last meeting and the
9 gentlemen from HintonBurdick announced that he had a proposal
10 out.

11 So again, we want the opportunity to sit in front of Lander
12 County and better understand what they're looking for. We have
13 contacted Lander County School District and discussed their
14 experience with HintonBurdick. And it is different. And that's
15 fine. We can offer services that are different as long as we
16 have a good understanding with the client.

17 Our communication is different: our education, our training.
18 It's more than just a commodity.

19 If you go back and read the report of the Lander County
20 School District and in talking with Velma, there was very little
21 consulting that went on. There were findings related to the
22 number of journal entries. There was findings related to
23 understanding the reporting package.

24 Those things are not in your current audit because we try
25 to work with the client in explaining those things along the
26 way.

27 We can take the approach of just writing findings. I mean,
28 if that's what you really want and just a hands-off approach,
29 you know, window of 60 days, and come in in five days and audit.
30 That is an approach. And we can get a -- a commodity package
31 out to you.

32 Been doing this for over 33 years. And that is not the
33 experience that our rural clients tend to want.

34 So it's something to consider.

35 But again, we were not offered the opportunity to propose
36 on services that would be comparative to what they're coming to
37 the table with.

38 NAN ANCHO: I would -- when I was -- after I talked to
39 HintonBurdick and I told them they needed to come before the
40 commission and do a presentation, I notified Shelly on

1 January 20th to let her know there was other -- another firm
2 that was interested in becoming our designated auditors and if
3 she was interested in doing a presentation as well, and she said
4 yes.

5 She did call me. And she said, we do already have a
6 current agreement. It is public knowledge. And yes, it is
7 posted in the minutes for their five-year agreement.

8 CHAIRMAN BAKKER: Dean.

9 DEAN BULLOCK: Dean Bullock, again, for the record.

10 You brought up that the county was at fault for the
11 extension. And I do want to reiterate the county was at fault
12 in 2014 for the extension.

13 There was documents that was not submitted to Drake Rose in a
14 timely manner. That's why the extension had to be filed, which I
15 was a part of that commission that put in for the extension. It
16 was the county's fault.

17 CHAIRMAN BAKKER: I meant the one this year, Dean.

18 DEAN BULLOCK: Okay.

19 CHAIRMAN BAKKER: Okay.

20 And what about the \$6,000 bill for the phone call? On top of
21 what we're already paying you?

22 NAN ANCHO: For the phone call?

23 CHAIRMAN BAKKER: Didn't we get a bill for \$6,000 from
24 Drake and Rose?

25 NAN ANCHO: There was a bill for time with -- that was
26 spent with Lura and Grace over the abatement and the -- what was
27 --

28 GRACE POWRIE: The GASB 31.

29 NAN ANCHO: The GASB 31.

30 GRACE POWRIE: The interest.

31 CHAIRMAN BAKKER: On top of the contract?

32 NAN ANCHO: That we were trying to get clarification on
33 which direction that they wanted us to present the information
34 to them. And it wasn't coming across. Because we were having
35 to redo it on several -- several of our forms. Grace spent many
36 hours trying to understand what they were requesting.

37 So she did go over and spend -- I'll let her explain that
38 one.

39 GRACE POWRIE: I went over, spent three hours with them.
40 Took them some adjusting entries that my spreadsheets came to a

1 final.
2 And that's basically what I did.
3 You know, I just went over there and I met with them. And
4 we had an appointment. And took the last of the entries that
5 they needed -- I was hoping -- you know, that day, which seemed
6 to be fine. Seemed to be fine.
7 CHAIRMAN BAKKER: Okay.
8 Motion was made and seconded. Any other public comment?
9 (No comment.)
10 CHAIRMAN BAKKER: All those in favor?
11 COMMISSIONER MILLS: Aye.
12 COMMISSIONER CLARK: Aye.
13 CHAIRMAN BAKKER: Aye.
14 Motion passes.
15
16 **14) Update on budget review, contracts, financial update, and all**
17 **other matters properly related thereto.**
18
19 CHAIRMAN BAKKER: Agenda Item Number 13. Discussion and
20 possible action to approve and disapprove a recommendation --
21 COMMISSIONER MILLS: We just did that.
22 CHAIRMAN BAKKER: Oh. We just did that.
23 COMMISSIONER CLARK: Yeah. Fourteen.
24 CHAIRMAN BAKKER: Agenda Item Number 14. Update on budget
25 review, contracts, financial update, and all other matters
26 properly related thereto.
27 Nan.
28 NAN ANCHO: Okay. So all I have for this agenda item is
29 our outstanding Accounts Receivable for the month of January.
30 We have Water is 19,233. Sewer is 18,840. Miscellaneous Water
31 Sewer is 0. And Landfill is 8,679. For a total Outstanding
32 Receivables of 46,752.
33 CHAIRMAN BAKKER: Perfect.
34 Thank you, Nan.
35 NAN ANCHO: That's all I have. Thank you.
36 CHAIRMAN BAKKER: Awesome.
37
38
39
40

1 COMMISSIONERS

2
3 15) Correspondence/reports/potential upcoming agenda items.

4
5 CHAIRMAN BAKKER: Correspondence, reports, potential
6 upcoming agenda items.

7
8 (The following correspondence was received:

9 1. United States Department of the Interior, Bureau of
10 Land Management, to Interested Public, Klondex Gold & Silver
11 Fire Creek Mine Project Decision of Record.

12 2. State of Nevada, Commission on Mineral Resources,
13 Division of Minerals, Nevada Abandoned Mine Lands January 2016.

14 3. United States Department of the Interior, Bureau of
15 Land Management, to Interested Public, 2015 Cowboy 2 Fire
16 Wildfire Management and Livestock Closure Decision.

17 4. Monthly Reports to Lander County Commissioners,
18 January 2016.)

19
20 COMMISSIONER CLARK: In your packets somewhere -- and I
21 know I saw it, but I can't find it now -- is my oath that I had
22 to --

23 JEANNE FALZONE: At the beginning.

24 COMMISSIONER CLARK: -- I had to do.

25 DISTRICT ATTORNEY HERRERA: It's at the beginning.
26 Beginning of what?

27 COMMISSIONER CLARK: I know it's in the book somewhere. I
28 just can't find it right now.

29 DISTRICT ATTORNEY HERRERA: Well -- well, I'll tell you
30 where it is.

31 UNIDENTIFIED PARTICIPANT: It should be --

32 JEANNE FALZONE: Right under commissioners re- -- the
33 first.

34 DISTRICT ATTORNEY HERRERA: The first page of the -- of the
35 --

36 COMMISSIONER CLARK: Oh, okay.

37 That's why I can't see it.

38 My oath, I had to take an oath to be on the state lands
39 advisory committee.

40 And it needed to come before the board so that they could see

1 that I'm on this committee. This is part of the procedure.
2 But if you stop by my office, you will see one heck of a nice
3 letter that I got from the governor with a really nice
4 certification to -- to be in this position.
5 So I needed to bring that to the board's attention.
6 COMMISSIONER MILLS: Appreciate that. I was wondering
7 why --
8 COMMISSIONER CLARK: Now --
9 COMMISSIONER MILLS: -- that was in there.
10 COMMISSIONER CLARK: Now I'm in.
11 CHAIRMAN BAKKER: Good deal.
12 Keith, Summit, Austin, --
13 KEITH WESTENGARD: They're --
14 CHAIRMAN BAKKER: -- property lines.
15 KEITH WESTENGARD: Both on there for the 10th.
16 CHAIRMAN BAKKER: Okay, we need --
17 KEITH WESTENGARD: Property lines and the levee.
18 CHAIRMAN BAKKER: Okay.
19 I don't have anything else, I don't think.
20 COMMISSIONER MILLS: (Indiscernible) item. Just don't work
21 -- we'd like to talk about the levee and what direction we want
22 to go with the levee because Corps is back to yanking us around
23 again it feels like.
24 KEITH WESTENGARD: And Tom will be here -- Gallagher --
25 Summit will be here the 10th to give you his thoughts.
26 DISTRICT ATTORNEY HERRERA: And gentlemen, before -- before
27 you leave today, I'd like to have a few minutes of your time in
28 my office, all three of you, for a litigation hearing. And it's
29 a litigation meeting so all three of you can appear without
30 being agendized.
31 COMMISSIONER CLARK: Okay.
32 CHAIRMAN BAKKER: We just can't talk about it.
33 DISTRICT ATTORNEY HERRERA: Oh. You can talk about it.
34 It's a litigation hearing.
35 CHAIRMAN BAKKER: Okay.
36 Okay. Making sure.
37 Anybody else?
38 Okay. With that...
39 Hold on.
40 Yeah. With that...

1 COMMISSIONER MILLS: Motion to adjourn.
2 COMMISSIONER CLARK: Seconded.
3 CHAIRMAN BAKKER: Any public comment?
4 Oh. Hold on. Hold on.
5 COMMISSIONER MILLS: You remembered something?
6 Oh, public comment.
7
8

9 **PUBLIC COMMENT**

10
11 CHAIRMAN BAKKER: I forgot to read in public comment.
12 Sadie, where you at with that one?

13 COUNTY CLERK SULLIVAN: On the public comment?

14 CHAIRMAN BAKKER: Yeah. You're supposed to say, Sean,
15 wait.

16 COUNTY CLERK SULLIVAN: Sorry.

17 CHAIRMAN BAKKER: Okay.

18 COUNTY CLERK SULLIVAN: Could you please read in the public
19 comment?

20 CHAIRMAN BAKKER: Public comment for non-agendized items
21 only. Persons are invited to submit comments in writing and/or
22 attend and make comments on any non-agenda item at the board
23 meeting, if any, and discussion of those comments at the
24 discretion of the board. All public comment may be limited to
25 three minutes per person, again, at the discretion of the board.
26 Reasonable restrictions may be placed on public comment based
27 upon time, place, and manner. But public comment based upon
28 viewpoint may not be restricted.

29 Any public comment?

30 COMMISSIONER CLARK: I -- I got.

31 CHAIRMAN BAKKER: Okay. With that...

32 Motion was made to adj- --
33
34

35 **ADJOURNMENT**

36
37 COMMISSIONER MILLS: Motion to adjourn.

38 COMMISSIONER CLARK: Okay. Second.

39 CHAIRMAN BAKKER: Any public --

40 COMMISSIONER CLARK: Liz.

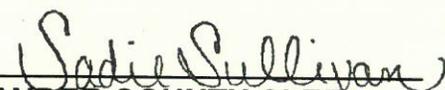
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CHAIRMAN BAKKER: -- comment?
(No comment.)
CHAIRMAN BAKKER: All in favor?
COMMISSIONER MILLS: Aye.
COMMISSIONER CLARK: Aye.
CHAIRMAN BAKKER: Aye.



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

ATTEST:


LANDER COUNTY CLERK

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

1 STATE OF UTAH)
2) ss.
3 COUNTY OF DAVIS)
4
5
6

7 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
8
9 CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "JAVS"
10
11 DIGITAL AUDIO/VIDEO RECORDING OF A MEETING WHICH TOOK PLACE
12
13 THE 25TH DAY OF FEBRUARY 2016, AND SAID RECORDING AND INFORMATION
14
15 PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER
16
17 COUNTY CLERK SULLIVAN; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS
18
19 THE AUDIO/VIDEO RECORDING ALLOWED.
20

21
22 DATED AT _____
23 THIS _____ DAY OF _____
24
25

26
27 _____
28 TIFFANY ELKINGTON, CCR #930
29
30
31
32
33
34
35
36
37
38
39
40

ABBY BURKHART: [4] 55/17 55/24 55/26 55/32	\$
BERT RAMOS: [58] 16/39 17/22 17/34 19/5 19/9 19/21	\$10,000 [2] 41/7 53/10
20/32 29/10 34/17 34/22 36/2 36/5 36/8 36/13 36/15 39/17	\$100,000 [1] 40/19
39/30 39/32 39/35 39/40 40/4 40/6 40/8 40/12 40/26 42/30	\$12 [1] 4/6
50/18 50/26 50/29 50/31 51/9 51/11 51/24 52/11 52/13 52/15	\$12 million [1] 4/6
52/18 52/23 54/10 55/6 56/3 57/23 57/31 57/34 57/37 58/7	\$15,000,000 [1] 67/9
58/16 58/27 58/31 59/5 62/16 62/18 62/22 63/18 64/23 64/25	\$150,000 [3] 16/21 18/11 19/17
68/39 69/7	\$171,000 [1] 43/23
BRIAN GARNER: [36] 11/35 11/37 11/40 14/2 14/4 14/9	\$177,000 [1] 33/19
14/38 14/40 15/2 15/5 15/7 15/9 15/13 15/21 15/24 15/28	\$177,880 [1] 50/6
15/30 16/1 16/4 16/16 16/18 16/21 16/26 16/30 16/32 16/34	\$200,000 [2] 19/16 19/18
16/36 17/27 17/31 18/11 18/13 18/20 19/28 19/30 19/40 21/1	\$230,000 [2] 33/14 33/20
CASEY GUNTHER: [15] 48/29 52/5 52/8 52/26 52/29 52/33	\$298,000 [1] 33/10
52/37 52/39 55/28 55/33 74/13 74/17 74/20 75/21 75/30	\$400,000 [1] 47/11
CHAIRMAN BAKKER: [265]	\$4800 [1] 19/36
COMMISSIONER CLARK: [219]	\$6,000 [2] 80/20 80/23
COMMISSIONER MILLS: [237]	\$60,000 [1] 47/6
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48/27 48/37 48/40 49/6 49/10 49/12 49/28 49/30 55/2 55/38	'
56/8 56/10 56/21 56/26 56/34 56/38 56/40 58/6 58/11 58/25	'89 [4] 12/10 13/11 20/4 20/14
58/30 62/25 62/27 62/30 63/27 63/34 63/37 63/39 64/2 64/7	-
64/10 65/23 65/25 65/27 65/31 65/37 65/40 66/3 66/5 84/12	-22 [3] 26/11 26/17 27/7
84/15 84/17	.
DEAN BULLOCK: [15] 47/3 47/14 47/16 47/26 47/28 47/31	.99 [1] 18/25
47/34 47/36 48/5 48/8 48/10 48/12 77/39 80/8 80/17	0
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68/32 68/34 69/9 70/33 71/5 71/8 71/12 71/22 71/27 71/29	02 [5] 67/3 67/18 69/25 69/29 70/13
72/24 72/26 72/28 80/27 80/29 80/38	03 [6] 70/25 70/31 71/6 71/30 72/14 72/18
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24/22 24/26 24/28 24/33 24/36 25/11 25/15 25/18 25/22	1
26/17 26/24 26/26 26/28 26/30 26/34 26/38 26/40 27/18	1.2 [1] 15/26
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JEANNE FALZONE: [9] 69/38 69/40 70/5 70/8 71/20 71/23	1.3 acres [3] 16/3 16/21 18/4
71/26 82/22 82/31	1.3-acre [1] 15/27
JOHN THURMAN: [10] 7/31 7/33 7/35 10/2 10/23 10/27	1/4 [1] 67/5
10/33 10/35 11/19 11/21	10 [4] 39/26 45/6 70/24 70/29
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75/10 75/12 75/18 75/32 76/8	100 [1] 8/7
JUDIE ALLAN: [3] 58/34 60/22 63/22	101 [1] 46/5
KEITH WESTENGARD: [21] 4/23 5/15 5/24 5/26 5/30 5/32	10:10 [1] 42/24
5/35 5/37 5/39 17/15 23/14 28/17 28/21 28/24 73/3 73/5	10:18 [1] 42/24
78/23 83/12 83/14 83/16 83/23	10:58 [1] 66/32
LARRY ROGERS: [12] 18/23 18/27 18/29 18/31 18/36 51/4	10th [3] 4/35 83/15 83/25
51/8 51/10 51/13 51/17 51/21 51/23	11 [4] 8/24 72/1 72/36 72/40
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LORIE CALKINS: [3] 54/29 55/1 55/3	11th [3] 5/6 74/19 77/8
LURA DUVALL: [2] 77/4 77/13	12 [2] 76/13 76/17
MITESHELL LANHAM: [1] 42/21	120,000 [2] 13/17 17/29
NAN ANCHO: [13] 76/36 76/38 76/40 77/2 77/5 77/14 79/37	12:00 p.m [1] 1/37
80/21 80/24 80/28 80/31 81/27 81/34	13 [4] 7/40 76/24 76/31 81/19
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PEGGY LINDSEY: [9] 21/36 21/38 22/12 22/15 22/17 22/19	13th [2] 4/7 4/7
22/21 22/30 22/32	14 [2] 81/16 81/24
RICK BELL: [5] 21/32 21/39 22/7 22/27 22/29	15 [6] 11/27 11/33 44/2 44/15 44/36 82/3
SCOTT BULLOCK: [94]	15 million [1] 68/14
SHELLY DRAKE: [2] 77/29 79/3	15,000,000 [1] 67/23
THANE BURKHART: [14] 42/28 42/36 43/26 44/10 44/14	150 [2] 16/17 16/18
44/38 44/40 45/2 45/19 45/21 45/24 45/31 46/12 55/14	150,000 [1] 16/19
TONY: [6] 57/9 57/17 57/19 57/33 57/35 57/40	160,000 [1] 18/26
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